

File: T&F18/0303 A913072

24 August 2018

Mr Stephen Mullighan MP Member for Lee 62 Semaphore Road SEMAPHORE SA 5019

Sent via email: lee@parliament.sa.gov.au

200 Victoria Square Adelaide SA 5000 GPO Box 1045 Adelaide SA 5001 DX56205 Tel 08 8226 9500 Fax 08 8226 3819 http://www.treasury.sa.gov.au ABN 19 040 349 865

State Administration Centre

Dear Mr Mullighan

Freedom of Information - Future Jobs Fund

I refer to your application under the *Freedom of Information Act 1991* (FOI Act), received by the Department of Treasury and Finance (DTF) on 30 May 2018.

Your application specifically requested:

'All minutes, briefings, notes, emails and correspondence from the Department of Treasury and Finance to the Treasurer and the Treasurer's Office regarding any grants and loans under the Future Jobs Fund initiative'

Under the Act, an agency has 30 days to respond to a freedom of information request. As DTF did not respond to your request within the time frame required, the department is deemed to have refused you access to all documents relevant to your application. However, I have determined to process the request as if the statutory time frame had been met.

The purpose of this letter is to advise you of my determination.

A total of 17 documents were identified as answering the terms of your application and I have determined as follows:

- I grant you access in full to 1 documents, copies of which are enclosed
- I grant you access in part to 5 documents, copies of which are enclosed, and
- I refuse you access to 11 documents.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

Documents released in full

Document 7

Documents released in part

Document 1 - 2, 5, 9, 12 and 15

These documents contain information about business who have applied for grants from the Future Jobs Fund. These applications are still undergoing assessment and/or negotiation of final terms. To release the information at this time would provide competing companies with knowledge of their competitors plans for future development.

When considering factors contrary to the public interest, I took into account the unfair advantage releasing this information may provide to other companies, as it would be likely to reduce competition, which would lead to higher costs and less job creation for the South Australian economy. This would be contrary to the public interest, as the agency is expected to maximise financial returns to the benefit of the State and its economy. The agency would therefore not be properly discharging its functions and responsibilities if it were to provide such an advantage. I have therefore determined that, on balance, it is contrary to public interest to release this information and have exempted it under clause 7(1)(c) of the FOI Act.

Document 1, 2 and 15

These documents contain information which, if released, would disclose details concerning a deliberation or decision of Cabinet. I have therefore determined to exempt this information pursuant to clause 1(1)(e).

Documents refused in full

Documents 3 - 4, 16 - 17

Under clause 10(1) of Schedule 1 to the Act, information is exempt from disclosure if it would be privileged from production on the ground of legal professional privilege. These documents consist of legal advice provided to the government by its legal advisor, the Crown Solicitor, information which is subject to legal professional privilege. I have therefore determined to exempt these documents pursuant to clause 10(1).

Documents 6, 8, 10 - 14

These documents consist of information about business who have applied for grants from the Future Jobs Fund. These applications are still undergoing assessment and/or negotiation of final terms. To release the information at this time would provide competing companies with knowledge of their competitors plans for future development.

As previously stated, it would be contrary to public interest to release this information and I have therefore determined to exempt these documents pursuant to clause 7(1)(c) of the FOI Act.

Exemptions

Clause 1 – Cabinet documents

- (1) A document is an exempt document -
 - (e) if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet;

Clause 7 – Documents affecting business affairs

- (1) A document is an exempt document—
 - (c) 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.

Clause 10 - Legal Professional Privilege

(1) A document is an exempt document if it contains matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), DTF is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars Please visit the website for further information.

Appeal Rights

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the FOI Act. Pursuant to subsection 29(2), your application must:

- be in writing
- be addressed to the principal officer, and
- be lodged at an office of DTF, or emailed to <u>freedomofinformation2@sa.gov.au</u> within 30 days after the day on which you receive this letter or within such further time as the principal officer may allow.

If you require any further information please phone Natalie Haigh on (08) 8429 0839.

Yours sincerely

Paul Williams

ACCREDITED FREEDOM OF INFORMATION OFFICER

Schedule of Documents

T&F18/0303 - Mr Stephen Mulligan - " All minutes, briefings, notes, emails and correspondence from the Treasury and Finance to the Treasurer and the Treasurer's Office regarding the any grants and loans under the Future Jobs Fund initiative."

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
Ψ-	3/05/2018	Email - RE: Benevolent Society - TRS18D0417	4	Released in part	7(1)(c)(i)(i)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest
					1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee
2	3/05/2018	Attachment to document 1 - Future Job Fund grants to NDIS providers - Queries	က	Released in part	7(1)(c)(i)(i)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest
					1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee
က	21/05/2018	Minute to Treasurer	က	Refused in full	10(1) - Subject to legal professional privilege
4	21/05/2018	Attachment to document 3 - Crown Solicitors' advice	9	Refused in full	10(1) - Subject to legal professional privilege
Ŋ	9/04/2018	Email - 09042018 Minute to Treasurer	-	Released in part	7(1)(c)(i)(i)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest
9	9/04/2018	Attachment to document 5 - Minute to Treasurer	ç	Refused in full	7(1)(c)(i)(i)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest
7	12/04/2018	Email - Industry assistance file	_	Released in full	
œ	12/04/2018	Attachment to document 7 - Industry assistance 2017-18 File to Treas Office 12042018	45	Refused in full	7(1)(c)(i)(i)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest
თ	12/04/2018	Email - RE: Industry assistance file	~	Released in part	7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest
10	17/04/2018	Email	_	Refused in full	7(1)(b)(i)(i)(A)(B) - Contains information of commercial value which disclosure would diminish or destroy & contrary to public interest
<u></u>	14/05/2018	Email	~	Refused in full	7(1)(b)(i)(ii)(A)(B) - Contains information of commercial value which disclosure would diminish or destroy & contrary to public interest

Schedule of Documents

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
12	14/05/2018	Attachment to document 11 - loan ranking	2	Refused in full	7(1)(b)(i)(i)(A)(B) - Contains information of commercial value which disclosure would diminish or destroy & contrary to public interest
13	14/05/2018	Attachment to document 11 - File note	Ψ.	Refused in full	7(1)(b)(i)(i)(A)(B) - Contains information of commercial value which disclosure would diminish or destroy & contrary to public interest
4	14/05/2018	Attachment to document 11 - Application	7	Refused in full	7(1)(b)(i)(i)(A)(B) - Contains information of commercial value which disclosure would diminish or destroy & contrary to public interest
15	23/05/2018	Email - FW: Benevolent Society - TRS18D0417	7	Released in part	7(1)(c)(i)(i)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest
					1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee
16	25/05/2018	Email	_	Refused in full	10(1) - Subject to legal professional privilege
17	25/05/2018	Attachment to document 16 - Crown Solicitors' advice	2	Refused in full	10(1) - Subject to legal professional privilege

From:

Crotti, Simon (DTF)

Sent:

Thursday, 12 April 2018 12:40 PM

To:

Robertson, Julian (DTF)

Cc:

De Gennaro, Gino (DTF); Hocking, Stuart (DTF)

Subject:

Industry assistance file

Attachments:

Industry assistance 2017-18 File to Treas Office 12042018.xlsx

Hi Julian

Stuart asked that I send you the industry assistance worksheet. Note that is has changed slightly from the PDF version that Stuart distributed Monday, and we are continuing to update it as we receive more information.

We are also updating the cover sheet with funding details for each program. I'll send through that once complete.

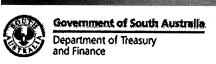
Regards

Simon

Simon Crotti

Manager | Performance and Value Analysis State Administration Centre, Level 7, 200 Victoria Square ADELAIDE SA 5000

t 8429 0625 | e simon.crotti@sa.gov.au | w treasury.sa.gov.au









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Sharp, Martin (DTF)

From:

Wigglesworth, Rebecca (DTF)

Sent:

Thursday, 3 May 2018 1:51 PM

To:

Lambetis, Athena (DTF); Sharp, Martin (DTF)

Cc:

Crotti, Simon (DTF); Watts, Heather (DTF)

Subject: Attachments: RE: Benevolent Society - TRS18D0417 - File Note FJF Grants - NDIS.docx

Follow Up Flag:

Follow up

Flag Status:

Completed

Hi Athena

Attached is a response the queries raised on the FJF grants provided to the NDIS service providers identified below.

Please contact me if you have any queries.

Kind regards

Rebecca Wigglesworth
Manager, Commercial Advisory

South Australian Government Financing Authority (SAFA) L9, 200 Victoria Square ADELAIDE SA 5000 t 8207 2291 e rebecca.wigglesworth@sa.gov.au

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Proudly working with White Ribbon to create a safer workplace Australia's campaign to stop violence against women

From: Lambetis, Athena (DTF)

Sent: Tuesday, 1 May 2018 9:37 AM

To: Sharp, Martin (DTF) < Martin. Sharp@sa.gov.au>

Cc: Wigglesworth, Rebecca (DTF) < Rebecca. Wigglesworth@sa.gov.au>; Crotti, Simon (DTF)

<Simon.Crotti@sa.gov.au>

Subject: RE: Benevolent Society - TRS18D0417 -

Importance: High

Good morning Martin,

In Simon's absence, could you please review the below information which Simon previously provided in response to the Treasurer's gueries in relation to the FJF application for the Benevolent Society.

The Treasurer's Adviser is not satisfied with the below response from Simon.

Simon mentions the funds are provided to deliver disability services, but the Adviser thinks that this is what the Federal government funds through the NDIS, therefore what is the FJF funds actually funding? Could you please provide a further explanation of what exactly the \$2.3m is being spent on?

The same question of what <u>exactly</u> is the FJF funding/grant being spent on is also being asked with regard to the following entities listed in Simon's table below:

Clause 7(1)(c)

•

Could you please provide a response to the above queries via reply email prior to COB 3 May 2018?

Thanks.

Kind regards,

Athena Lambetis

Ministerial Liaison Officer | Office of the Treasurer Department of Treasury & Finance Level 8, 200 Victoria Square | ADELAIDE SA 5000 t 8204 1492 f 8226 1896 e athena.lambetis@sa.gov.au

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Government of South Australia

Department of Treasury and Finance

From: Crotti, Simon (DTF)

Sent: Tuesday, 24 April 2018 6:20 PM

To: Lambetis, Athena (DTF) < Athena. Lambetis@sa.gov.au>

Cc: Wigglesworth, Rebecca (DTF) < Rebecca. Wigglesworth@sa.gov.au>

Subject: Benevolent Society

Hi Athena

Rebecca forwarded me your email re TRS18D0417 (Benevolent Society).

Re the Treasurer's questions:

- 1. What is the \$2.3M to be spent on?
- The Benevolent Society is being funded to deliver disability services to clients with intellectual disabilities
 and global development delay to the following NDIS regions: Northern Adelaide, Southern Adelaide,
 Adelaide Hills, Barossa, Western Eyre, Far North, Fleurieu, Limestone Coast, Murray Mallee, and Mid North
 Yorke. Services include physiotherapy, speech therapy, dietetics, occupational theory, behaviour therapy,
 psychology, and nursing. An estimated 230 additional FTEs will be supported.
- What distinguished this application from all other NDIS providers? Or are we funding all of them?
- Clause 1(1)(e)

NDIS projects approved under the Future Jobs Fund:



-

Clause 7(1)(c)

Clause 7(1)(c)

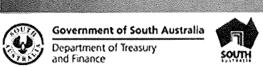
Based on this advice, and given that the Benevolent Society satisfied all of SAFA's due diligence criteria, the Future Jobs Fund Governance Committee recommended approving the proposal for \$2.3 million.

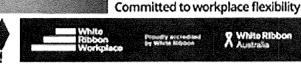
Regards

Simon Crotti

Manager | Performance and Value Analysis
State Administration Centre, Level 7, 200 Victoria Square ADELAIDE SA 5000

t 8429 0625 | e simon.crotti@sa.gov.au | w treasury.sa.gov.au





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From: Lambetis, Athena (DTF)

Sent: Tuesday, 24 April 2018 11:57 AM

To: Wigglesworth, Rebecca (DTF) < Rebecca. Wigglesworth@sa.gov.au>

Subject: TRS18D0417 - Treasurer's queries

Importance: High

Hi Rebecca,

Although the FJF Grant Deed for the Benevolent Society was signed by the Treasurer on the 22nd of April (and I understand have since been returned to your Office), he had the following queries for me to raise with the Department:

- 1. What is the \$2.3M to be spent on?
- 2. What distinguished this application from all other NDIS providers? Or are we funding all of them?

Could you please provide responses to the above queries via reply email, to enable me to respond to the Treasurer's Adviser accordingly?

Thanks.

Kind regards,

Athena Lambetis

Ministerial Liaison Officer | Office of the Treasurer Department of Treasury & Finance Level 8, 200 Victoria Square | ADELAIDE SA 5000 t 8204 1492 f 8226 1896 e athena.lambetis@sa.gov.au

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FILE NOTE



Author

Rebecca Wigglesworth

File

Date

2 May 2018

Doc No

Future Jobs Fund grants to NDIS providers - Queries

Background & Context

Clause 1(1)(e)

Advice to SAFA from the Department for Industry and Skills is that the disability sector is undergoing major structural change as the NDIS represents a shift from block-funding disability services, equipment and housing providers, to an individual fee-for-service arrangement. The Scheme provides for people with disabilities to design their own care plans to determine the type, level and frequency of support they need, including who will provide this support. In this scenario the money follows the individual, unlike the earlier funding model where block funding went to an organisation and they provided services for free. Pricing for services is set by the National Disability Insurance Agency (NDIA)

The NDIS also aims to meet previously unmet need and funding has doubled (Commonwealth and State matched funding) to support this increased demand. Therefore, a wider range of services are expected to be sought by a larger population of people with disability. The current supply chain does not have capacity to meet the growing demand as the Scheme moves to full implementation by 2019.

Future Jobs Fund Grant Deeds - General Terms

A standard form of Grant Deed has been prepared by the Crown Solicitor's Office (under instruction from SAFA) for grants awarded from the Fund. The Grant Deed (deed) is consistent with the Fund Guidelines.

Under the terms of the deed, grants are to be applied specifically to the Projects that were considered by the Fund Governance Committee and approved by the previous Minister for State Development. The deed provides that grants are paid in instalments upon satisfaction of agreed performance milestones and evidence of expenditure on the Project of at least twice the amount claimed.

The deed prescribes employment outcomes consistent with the jobs growth asserted by successful applicants to the Fund. The deed provides for express pro-rata clawback of the grant should employment targets not be achieved within a reasonable timeframe.

Amongst other provisions in the deed, grantees must give the Treasurer full details of any financial assistance for activities in connection with the Project which it expects or receives from another Commonwealth, State or Territory government source or agency during the term of the deed, including the amount and source of the funding and the name of the program under which it was provided, within thirty (30) days of receiving notice that the other financial assistance has been approved. The deed provides that the Treasurer may reduce the size of the grant instalments to reflect the amount of the other financial assistance provided.

The Benevolent Society – Grant of \$2,300,000 (plus GST) Grant Deed executed on 22 April 2018.

The Benevolent Society was founded in 1813. It is based in New South Wales, and currently provides services to disadvantaged people in NSW and Queensland.

The State's Future Jobs Fund grant of \$2.3M is for it to establish services in South Australia under the NDIS in ten regions. The State's deed provides that it is to establish itself as an NDIS provider, and deliver services to clients with intellectual disability and global developmental delay, which include physiotherapy, speech therapy, dietetics, occupational theory, behaviour therapy, psychology, and nursing.

The grant may be claimed in instalments subject to the Society achieving the following performance milestones and providing evidence of expenditure for the purposes of the Project of at least twice the amount claimed:

- Established a South Australian office by June 2018
- Services are established in the Limestone Coast, Mid North and Yorke by June 2019
- Services are established in eastern, southern and western Adelaide by June 2020
- Services are established in Murray Mallee, Western Eyre, Far North and Fleurieu regions by June 2021

Under the terms of the deed it is to create 230 new full-time employees (FTE) by 30 June 2022. Failure to meet annual FTE growth Targets out to financial year 2021-22 will result in pro-rate clawback of the grant.

Clause 7(1)(c)

Clause 7(1)(c)

From:

Crotti, Simon (DTF)

Sent:

Monday, 9 April 2018 4:08 PM

To:

Borlase, Trish (DTF)

Subject:

09042018 Minute to Treasurer_Clause 7(1)(c)

Attachments:

09042018 Minute to Treasurer_

docx; treas-crotts01_9-04-2018_

16-06-25.pdf

Final approved brief

From:

Crotti, Simon (DTF)

Sent:

Thursday, 12 April 2018 1:40 PM

To:

Robertson, Julian (DTF)

Cc:

De Gennaro, Gino (DTF); Hocking, Stuart (DTF)

Subject:

RE: Industry assistance file

Follow Up Flag:

Follow up Completed

Flag Status:

Clause 7(1)(c)

From: Robertson, Julian (DTF)

Sent: Thursday, 12 April 2018 12:42 PM

To: Crotti, Simon (DTF) <Simon.Crotti@sa.gov.au>

Cc: De Gennaro, Gino (DTF) <Gino.DeGennaro@sa.gov.au>; Hocking, Stuart (DTF) <Stuart.Hocking@sa.gov.au>

Subject: RE: Industry assistance file

Thanks Simon – can you pls advise what's changed from the pdf?

Regards Julian

From: Crotti, Simon (DTF)

Sent: Thursday, 12 April 2018 12:40 PM

To: Robertson, Julian (DTF) < Julian.Robertson@sa.gov.au>

Cc: De Gennaro, Gino (DTF) < Gino.DeGennaro@sa.gov.au >; Hocking, Stuart (DTF) < Stuart.Hocking@sa.gov.au >

Subject: Industry assistance file

Hi Julian

Stuart asked that I send you the industry assistance worksheet. Note that is has changed slightly from the PDF version that Stuart distributed Monday, and we are continuing to update it as we receive more information.

We are also updating the cover sheet with funding details for each program. I'll send through that once complete.

Regards

Simon

Simon Crotti

Manager | Performance and Value Analysis

State Administration Centre, Level 7, 200 Victoria Square ADELAIDE SA 5000

t 8429 0625 | e simon.crotti@sa.gov.au | w treasury.sa.gov.au



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From: Crotti, Simon (DTF)

Sent: Wednesday, 23 May 2018 2:28 PM

To: Lambetis, Athena (DTF)

Subject: FW: Benevolent Society - TRS18D0417 -

Attachments: File Note FJF Grants - NDIS.docx

Hi Athena

Re below, can you please confirm that all NDIS Future Jobs Fund proposals are ok to proceed?

Simon

From: Wigglesworth, Rebecca (DTF) Sent: Thursday, 3 May 2018 1:51 PM

To: Lambetis, Athena (DTF) <Athena.Lambetis@sa.gov.au>; Sharp, Martin (DTF) <Martin.Sharp@sa.gov.au> **Cc:** Crotti, Simon (DTF) <Simon.Crotti@sa.gov.au>; Watts, Heather (DTF) <Heather.Watts@sa.gov.au>

Subject: RE: Benevolent Society - TRS18D0417 -

Hi Athena

Attached is a response the queries raised on the FJF grants provided to the NDIS service providers identified below.

Please contact me if you have any queries.

Kind regards

Rebecca Wigglesworth

Manager, Commercial Advisory

South Australian Government Financing Authority (SAFA) L9, 200 Victoria Square ADELAIDE SA 5000 t 8207 2291 e rebecca.wigglesworth@sa.gov.au

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Proudly working with White Ribbon to create a safer workplace Australia's campaign to stop violence against women

From: Lambetis, Athena (DTF)
Sent: Tuesday, 1 May 2018 9:37 AM

To: Sharp, Martin (DTF) < Martin. Sharp@sa.gov.au>

Cc: Wigglesworth, Rebecca (DTF) < <u>Rebecca.Wigglesworth@sa.gov.au</u>>; Crotti, Simon (DTF)

<<u>Simon.Crotti@sa.gov.au</u>>

Subject: RE: Benevolent Society - TRS18D0417 -

Importance: High

Good morning Martin,

In Simon's absence, could you please review the below information which Simon previously provided in response to the Treasurer's queries in relation to the FJF application for the Benevolent Society.

The Treasurer's Adviser is not satisfied with the below response from Simon.

Simon mentions the funds are provided to deliver disability services, but the Adviser thinks that this is what the Federal government funds through the NDIS, therefore what is the FJF funds actually funding? Could you please provide a further explanation of what <u>exactly</u> the \$2.3m is being spent on?

The same question of what exactly is the FJF funding/grant being spent on is also being asked with regard to the following entities listed in Simon's table below:

- Clause 7(1)(c)
- •

Could you please provide a response to the above queries via reply email prior to COB 3 May 2018?

Thanks.

Kind regards,

Athena Lambetis

Ministerial Liaison Officer | Office of the Treasurer Department of Treasury & Finance Level 8, 200 Victoria Square | ADELAIDE SA 5000 t 8204 1492 f 8226 1896 e athena.lambetis@sa.gov.au

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Government of South Australia

Department of Treasury and Finance

From: Crotti, Simon (DTF)

Sent: Tuesday, 24 April 2018 6:20 PM

To: Lambetis, Athena (DTF) < Athena.Lambetis@sa.gov.au>

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Subject: Benevolent Society

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- 2. What distinguished this application from all other NDIS providers? Or are we funding all of them?

Clause 1(1)(e)

NDIS projects approved under the Future Jobs Fund:

Organis at lon	Project	Gi	rant a mours	Total projec
Clause 7(1)(c)				Clause 7(1 (c)
The Benevolent Society	Benevolent South Australia - Stepping Up for Growth in South Australia	s	2,300,000	
Clause 7(1)(c)	The first section of the second section of the section of the second section of the sectio			
SAC (SA) Pty Ltd	The Gums Project: State of the Art Rehabilitation Centre	\$	450,000	
Clause 7(1)(c)	Ubitalistal faire			

Clause 7(1)(c)

Clause 7(1)(c)

Based on this advice, and given that the Benevolent Society satisfied all of SAFA's due diligence criteria, the Future Jobs Fund Governance Committee recommended approving the proposal for \$2.3 million.

Regards

Simon Crotti

Manager | Performance and Value Analysis
State Administration Centre, Level 7, 200 Victoria Square ADELAIDE SA 5000

t 8429 0625 | e simon.crotti@sa.gov.au | w treasury.sa.gov.au



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From: Lambetis, Athena (DTF)

Sent: Tuesday, 24 April 2018 11:57 AM

To: Wigglesworth, Rebecca (DTF) < Rebecca. Wigglesworth@sa.gov.au>

Subject: TRS18D0417 - Treasurer's queries

Importance: High

Hi Rebecca,

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- 2. What distinguished this application from all other NDIS providers? Or are we funding all of them?

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Kind regards,

Athena Lambetis

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