



**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: 20MCOR/0025

Your ref: 8353819

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

Sent by email: shadowhumanservices@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 24 June 2020. Your initial application sought access to:

Between 1 June 2020 and 24 June 2020, copies of any and all documents (including but not limited to physical, electronic or written briefs, internal discussion papers, minutes, emails, diary entries, text/whatsapp messages and any other correspondence) between the Office of the Minister for Human Services and the Department of Human Services.

I made contact with you via email on 30 June, 2020 to request a narrowing of the scope, which you agreed with on the 1 July 2020 that the request *related to the death of Debra Ann Pearce*.

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.

Nine documents have been identified as falling within the scope of your application and I have determined to release six documents in part, one document in full and refuse two documents in full.

Documents 1 and 5 contain information currently being investigated by our Incident Management Unit and releasing details that are not in the public domain may prejudice that investigation and would on balance be against the public interest.

These documents and document 2 also contain personal information and I determine the disclosure of this information to be unreasonable having regard to the protecting personal welfare. I have therefore determined to exempt the documents in part pursuant to clause 4(2)(iii)(a) and (b), clause 6(3a), and clause 6(1) and 6(2) of the Act.

Documents 4 and 7 are briefing notes prepared specifically for use in Parliament, the disclosure of which would infringe the privilege of Parliament. I have therefore determined to exempt the documents in full pursuant to clause 17(c) of Schedule 1 to the Act.

Document 8 is a document part of which was specifically prepared for use in Parliament, the disclosure of which would infringe the privilege of Parliament. I have therefore determined to exempt the document in part pursuant to clause 17(c) of Schedule 1 of the Act.

Document 9 contains information that is not relevant to your request and this information has been removed.

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

5 / 8 / 2020

SCHEDULE OF DOCUMENTS – 20MCOR/0025

Freedom of information application from the Nat Cook MP seeking access to *Between 1 June 2020 and 24 June 2020, copies of any and all documents (including but not limited to physical, electronic or written briefs, internal discussion papers, minutes, emails, diary entries, text/whatsapp messages and any other correspondence) between the Office of the Minister for Human Services and the Department of Human Services.*

No	Author	Addressee	Date	Description of document	Determination	Reason
1.	Chief of Staff	Minister for Human Services	18 June 2020	Email regarding link to documents	Released in part	Exempt - Clause 4(2)(iii)(a) and (b) Clause 6(1) – Personal affairs
2.	DHS A/CE	Chief of Staff to the Minister for Human Services	17 June 2020	Email regarding 20TDHS/571 CE Briefing - IMU investigations since 1 Jan 2020 involving physical contact with a client	Released in part	Exempt - Clause 6(1) – Personal affairs
3.	DHS A/CE	Chief of Staff to the Minister for Human Services, Media Adviser to the Minister for Human Services	17 June 2020	Email regarding lines – latest update	Released in part	Exempt - Clause 4(2)(iii)(a) and (b) Clause 6(1) – Personal affairs
4.	DHS A/CE	Minister for Human Services, Chief of Staff to the Minister for Human Services	18 June 2020	Email regarding lines for Parliament	Refused in full	Exempt - Clause 17(c) – Parliamentary privilege
5.	Director Incident Management Unit DHS	Minister for Human Services, relevant DHS Staff	12 June 2020	Email regarding Critical Client Incident - Injury to Accommodation Services Disability Client	Released in part	Clause 4(2)(iii)(a) and (b) Clause 6(3a) Clause 6(1) and 6(2)
6.	Chief of Staff to the Minister for Human Services	Minister for Human Services	18 June 2020	Email regarding lines for Parliament	Refused in full	Exempt - Clause 17(c) – Parliamentary privilege
7.	Chief of Staff to the Minister for Human Services	DHS A/CE	18 June 2020	Email regarding Ministerial Statement to address inaccuracies	Released in full	
8.	Janette Hancock	DHS A/CE	18 June 2020	Email – Ministerial Statement – Ms Pearce	Released in part	Exempt - Clause 17(c) – Parliamentary privilege
9.	DHS A/CE	Chief of Staff to the Minister for Human Services	22 June 2020	Email – PBN's for next week	Released in part	Out of scope information removed

Hancock, Janette (DHS)

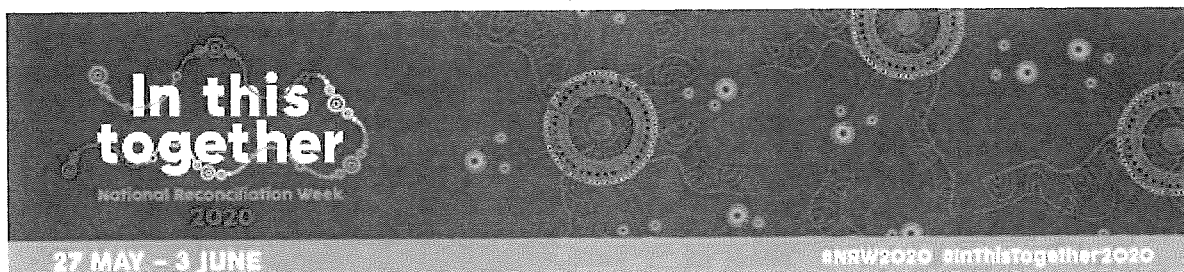
From: Summers, Kim-Sherie (DHS)
Sent: Thursday, 18 June 2020 8:52 AM
To: Hancock, Janette (DHS)
Subject: FW:

From: Boswell, Lois (DHS) <Lois.Boswell@sa.gov.au>
Sent: Wednesday, 17 June 2020 7:09 PM
To: Summers, Kim-Sherie (DHS) <Kim-Sherie.Summers@sa.gov.au>
Subject:



Ms Lois Boswell LLB MAppSci GAICD
Acting Chief Executive
Department of Human Services | Government of South Australia
Level 8 Riverside Centre, North Terrace, Adelaide SA 5000 |
GPO Box 292, Adelaide SA 5001
Ph: (08) 841 54306 Mob [REDACTED] lois.boswell@sa.gov.au

I recognise I live and work on Kaurna country. I pay my respects to elders past, present and emerging. I acknowledge the long history and enduring connection Aboriginal people have with this land.



Hancock, Janette (DHS)

From: Boswell, Lois (DHS)
Sent: Wednesday, 17 June 2020 9:43 AM
To: Hancock, Janette (DHS)
Cc: Chee, Karen (DHS)
Subject: FW: FOR NOTING - 20TDHS/571 - IMU investigations since 1 Jan 2020 involving physical contact with a client
Attachments: 20TDHS_571 CE Briefing - IMU investigations since 1 Jan 2020 involving physical contact with a client.doc

Hi Janette

This is still coming through as a briefing to the Minister but I'm sending you the copy to me for your info

Regards

Lois

Ms Lois Boswell *LLB MAppSci GAICD*

Acting Chief Executive

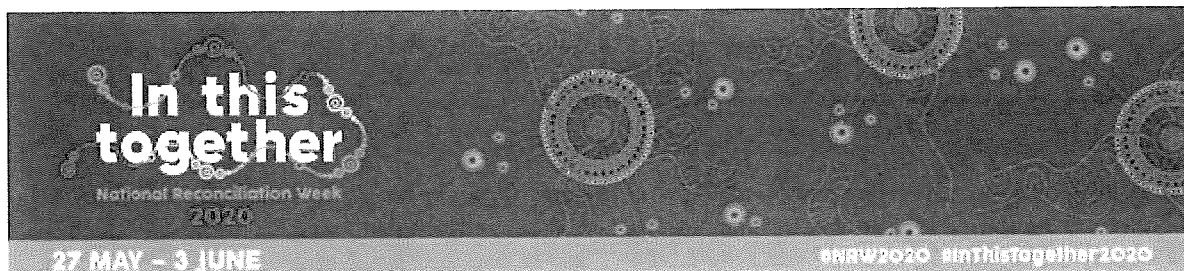
Department of Human Services | Government of South Australia

Level 8 Riverside Centre, North Terrace, Adelaide SA 5000 |

GPO Box 292, Adelaide SA 5001

Ph: (08) 841 54306 Mob Clause 6(1) | lois.boswell@sa.gov.au

I recognise I live and work on Kaurna country. I pay my respects to elders past, present and emerging. I acknowledge the long history and enduring connection Aboriginal people have with this land.



From: Chee, Karen (DHS) <karen.chee@sa.gov.au>
Sent: Monday, 15 June 2020 7:16 PM
To: Boswell, Lois (DHS) <Lois.Boswell@sa.gov.au>
Cc: DHS:CE Office <DHS.CEOffice@sa.gov.au>; Dunn, Xenia (DHS) <Xenia.Dunn@sa.gov.au>
Subject: FOR NOTING - 20TDHS/571 - IMU investigations since 1 Jan 2020 involving physical contact with a client

Briefing from IMU on incidents alleging physical contact, for your noting pls Lois.

Thanks

Karen

Karen Chee

Principal Advisor to the CE, DHS

Clause 6(1)

From: Rogers, Nancy (DHS)
Sent: Monday, 15 June 2020 2:17 PM
To: Chee, Karen (DHS)
Cc: DHS:CE Office
Subject: FW: FOR REVIEW - 20TDHS/571 - IMU investigations since 1 Jan 2020 involving physical contact with a client

From: DHS:CE Office <DHS.CEOffice@sa.gov.au>
Sent: Monday, 15 June 2020 1:55 PM
To: Rogers, Nancy (DHS) <Nancy.Rogers@sa.gov.au>
Cc: DHS:CE Office <DHS.CEOffice@sa.gov.au>
Subject: FOR REVIEW - 20TDHS/571 - IMU investigations since 1 Jan 2020 involving physical contact with a client

Hi Nancy

Please see attached reference for the above named briefing for your review.

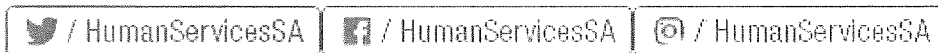
Once reviewed, please forward to relevant signatory.
Please cc DHS:CEOffice inbox for tracking.

Kind regards

Scott Carn

Senior Governance Officer | Office of the Chief Executive | People, Strategy and Systems
Department of Human Services
T: (08) 841 39048 | E: scott.carn@sa.gov.au

www.dhs.sa.gov.au



This email may contain confidential information, which may be legally privileged. Only the intended recipient(s) may access, use, distribute or copy this email. If this email is received in error, please inform the sender by return email and delete the original. If there are doubts about the validity of this message please contact the sender by telephone. It is the recipient's responsibility to check the email and any attached files for viruses



TO: ACTING CHIEF EXECUTIVE

RE: INVESTIGATIONS BY INCIDENT MANAGEMENT UNIT SINCE 1 JANUARY 2020 THAT INVOLVE ALLEGED PHYSICAL CONTACT BETWEEN DHS STAFF AND A CLIENT.

Decision/action required by: N/A

Reason:.....

Recommendation	Response
That the Acting Chief Executive notes the content of this briefing.	Approved / Not Approved / Noted

Comments:	<p>-----</p> <p>Lois Boswell Acting Chief Executive / / 2020</p>
---------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------

PURPOSE

To inform the Acting Chief Executive on the status of client related investigations that have been commenced by Incident Management Unit since 1 January 2020 where there has been alleged physical contact between DHS staff and a client.

KEY POINTS

- Out of scope
-
- Out of scope
- One other matter involving an injury to a client has also been declared a Critical Client Incident.
- Clause 6(1)

RISKS/SENSITIVITIES

Nil

For Official Use Only

This document and its contents may contain confidential information and may be subject to legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or reproduction is prohibited.

DISCUSSION

Out of scope

BUDGET

Are there financial implications

No

Division People Strategy and Systems			
Director Incident Management Unit	Stewart Dodd	Approved by email	15/6/2020
Acting Deputy Chief Executive	Kim-Sherie Summers	Approved by email	15/6/2020

ATTACHMENTS

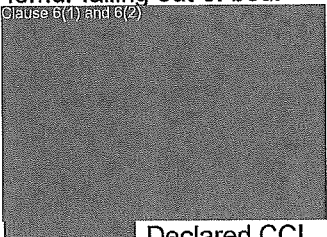
- Attachment 1 – Table of investigations

Contact Officer:	Stewart Dodd- Director Incident Management Unit. <div style="background-color: black; color: white; padding: 2px;">Clause 6(1)</div> / stewart.dodd2@sa.gov.au
-------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

For Official Use Only

This document and its contents may contain confidential information and may be subject to legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or reproduction is prohibited.

APPENDIX 1

DATE REFERRED TO IMU	SERVICE	INCIDENT	STATUS
Out of scope			
7 May 2020	Accommodation	Client sustained a fractured femur. Client admitted to hospital for surgery, developed pneumonia, released from hospital, re-admitted to hospital and died from pneumonia.	Referral information suggested client fractured femur falling out of bed. <small>Clause 6(1) and 6(2)</small>  Declared CCI. No report to SAPOL as no criminality identified at this point.

For Official Use Only

This document and its contents may contain confidential information and may be subject to legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or reproduction is prohibited.

Out of scope



For Official Use Only.

This document and its contents may contain confidential information and may be subject to legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or reproduction is prohibited.

Hancock, Janette (DHS)

From: Boswell, Lois (DHS)
Sent: Wednesday, 17 June 2020 4:35 PM
To: Hancock, Janette (DHS); Stokes, Katrina (DPC)
Subject: FW: lines - latest update

[REDACTED]

An investigation has been underway since [REDACTED]

The Department's incident reporting system, called RiskMan, records all incident reports and all records are preserved within this system.

The Incident Management Unit within DHS is continuing to seek further information to inform its investigation.

[REDACTED]

Ms Lois Boswell *LLB MAppSci GAICD*

Acting Chief Executive

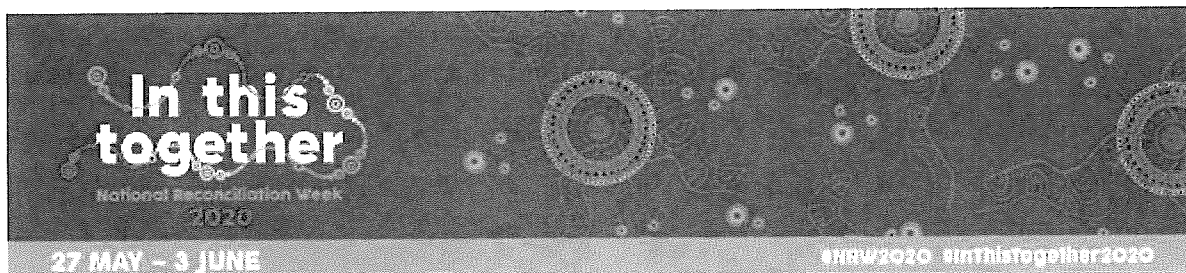
Department of Human Services | Government of South Australia

Level 8 Riverside Centre, North Terrace, Adelaide SA 5000 |

GPO Box 292, Adelaide SA 5001

Ph: (08) 841 54306 Mob: [REDACTED] lois.boswell@sa.gov.au

I recognise I live and work on Kaurna country. I pay my respects to elders past, present and emerging. I acknowledge the long history and enduring connection Aboriginal people have with this land.



From: Hofman, Laura (DHS) <Laura.Hofman@sa.gov.au>
Sent: Wednesday, 17 June 2020 4:34 PM
To: Boswell, Lois (DHS) <Lois.Boswell@sa.gov.au>; Summers, Kim-Sherie (DHS) <Kim-Sherie.Summers@sa.gov.au>; Dodd, Stewart (DHS) <Stewart.Dodd2@sa.gov.au>; Young, Joe (DHS) <Joe.Young@sa.gov.au>; Rogers, Nancy (DHS) <Nancy.Rogers@sa.gov.au>; Kirkby, Muriel (DHS) <Muriel.Kirkby@sa.gov.au>
Subject: RE: lines - latest update

There has been no cover up whatsoever of the death of Ms Pearce, whose family informs us passed away of pneumonia surrounded by her loved ones.

An investigation has been underway [REDACTED]
[REDACTED]

The Department's incident reporting system, called RiskMan, records all incident reports and all records are preserved within this system.

The Incident Management Unit within DHS is continuing to seek further information to inform its investigation.

Support has been offered to the family who have requested privacy.

There is no police investigation into this incident as there are no allegation of abuse or neglect.

Hancock, Janette (DHS)

From: Dodd, Stewart (DHS)
Sent: Friday, 12 June 2020 3:33 PM
To: Lensink, Michelle (DHS); Hancock, Janette (DHS); Boswell, Lois (DHS); Summers, Kim-Sherie (DHS); Maddeford, Selena (DHS); Young, Joe (DHS); Kirkby, Muriel (DHS)
Cc: Cappella, Joe (DHS); Crawford, Rohan (DHS); Srpek, Michelle (DHS)
Subject: Critical Client Incident - Injury to Accommodation Services Disability Client - [REDACTED]
[REDACTED]

Background

[REDACTED]

Incident Details

- Date of incident occurred: 2 May 2020
- Date of incident reported to IMU: 7 May 2020
- Location of incident: [REDACTED]

Incident Summary

[REDACTED]

On 7 May IMU determined that the incident required investigation. On Saturday [REDACTED]
[REDACTED]

However this investigation is still continuing. As such the incident is now being declared a critical client incident.

Current Safety issues

There are no other current safety issues.

Coordination requirements

IMU will continue with the investigation.

Critical Incident Manager

Stewart Dodd

Stewart Dodd

Director | Incident Management Unit

Department of Human Services

Mobile [REDACTED]

E: stewart.dodd2@sa.gov.au

www.dhs.sa.gov.au



/ HumanServicesSA



/ HumanServicesSA



/ HumanServicesSA

This email may contain confidential information, which may be legally privileged. Only the intended recipient(s) may access, use, distribute or copy this email. If this email is received in error, please inform the sender by return email and delete the original. If there are doubts about the validity of this message please contact the sender by telephone. It is the recipient's responsibility to check the email and any attached files for viruses

Hancock, Janette (DHS)

From: Hancock, Janette (DHS)
Sent: Thursday, 18 June 2020 10:43 AM
To: Boswell, Lois (DHS)
Cc: Young, Joe (DHS)

In light of the information from this morning, can we please make sure the Ministerial statement addresses these inaccuracies:

Mahe: "Those concerns include that her leg was broken after being handled contrary to her individualised care plan, that at least one worker is now suspended but was initially allowed to return to the workplace, that instant-, incident reports may have been altered."

Cook: "I was advised that Debra was turned over in bed and it appeared that balance was lost. A worker-, the worker, only worker present tried to stop Debra from falling out of bed."

Thanks

Lensink, Michelle (DHS)

From: Hancock, Janette (DHS)
Sent: Thursday, 18 June 2020 12:55 PM
To: Lensink, Michelle (DHS)
Subject: FW: Ministerial Statement - Ms Pearce
Attachments: Parliamentary Statement - Ms Pearce.docx

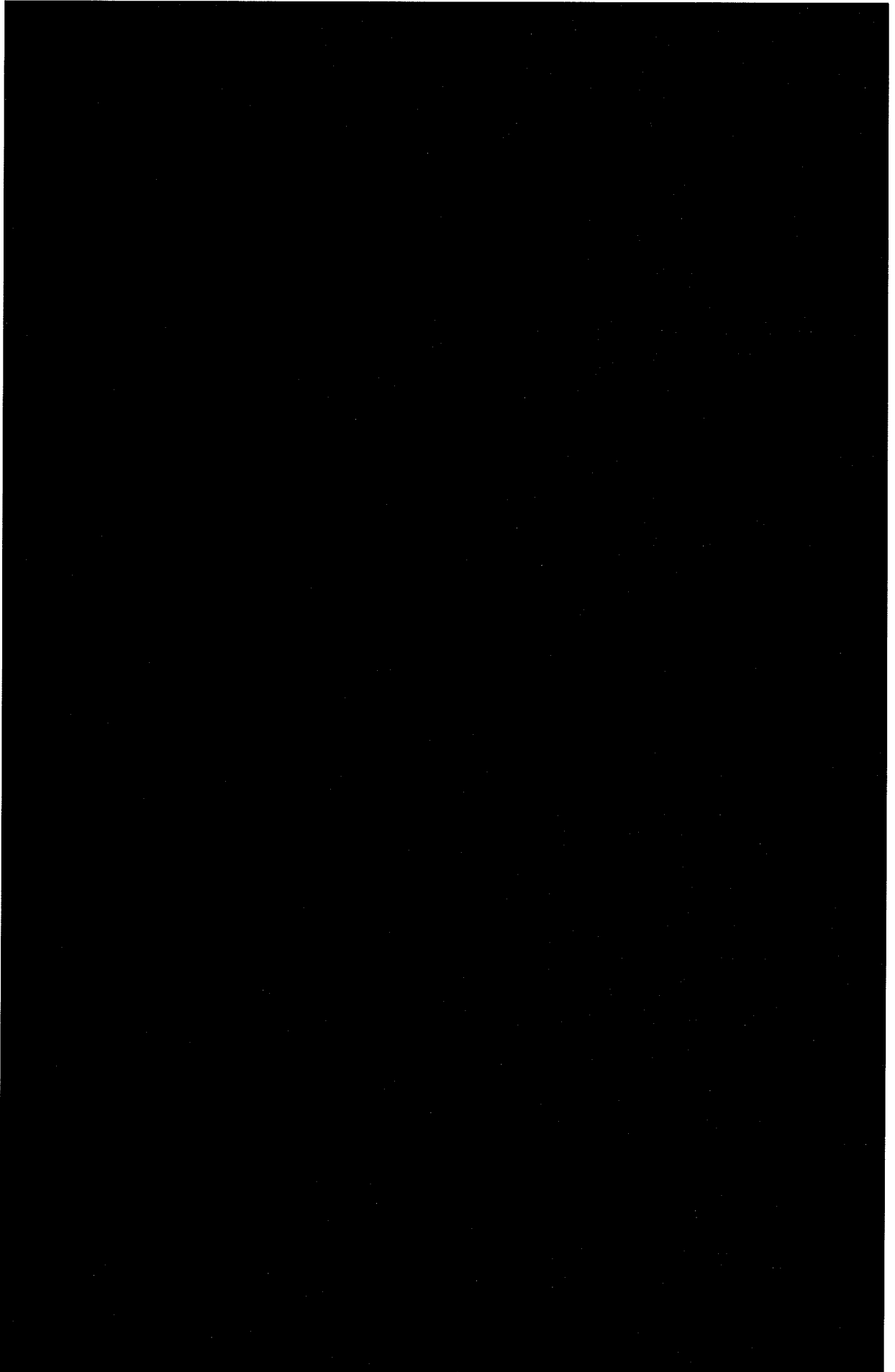
From: Chee, Karen (DHS) <karen.chee@sa.gov.au>
Sent: Thursday, 18 June 2020 12:47 PM
To: Hancock, Janette (DHS) <Janette.Hancock@sa.gov.au>
Cc: Boswell, Lois (DHS) <Lois.Boswell@sa.gov.au>; DHS:Parliamentary Briefing Notes <DHSParliamentaryBriefingNotes@sa.gov.au>; Young, Joe (DHS) <Joe.Young@sa.gov.au>
Subject: Ministerial Statement - Ms Pearce

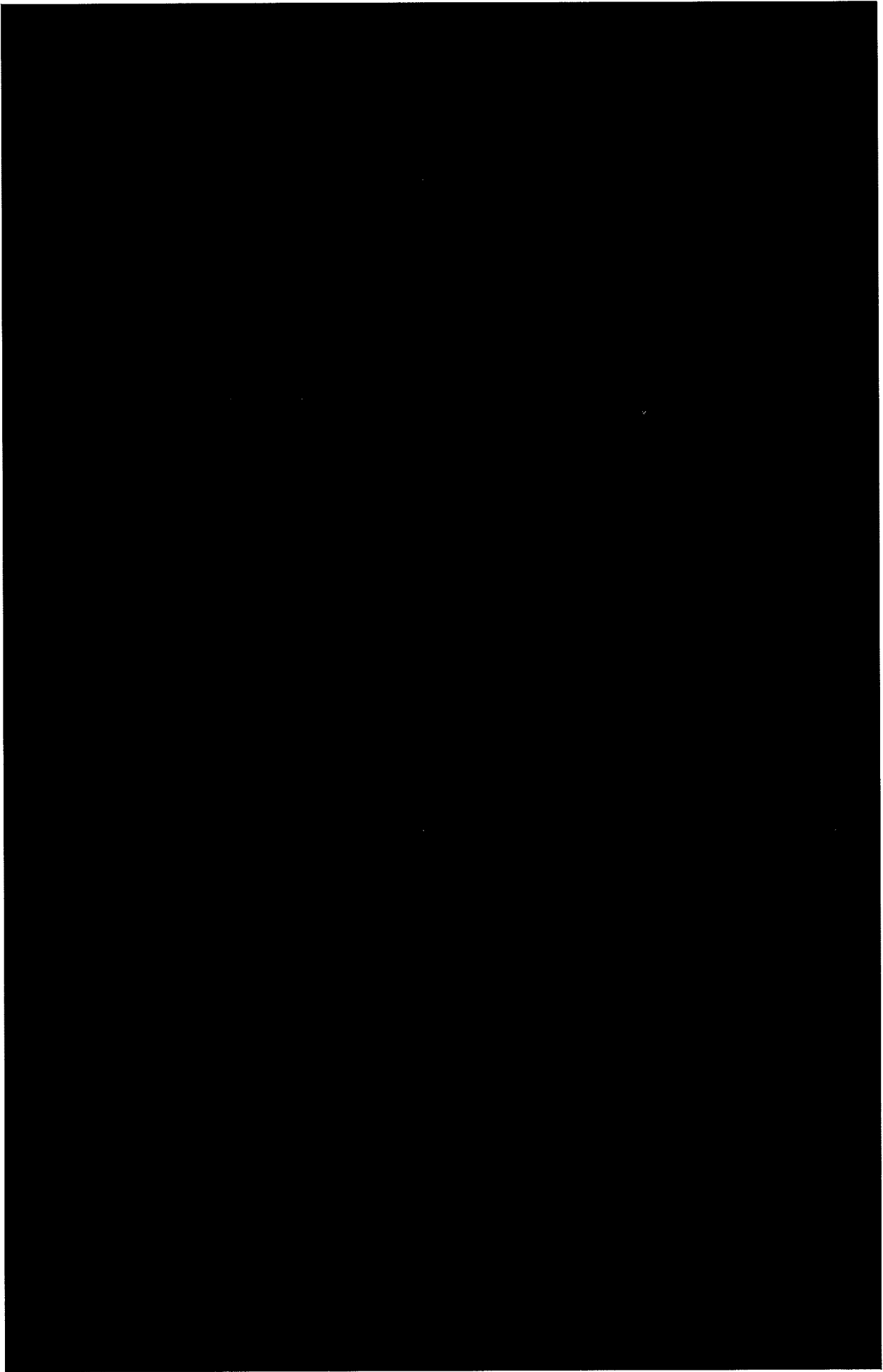
Hi Janette,

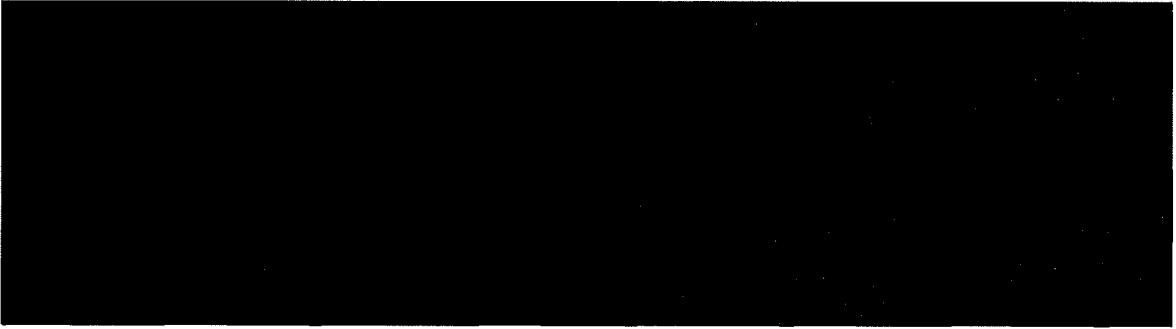
Here's the Ministerial statement re Ms Debra Pearce. Let us know if you need anything else for this.

Just a reminder that if you're submitting this to be published, to remove the Minister's only information please.

Thanks
Karen







From: [Hancock, Janette \(DHS\)](#)
To: [Hockings, Amanda \(DHS\)](#)
Subject: FW: PBNs for next week
Date: Tuesday, 4 August 2020 10:48:01 AM
Attachments: [image001.png](#)

From: Boswell, Lois (DHS) <Lois.Boswell@sa.gov.au>
Sent: Monday, 22 June 2020 10:25 AM
To: Chee, Karen (DHS) <karen.chee@sa.gov.au>
Cc: Hancock, Janette (DHS) <Janette.Hancock@sa.gov.au>
Subject: PBNs for next week

Hi Karen

For [REDACTED]
• [REDACTED]
• [REDACTED]
• [REDACTED]
• [REDACTED]
• [REDACTED]
• info re investigation process for incident involving death of Debra Pearce
• [REDACTED]
• [REDACTED]

Janette – have you got anything else?

Lois

Ms Lois Boswell *LLB MAppSci GAICD*

Acting Chief Executive

Department of Human Services | Government of South Australia
Level 8 Riverside Centre, North Terrace, Adelaide SA 5000 |
GPO Box 292, Adelaide SA 5001
Ph: (08) 841 54306 Mob: [REDACTED] | lois.boswell@sa.gov.au

I recognise I live and work on Kaurna country. I pay my respects to elders past, present and emerging. I acknowledge the long history and enduring connection Aboriginal people have with this land.

