



**Government
of South Australia**

Minister for Human Services

Level 12 South
1 King William Street
Adelaide SA 5000
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Adelaide SA 5001
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Tel 08 8463 6560
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Our ref: MCOR/0016

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

Sent by email: tristan.rust@parliament.sa.gov.au

Dear Ms Cook

Freedom of information application

I refer to your application under the *Freedom of Information Act 1991* received by the Office of the Minister for Human Services on 26 June 2018 seeking access to:

Copies of any and all documents (including but not limited to physical and electronic material) regarding DHS Signed Briefing by Minister Lensink 18MHS/0002.

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

Three documents have been located that are relevant to your request and I have determined to release all documents in full. Please find enclosed a copy of the documents, and a document schedule containing a brief description of the documents.

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, 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 disagree with publication, you will need to advise the Office Manager within two weeks of the date of this determination.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Hockings', written in a cursive style.

Amanda Hockings
ACCREDITED FOI OFFICER

26 / 7 / 2018

SCHEDULE OF DOCUMENTS – MCOR/0016

Freedom of information application from Nat Cook MP seeking access to *Copies of any and all documents (including but not limited to physical and electronic material) regarding DHS Signed Briefing by Minister Lensink 18MHS/0002.*

No	Author	Addressee	Date	Description of document	Determination	Reason
1.	Penny Wright, Office of the Guardian for Children and Young People	Minister for Human Services	26 March 2018	Letter – Congratulations and invitation to meet	Released in full	
2.	Youth Justice, Department of Human Services	Minister for Human Services	18 April 2018	Briefing – Letter from Penny Wright re request to meet	Released in full	
3.	Minister for Human Services	Penny Wright	9 May 2018	Response letter re meeting	Released in full	



Government of South Australia

Office of the Guardian
for Children and Young People

Hon Michelle Lensink
Minister for Human Services,


Via email: Tobias.Olsson@sa.gov.au

26 March 2018

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East Wing
50 Grenfell Street
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~~Dear Minister~~

Please accept my congratulations on your appointment to the role of Minister for Human Services.

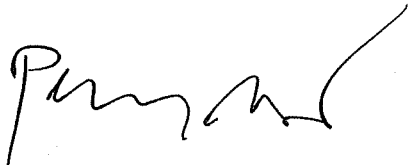
I would welcome the opportunity to meet with you, and/or your advisers, to discuss my role as Training Centre Visitor under the *Youth Justice Administration Act 2016*, at your convenience.

I would also like to offer you the opportunity to meet with members of my TCV Unit who can update you on the establishment of the unit, our plans for the next year and our newly commenced visiting service at the Adelaide Youth Training Centre.

I understand that this will be a very busy time for you, with many meetings, so I will await contact from your office as to when you would like to meet and what form of briefing would be most helpful for you.

I look forward to a strong and productive working relationship with you in the future, in the interests of the children and young people who are residents of the Adelaide Youth Training Centre.

Yours sincerely,



Penny Wright
Guardian for Children and Young People
Training Centre Visitor
Child and Young Person's Visitor




TO MINISTER FOR HUMAN SERVICES

RE: LETTER FROM PENNY WRIGHT REGARDING REQUEST TO MEET

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

Recommendation	Response
1. That you note the content of this briefing in relation to correspondence from Ms Penny Wright, Guardian for Children and Young People and Training Centre Visitor, regarding her request to meet and discuss the role of the Training Centre Visitor and plans for the Training Centre Visitor Unit.	Approved / Not Approved / <u>Noted</u>
2. That you approve, sign and send the attached letter of response to Ms Wright.	<u>Approved</u> / Not Approved / Noted <i>w amendment</i>

<p>Comments:</p> <p>.....</p> <p><i>+ for PBN</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	 <hr/> <p>Hon Michelle Lensink MLC 5/5/2018</p>
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KEY POINTS

- Ms Penny Wright, Guardian for Children and Young People (GCYP) and Training Centre Visitor (TCV) wrote to you on 26 March 2018 requesting a meeting to discuss her role as TCV and plans for the work of the TCV Unit.
- The TCV's role and functions were established under Part 3 of the *Youth Justice Administration Act 2016* (YJAA).
- Ms Penny Wright was appointed as the TCV by His Excellency the Governor on 11 July 2017.
- The TCV undertakes independent monitoring functions and reports directly to you as the Minister for Human Services. In accordance with the YJAA, the TCV must provide a report to you on or before 30 September every year on the work of the TCV during the financial year ending on the preceding 30 June.
- Ongoing funding is allocated to the TCV through the Department of Human Services. It is a requirement of the Auditor-General that supporting documentation, such as an agreement, is in place for the purposes of good governance.

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- The Executive Director and Director, Youth Justice, are scheduled to meet with Ms Wright on 30 April 2018 to discuss the establishment of protocols for visits to and inspections of the Adelaide Youth Training Centre, requests for information and the provision of advocacy services to residents. These protocols will form an agreement for the TCV to undertake the functions for which she is funded and should therefore, in addition to providing an agreed framework for interaction with the AYTC, satisfy the Auditor-General's requirements.
- A response letter to Ms Wright has been drafted and attached for your approval (Attachment 1).

DISCUSSION

The functions of the TCV are outlined in part 3, section 14 of the YJAA, as follows:

- a) to conduct visits to training centres as required or authorised under this Part;
- b) to conduct inspections of training centres as required or authorised under this Part;
- c) to promote the best interests of the residents of a training centre;
- d) to act as an advocate for the residents of a training centre to promote the proper resolution of issues relating to the care, treatment or control of the residents;
- e) to inquire into, and provide advice to, the Minister in relation to any systemic reform necessary to improve—
 - the quality of care, treatment or control of residents of a training centre; or
 - the management of a training centre;
- f) to inquire into and investigate any matter referred to the Visitor by the Minister;
- g) any other functions assigned to the Visitor by this or any other Act.

The TCV must also pay particular attention to the needs and circumstances of residents who are under guardianship, Aboriginal or Torres Strait Islander or who have a physical, psychological or intellectual disability.

The TCV must provide an annual report to the Minister for each financial year by 30 September and may also provide special reports (section 18(3)) or other reports (section 19). Copies of all reports must be laid before both houses of Parliament (and in the case of section 19 reports, must be published when Parliament is not sitting).

As a responsibility of the Minister for Human Services, the Department of Human Services provides funding to the TCV to operate. A budget of \$313,000 has been allocated in 2017-18 for TCV staff (2.0 FTE for full year and 1.0 FTE for half year covering administration, communication and policy roles), office rental, sundries and one-off establishment costs. Ongoing funding will increase to accommodate annual salaries for 3.0 FTEs (\$358,000 in 2018-19, \$363,000 in 2019-20 and \$369,000 in 2020-21).

TCV has currently employed a Principal Advocate (a role shared by two staff) and an Advocate who are regularly attending the AYTC to provide advocacy services to residents. Since commencement of the legislation in December 2016, the TCV has not undertaken any formal visits or inspections under her legislated powers.

A memorandum of administration arrangement (MOAA) between Youth Justice and the GCYP was in place prior to establishment of the TCV in December 2016. Upon commencement of the TCV, this MOAA was extended to 22 September 2017 as an interim arrangement until a new agreement was developed. Based on a further verbal agreement between Ms Wright and the previous Director, Sue Barr, Youth Justice continues to operate under the monitoring, reporting and meeting arrangements in place under this MOAA until such time new arrangements are formalised. On advice from the TCV Principal Advocates, Youth Justice understood that the development of a new agreement was delayed to allow

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time for the TCV's office to develop proposed protocols for visits, monitoring, advocacy and inspections (including inspection standards).

Youth Justice continues to operate under these (expired) arrangements with the TCV in good faith and is making every effort to appropriately respond to the requests of the TCV and her staff. However, due to the frequency and ad hoc nature of the requests for information being received there is now an urgent need to finalise an agreement to provide a clear framework for how the TCV intends to carry out her functions in accordance with the YJAA. The Executive Director and Director, Youth Justice are scheduled to meet with the TCV on 30 April 2018 to discuss the urgent finalisation of these arrangements.

A response letter agreeing to a meeting with the TCV has been drafted and attached for your approval.


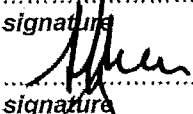
BUDGET

Are there financial implications No

Is there a budget impact No

Is there an FTE impact No

MEDIA/SENSITIVE: No

Division	Youth Justice		
Director	Rohan Bennett	 signature	17/4/18
Chief Executive	Tony Harrison	 signature	18/4/18 date

ATTACHMENTS

1. Proposed letter to Ms Penny Wright

Contact Officer:	Nada Holicky, Senior Policy & Project Officer 08 841 54319/ Nada.Holicky3@sa.gov.au
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18MHS0002

Ms Penny Wright
Training Centre Visitor
Guardian, Office of the Guardian for Children and Young People
GPO Box 2281
ADELAIDE SA 5001

Dear Ms Wright

Penny

Thank you for your letter of congratulations on my appointment as Minister for Human Services and request for a meeting.

I look forward to discussing the role and functions of the Training Centre Visitor and work that has been undertaken by your office to implement the important independent monitoring and inspection requirements under the *Youth Justice Administration Act 2016*.

I understand that you had a meeting with the Executive Director, Youth Justice on 30 April 2018 to discuss the establishment of protocols for visits to and inspections of the Adelaide Youth Training Centre, requests for information and the provision of advocacy services to residents.

A member of my staff will be in contact shortly to arrange a meeting.

Yours sincerely

Michelle Lensink

Hon Michelle Lensink MLC
MINISTER FOR HUMAN SERVICES

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