



**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: MCOR/0056
Your ref: 7127487

Ms Nat Cook
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* (the Act), received by the Office of the Minister for Human Services on 12 October, 2018 seeking access to:

Since 18 March 2018, copies of any and all documents (including but not limited to physical and electronic material) regarding the establishment of South Australian Disability Advocate.

Unfortunately, the Minister's Office was unable to make a determination on your application 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 fall within the scope of your application, and I have determined that one document is refused in full, one document to be released in part and two documents to be released in full.

Document 1 was prepared as part of the State budget process, and its release would disclose details concerning deliberations or decisions of Cabinet. I have therefore determined it to be exempt pursuant to clause 1(1)(e) of Schedule 1 to the Act.

Document 2 contains information regarding the preparation of the State budget, and its release would disclose details concerning deliberations or decisions of Cabinet. I have therefore determined it to be released in part, pursuant to clause 1(1)(e) of Schedule 1 to the Act.

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

11 / 12 / 2018

SCHEDULE OF DOCUMENTS – MCOR/0056

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 the establishment of a South Australian Disability Advocate in 2018-19.*

| No | Author | Addressee | Date | Description of document | Determination | Reason |
|----|------------------------------|-----------------------------|---------------|--|------------------|--|
| 1. | Department of Human Services | Minister for Human Services | 10 Aug 2018 | Briefing – Appoint a disability advocate | Refused in full | Exempt – Clause 1(1)(e) – disclosing deliberations or decisions of Cabinet |
| 2. | Department of Human Services | Minister for Human Services | 4 April 2018 | Briefing – Disability Advocate | Released in part | Exempt – Clause 1(1)(e) – disclosing deliberations or decision of Cabinet |
| 3. | | | 1 April 2018 | Newspaper extract | Released in full | |
| 4. | Minister for Human Services | Minister for Human Services | 10 April 2018 | Media extract | Released in full | |

18TDHS/062



Government of South Australia
Department of Human Services

TO MINISTER FOR HUMAN SERVICES

RE: DISABILITY ADVOCATE



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

| Recommendation | Response |
|--|---------------------------------|
| 1. That you note the information within this brief regarding the previous Government's election commitment to appoint a Disability Advocate as well as a funding boost for community advocacy organisations. | Approved / Not Approved / Noted |

| | |
|--|--|
| Comments: | <hr/> Hon Michelle Lensink MLC / / 2018 |
|--|--|

KEY POINTS

- The previous Government committed \$200,000 for the appointment of a Disability Advocate, as well as a funding boost of \$400,000 for community advocacy organisations, with the intention that the Disability Advocate would be based in the Equal Opportunity Commission.
- On 3rd February 2018, The Adelaide Advertiser published an article 'Labor promises NDIS watchdog – Help navigating a 'complex scheme'.
- The article states, "The Government has budgeted \$200,000 for the position, which will also advocate for people with disabilities more broadly, and another \$400,000 funding boost for community advocacy groups."

DISCUSSION

Clause 1(1)(e) - Cabinet

*Call vs. Budget
? EO*

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Clause 1(1)(e) - Cabinet

However, the Commonwealth Government has existing responsibility for funding systemic advocacy services. In 2007, the South Australian Government withdrew funding from SA based advocacy services on this basis.

The Senior Officials Working Group (SOWG), which reports to the Disability Reform Council, is continuing to explore the role of advocacy services within the NDIS at the national policy level through a newly formed advocacy working group. This work will inform a nationally consistent approach to systemic advocacy services. Early indications are that some other jurisdictions are beginning to withdraw from funding state-based advocacy services (mostly recently New South Wales).

Clause 1(1)(e) - Cabinet

BUDGET

Are there financial implications Yes

Is there a budget impact Yes

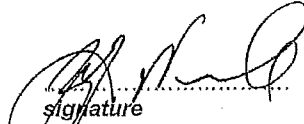
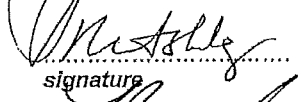
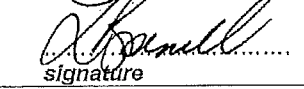
Is there an FTE impact No

Chief Financial Officer noted:..... *cul out*
3/4

MEDIA/SENSITIVE: No

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| | | | |
|-------------------------------|--------------|---|---------|
| Division | NDIS Reform | | |
| Director | Zofia Nowak |  signature | 3.14.18 |
| Executive Director | Nick Ashley |  signature | 3.14.18 |
| Deputy Chief Executive | Lois Boswell |  signature | 4.4.18 |

| | |
|-------------------------|---|
| Contact Officer: | Cassie Bouyer, Manager Complex Needs and Safeguards 8413 9057 / Cassandra.bouyer@sa.gov.au |
|-------------------------|---|

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State Government to honour Labor's \$600,000 NDIS commitment, appoint Disability Advocate

Adam Langenberg, Political reporter, The Advertiser

April 1, 2018 6:35pm

THE State Government has vowed to match a Labor commitment to smooth the rollout of the National Disability Insurance Scheme, as thousands remain stuck in a bottleneck waiting for their service plans to be approved.

New Human Services Minister Michelle Lensink has vowed to fight to ensure the NDIS lives up to expectations as the scheme starts to roll out through three new regional areas this week.

The rollouts in the eastern, western and Adelaide Hills regions means the NDIS is now open to people living with disability across the whole of the state.

Ms Lensink told *The Advertiser* she was concerned about people living with a disability "falling through the cracks" of the scheme.

That concern has led the new Liberal State Government to pledge to honour a \$600,000 Labor election commitment to strengthen the disability advocacy sector.

It means the Government will appoint the state's first independent Disability Advocate, intended to hold the National Disability Insurance Agency to account, at a cost of \$200,000. The remaining \$400,000 will boost funding for community advocacy organisations.

Ms Lensink said some of the problems affecting the NDIS were the "sorts of things that might have happened anyway" but said the 4000 South Australians waiting for a plan showed people had been "transitioned too quickly" into the scheme.

"I've heard it takes a lot longer for participants to have their initial planning meeting than they would have thought," she said.

Disability advocates warned earlier this year that South Australians would be left without crucial services when the scheme became operational statewide.

Two new local area co-ordinators have been appointed since then, leaving lengthy plan review delays the main concern.

Dignity Party MP Kelly Vincent, who is almost certain to fail in her Upper House re-election bid, said the transition to the NDIS had improved once the NDIA was able to shift its focus from plan reviews to connecting people with disabilities to the best services.

"Now they've started to do what they're actually supposed to do it shows it (the NDIS) does have potential," Ms Vincent said.

Ms Lensink said she'd fight to ensure funding allocations were not reduced.

That was despite some South Australians spending just one quarter of their allocation.

"I think people are still getting used to the scheme and being able to make their own decisions about which services they spend money on," she said.

"I don't want them to turn around and say they (participants) don't need that much money — and that's something I'll be bringing up at my meeting with other ministers."

About 32,000 South Australians are expected to access the National Disability Insurance Scheme by 2019-20.

Lensink, Michelle (DHS)

From: Lensink, Michelle (DHS)
Sent: Tuesday, 10 April 2018 2:43 PM
To: Lensink, Michelle (DHS)
Subject: FW: disability advocate 4th April

Adam Langenberg, State Political Reporter, *The Advertiser* (ABC NORTH & WEST 17.26-17.32) Premier's meeting with BHP CEO / Alleged donation to Liberal Party from Sally Zou / \$600000 disability funding / Shop trading hours

(Tomlinson: Before the election Steven Marshall promised that he would hit the ground running if elected and he's done just that, sacking a handful of State Government executives in a \$2 million cleanout, establishing the Premier's Council on Suicide Prevention and preparing for changes in legislation to payroll tax. Today he's met with the Chief Executive Officer of BHP Andrew Mackenzie to discuss the future of its operations in South Australia. Adam Langenberg ... has been keeping abreast of all of this ...) ... the Premier came out and talked to reporters today and basically said it was a simple fulfilling his commitment thing, that he'll be doing a whole lot of in his first couple of months ... he was there to assure BHP that energy prices are going to come down ... and that there's the resources there to allow them to see their Olympic Dam vision through which is a \$2.75 billion investment they talked about that would see copper mining doubled. But we're yet to see that fully committed to. But the Liberal Government basically came out and said we're here with you, we just want to let you know that we'll work together with you to ensure your aim is achieved. So it was a pretty standard early Government meeting I think *(Tomlinson: So no ... likelihood we could ever lose BHP in this state?)* There's always a likelihood but this is pretty simple ... you meet with the big employers and make sure they're on board and you outline what your vision is. I think that's a pretty standard ... thing *(Tomlinson: Ahead of the State election there was a lot of discussion about a donation from ... Sally Zou ... whatever happened to that \$1.2 million cheque?)* It became a whole lot less than \$1.2 million ... the tweet with the cheque was deleted, it caused a whole lot of hassle that Premier Steven Marshall I'm sure would have done without during the election campaign but a much smaller amount. I think that the Government will be pleased that they don't have to deal with questions about foreign influence of that level and we'll move on from there... *(Tomlinson: Is it clear who else the Liberal Party's big donors were?)* The big donors – and they donate a fair bit each election campaign – a couple called Ian and Pam Wall, they donated the three biggest individual donations during the campaign. The other one... from fitness guru Kayla Etsines... We're now up to date from the election campaign. *(Tomlinson: The State Government has promised to match a \$600k Labor election commitment...)* ... A package basically strengthening disability advocacy groups so \$400k went to disability advocacy groups and \$200k went to establishing disability advocate, which would be an independent statutory body to make sure that the Federal Government was complying with the NDIS and dealing with disenfranchised disabled people in terms of their problems with assistance. So it's a big thing that Labor were pretty pleased about that illustrated that they were committed to the NDIS and making sure that the Federal Government lived up to its promises and the State Government have said that it's in the budget and they're happy to honour it so that's all done. *(Tomlinson: Is there any suggestion about who that might be?)* No... Your producer off air quipped to me that Kelly Vincent would be a good pick if she didn't get promoted and that's probably a good call. I'm sure that's something that Kelly would entertain if she is still holding out a candle that her one and a bit per cent ... might turn into a Seat in Parliament but that looks unlikely ... *(Tomlinson: ... What else ...)* The big thing over Easter is always shop trading hours... The Government has a fair bit of a fight on its hands to get its reform through and we've been looking at what Easter trading hours in metropolitan Adelaide because most of regional South Australia is deregulated already... The outlier of course is Millicent... I've been having a chat today to ... MP Nick McBride. He says that he'll fight to ensure that Millicent remains deregulated in the Liberal Party room but has ruled out crossing the floor of Parliament to do so so it looks like as the key Liberal election promise that the deregulation will roll through, Rob Lucas ... he's the Treasurer, he's said that he won't exempt Millicent from the push and it just looks like unless