

# **PORTFOLIO COMMITTEE NO. 5 - REGIONAL NSW AND STRONGER COMMUNITIES**

**Tuesday 30 August 2022**

**Examination of proposed expenditure for the portfolio areas**

**FAMILIES AND COMMUNITIES, DISABILITY SERVICES**

**UNCORRECTED**

**The Committee met at 9:30.**

## **MEMBERS**

The Hon. Robert Borsak (Chair)

The Hon. Lou Amato

Ms Abigail Boyd

Ms Sue Higginson (Deputy Chair)

The Hon. Rose Jackson

The Hon. Taylor Martin

The Hon. Tara Moriarty

The Hon. Peter Poulos

The Hon. Adam Searle

## **PRESENT**

**The Hon. Natasha Maclaren-Jones**, *Minister for Families and Communities, Minister for Disability Services*

## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

**Corrections should be marked on a photocopy of the proof and forwarded to:**

**Budget Estimates secretariat  
Room 812  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000**



**The CHAIR:** Welcome, Minister. Welcome to the initial public hearing for the inquiry into budget estimates 2022-2023. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past, present and emerging, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the land and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. I welcome Minister Natasha Maclaren-Jones and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Family and Communities and the portfolio of Disability Services.

Before we commence, I would like to make some brief comments about the procedures for today's hearing. Today's hearing is being broadcast live via the Parliament's website. The proceedings are also being recorded, and a transcript will be placed on the Committee's website once it becomes available. In accordance with broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings. All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018.

There may be some questions that a witness could answer only if they had more time or with certain documents to hand. In those circumstances, witnesses are advised that they can take a question on notice and provide the answers within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. Finally, would everyone please turn their mobile phones to silent for the duration of the hearing.

All witnesses will be sworn prior to giving evidence. Minister Maclaren-Jones, I remind you that you do not need to be sworn as you have already taken an oath to your office as a member of Parliament. I also would like to remind the following witnesses that you do not need to be sworn, as you have been sworn at an earlier budget estimates hearing before this Committee: Mr Michael Tidball and Ms Anne Campbell.

**Mr MICHAEL TIDBALL**, Secretary, Department of Communities and Justice, on former oath

**Ms ANNE CAMPBELL**, Acting Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice, on former oath

**Ms SIMONE CZECH**, Deputy Secretary, Permanency, District and Youth Justice Services, Department of Communities and Justice, affirmed and examined

**Mr JAMES TOOMEY**, Acting Deputy Secretary, Housing, Disability and District Services, Department of Communities and Justice, affirmed and examined

**Mr BRENDAN THOMAS**, Deputy Secretary, Transforming Aboriginal Outcomes, Department of Communities and Justice, sworn and examined

**Mr PAUL O'REILLY**, Executive Director, Youth Justice, Department of Communities and Justice, affirmed and examined

**Mr ROBERT FITZGERALD**, NSW Ageing and Disability Commissioner, sworn and examined

**The CHAIR:** Today's hearing will be conducted between 9.30 a.m. and 12.45 p.m., with a 15-minute break at 11.00 a.m. We are joined by the Minister in the morning and in the afternoon we will hear from departmental witnesses from 2.00 p.m. to 5.15 p.m., with a 15-minute break at 3.30 p.m. During these sessions there will be questions from Opposition and crossbench members only. If required, an additional 15 minutes is allocated at the end of the morning and afternoon sessions for Government questions. Thank you all for your attendance today, and we'll begin with questions from the Opposition.

**The Hon. ADAM SEARLE:** Thank you, Mr Chair. Welcome, Minister, I will ask some questions that relate to *Budget Paper No. 2*, and in particular page 8-4. That is the \$1.6 billion to support the safety, welfare and wellbeing of vulnerable children in out-of-home care and enhance permanency outcomes, and the \$815.4 million to support a robust child protection system. Billions of dollars are spent on those objectives. You accept, don't you, that budget estimates is a serious process?

**The Hon. NATASHA MACLAREN-JONES:** Yes, I do.

**The Hon. ADAM SEARLE:** And you take seriously your responsibilities as a Minister in answering us and making sure we get full and accurate answers?

**The Hon. NATASHA MACLAREN-JONES:** Yes.

**The Hon. ADAM SEARLE:** In the last hearings, a number of questions were taken on notice by you and your officials. On notice, you didn't really give any answers to a number of them—at least 23 of those. I might step you through a couple of them and explore that. The first question on notice was a question I posed about the 90,000 children not seen by the department, and I asked how many of those were seen by somebody. You said you were happy to take that on notice and the answer was, "This information is not publicly available." I know it's not publicly available. If I could have googled it, I would have. What is the answer to that question, and why haven't you told us?

**The Hon. NATASHA MACLAREN-JONES:** Thank you for your question. I want to start by saying that it's important that robust evidence is provided in assisting in all policy decision-making. It is also important that it is based on evidence, and that is provided to members of the community and in public, in line with being transparent and accountable government practice. Consistent with this, as you know, is a large amount of data that is publicly available in relation to child protection and also out-of-home care, but maintaining public trust in the data we provide is also important. That means that there are sometimes reasons data is not available.

This can include where reliable and accurate data collection systems are not available or in development; the provision of the data could potentially be identifying the individuals in the community and breaches of privacy; it is also commercially sensitive and could provide an unfair commercial advantage or commercial imperative to the organisation funded by government; and also ensuring that accurate information is consistent with Government policy as provided, rather than data focusing on potential or hypotheticals. In many cases, data that is not otherwise publicly available is provided to committees of this nature, such as when I'm quite often asked about ACA numbers, because we are confident that it ticks every box and can maintain the public trust in the provision of that data.

**The Hon. ROSE JACKSON:** Which of that list that you just went through is applicable to my colleague's question about the number of children reported at risk of harm who were not seen by the department?

**The Hon. NATASHA MACLAREN-JONES:** I'll ask the department to go through detail of how the data is collected and how it is made public.

**The Hon. ROSE JACKSON:** We might go to the department later, but the only information that we were provided for almost 40 per cent of questions taken on notice was that the data is not publicly available. That doesn't even include the supplementary questions. My colleague hasn't been through them, and this was done a number of times in supplementary questions as well. But that's not what you just said. That tells us that we're just sitting here as some kind of in-person Google—that the only thing you'll tell us is information that's otherwise publicly available. That's what we were told.

**The Hon. NATASHA MACLAREN-JONES:** That is actually not correct. As I—

**The Hon. ROSE JACKSON:** No, that is correct, Minister.

**The Hon. TAYLOR MARTIN:** The Minister can answer.

**The Hon. ROSE JACKSON:** That is exactly, literally word for word: That information is not publicly available. Was that what the department gave you as an answer, or did they give you other information and then your office changed it to that?

**The Hon. NATASHA MACLAREN-JONES:** As I outlined in my answer, there are times when information is provided, particularly when it comes to ACA numbers, where we are confident and the department is confident that that information is accurate and correct. It is vitally important that we maintain public confidence in the data that is provided, rather than speaking about hypotheticals or things that may or may not be factual.

**The Hon. ROSE JACKSON:** It wasn't a hypothetical question. Those questions aren't hypothetical.

**The Hon. ADAM SEARLE:** They're not. It was confirmed in the hearing that 90,000 children reported at risk of harm were not seen by the department, and my question was how many of them were seen by someone. That's not a question of whether the information is publicly available. I know it's not. But is it the case that you and your department don't know the answer to that question? Is that what we're to understand?

**The Hon. NATASHA MACLAREN-JONES:** The secretary is happy to answer your question in relation to the number of children.

**MICHAEL TIDBALL:** Mr Searle, if I may assist the Committee?

**The Hon. ADAM SEARLE:** Mr Tidball?

**MICHAEL TIDBALL:** Quite frankly, arising from the last hearings—and I was very new at that time—I walked out of those hearings concerned that in respect of risk of serious harm reports, which I believe is what your question is about, we provided a response that was not supported by analytics or evidence about the various other actions taken. Over the last six months, I—working with Ms Czech, on my right, and other people—have commenced work to ensure that we actually start to capture on ChildStory those actions being undertaken. There is not currently an analytical ability to capture those figures—for example, follow-up by NGOs or other actions taken other than a strict response to a ROSH. The ChildStory platform is in the process of modification. That is something that came out of the last hearings, and I believe that by the next hearings we will have that data.

**The Hon. ADAM SEARLE:** As I understand your answer, Mr Tidball, you just don't know, the department doesn't know, because you don't capture that information presently.

**MICHAEL TIDBALL:** Correct.

**The Hon. ADAM SEARLE:** On page 9 of the notice paper, the question is:

How many children ... are currently in the care of NGOs that have your NGO short-term indemnity scheme applying?

Again, the answer is:

This information is not publically available.

The true answer is that you don't know as well. Is that correct?

**MICHAEL TIDBALL:** Sorry, can you repeat the question?

**The Hon. ADAM SEARLE:** On page 9 of the questions taken on notice, the question is:

How many children ... are currently in the care of NGOs that have [the Government's] NGO short-term indemnity scheme applying?

That was taken on notice by the Minister. The answer is:

This information is not publically available.

We know that, but it sounds like you also—

**MICHAEL TIDBALL:** I think we may. If I can just clarify, through the Chair, with Ms Campbell?

**The Hon. ADAM SEARLE:** Please.

**ANNE CAMPBELL:** We haven't had any claims or notifications made since the last budget estimates hearing. The remaining providers still have cover in place and have not applied for the short-term indemnity scheme at this point but may in the near future. So 43 providers have been able to continue to provide critical out-of-home care and youth homelessness services to support vulnerable children and families.

**The Hon. ADAM SEARLE:** I don't think that was the question, though. My question was how many children are in the care of NGOs that didn't have the insurance cover that actually had the benefit of the government insurance scheme? The question was how many children are in the care of those NGOs?

**ANNE CAMPBELL:** I can take on notice the number of children.

**The Hon. ROSE JACKSON:** Do you understand our concern, though, which is that we're now having to use our time to repeat questions that we asked last time that you took on notice. In 40 per cent of those instances, the response was "That information is not publicly available," which, Minister, you accept is a completely inadequate response to this process?

**The Hon. NATASHA MACLAREN-JONES:** Ms Jackson, I do not agree with your assertion there, as I went through a number of points as to why—

**The Hon. ROSE JACKSON:** So why didn't you say that? Why didn't you say—

**The Hon. ADAM SEARLE:** "We don't have the information."

**The Hon. ROSE JACKSON:** —"We don't have that information" or "It's confidential information" or "It's commercial information." Who told you, Minister—was it the department or your office—that the response "That information is not publicly available" is an adequate response to a question at budget estimates?

**The Hon. NATASHA MACLAREN-JONES:** Ms Jackson, as I outlined, there are a number of reasons why some data is not made publicly available. The secretary and the officials have attempted to answer some of the other questions put forward. The one in relation to indemnity insurance has been taken on notice and an answer will be provided.

**The Hon. TAYLOR MARTIN:** Point of order: With all due respect to other members of the Committee, questions have been asked, the Minister is starting to answer and for the third or fourth time in the last 12 minutes alone the Minister has been cut off before she can even get to the substance of her answer. I would ask you to call members—

**The CHAIR:** I'll uphold the point of order, but Ms Jackson can ask the question as many times as she likes and the Minister can answer it any way she likes.

**The Hon. ROSE JACKSON:** I'm going to ask the question again.

**The Hon. TAYLOR MARTIN:** The Minister is not getting to the answer. She is not able to get to the answer.

**The CHAIR:** I've ruled already.

**The Hon. ADAM SEARLE:** The Chair has ruled.

**The Hon. ROSE JACKSON:** We understand that sometimes you don't know the answer or sometimes you can't give us the answer because potentially it is confidential. That's not the answer that we were provided. We were told that information is not publicly available. That is a different thing to what you have said. I'm going to assume, Minister, that you didn't sit there and type out that response yourself; I know that you're busy. Who did? Who told you that an answer "That information is not publicly available" was an adequate response to a question at budget estimates?

**The Hon. NATASHA MACLAREN-JONES:** Ms Jackson, as the secretary outlined, we—particularly in relation to that matter was ensuring that the data was correct. So it wasn't publicly available. In relation to your other question, as I said, that is being taken on notice.

**The Hon. ADAM SEARLE:** Minister, it wasn't available to you at all. It wasn't available at all. You didn't capture it. A more honest and truthful and accurate answer would've been, "The department does not currently capture this information." That's what you've now told us today. You could have told us that on notice. Why not? Why didn't you?

**The Hon. NATASHA MACLAREN-JONES:** As I outlined, at the time the information was not publicly available. I outlined a number of reasons why that's the case.

**The Hon. ADAM SEARLE:** Let's go to the next one. How many children are currently in the care of NGOs that have the NGO short-term indemnity scheme applying? We were told just a moment ago that the information is available. It was taken on notice by you. But again the information is "not publicly available". Why weren't we given an answer to that? What is the answer?

**The Hon. NATASHA MACLAREN-JONES:** I'll have to take that question on notice.

**The Hon. ADAM SEARLE:** I think one of your departmental officials said she could answer. Is that the case?

**ANNE CAMPBELL:** I can't answer today, but certainly I did say that there were 43 providers that are in this short-term indemnity scheme. So we can take on notice how many children are in those current providers at the moment.

**The Hon. ADAM SEARLE:** Please do.

**ANNE CAMPBELL:** Yes.

**The Hon. ADAM SEARLE:** Can I take you to page 60 of the questions taken on notice. This related to out-of-home care. I asked for the top 10 list of providers of out-of-home care. Ms Czech said:

Yes, we could, absolutely. I do not think there is any issue in providing that.

I said:

By the number of children in their care ...

Ms Czech said:

... at a point in time ...

Again, the answer given on notice is:

This information is not publically available.

Ms Czech, is the information available to the department?

**SIMONE CZECH:** Sorry, Mr Searle, could you just repeat what the question on notice was?

**The Hon. ADAM SEARLE:** I asked, what was the largest number of children being cared for by a single out-of-home provider? You took that on notice. Then I asked for the top 10 providers of out-of-home care, and you said that you could "absolutely" provide that on notice. That was at page 60 of the budget estimates additional hearings, questions taken on notice, answers due by 29 March 2022. The answer given is:

This information is not publically available.

Minister, your official said it was available, it could be provided. Why has it not been provided?

**The Hon. NATASHA MACLAREN-JONES:** Mr Searle, as the Chair indicated, at times during public hearings witnesses will often choose to take something on notice because information may not be available or it needs to be verified. In relation to this, and without looking at the specific details—

**The Hon. ADAM SEARLE:** I'm asking you to look at specific details.

**The Hon. NATASHA MACLAREN-JONES:** —it could potentially be commercial in confidence.

**The Hon. ADAM SEARLE:** It's not.

**The Hon. ROSE JACKSON:** Ms Czech, is that information available? You said it was. Is it?

**SIMONE CZECH:** The information, as outlined by Mr Searle, is not publicly available.

**The Hon. ADAM SEARLE:** No, that wasn't the question.

**The Hon. ROSE JACKSON:** That's why you're here under oath, though.

**SIMONE CZECH:** Sorry, Ms Jackson, I'm trying to answer the question. It's not publicly available. I'll repeat what I said at the last estimates. We do have that information. As Ms Campbell outlined about the indemnity scheme, those numbers will need to be checked because they do fluctuate from day to day. But we do know how many children are in each provider.



**The Hon. ROSE JACKSON:** Just in terms of what happened last time, the information is available, it is not publicly available. We know that.

**The Hon. ADAM SEARLE:** That's why we're asking.

**The Hon. ROSE JACKSON:** If we could google it, we would google it. We would GIPAA it. This is a particular process, where witnesses come with the Minister under oath and answer questions of members of Parliament. You said you had it. You said you would take it on notice. I accept, Minister, with all the papers, sometimes stuff isn't here. Ms Czech, subsequent to leaving and receiving the questions on notice through the Committee staff, did you decide to go, "Actually, I'm not going to answer that"? When you had said you had it and you knew you had it, who made the decision not to provide it to us?

**The Hon. NATASHA MACLAREN-JONES:** Ms Jackson, as I outlined, there are a number of reasons why information may not be made public. That could be to verify the data, it could be commercial in confidence. There are a number of reasons.

**The Hon. ROSE JACKSON:** Ms Czech, which one of those applied to that information that you have and you refuse to give to us? Which one of the list of reasons that the Minister has outlined applied in that circumstance?

**The CHAIR:** Can I break in here for a second? We have been joined by Mr Robert Fitzgerald, the Ageing and Disability Commissioner, who may want to join in this free-for-all. Opposition?

**The Hon. ADAM SEARLE:** I'd like an answer to the question. I have asked the question. You took it on notice. We know the information is available; we know the department's got it. The answer that it's not publicly available is not responsive to the question. Please provide the information to the Committee. Will you undertake to do that, Minister?

**The Hon. NATASHA MACLAREN-JONES:** I'm happy if you want to submit further questions; I understand that you've got limited time. But, as I said, it's a matter of checking what the question is, what data is or is not available and also verifying that is correct. But also commercial in confidence is also a key—

**The Hon. ADAM SEARLE:** Minister, you've had the question since March.

**The Hon. NATASHA MACLAREN-JONES:** Commercial in confidence is also a key part as well.

**The Hon. ADAM SEARLE:** Just to be clear, Minister, I'm not asking for contractual details. I'm not asking how much they're getting paid. I'm not asking for trade secrets. I'm just asking for the list of the top 10 providers of out-of-home care. You've got the list. The names of those providers cannot be commercially sensitive. It cannot be covered by any confidentiality. Public money is going to them. We have a right through this process to ask the question as we have, and you have an obligation to answer it. Will you undertake to provide an actual answer to the Committee and provide the list?

**The Hon. NATASHA MACLAREN-JONES:** I'll ask the department to comment about providing a full list of all providers rather than necessarily ranking, because again it goes into commercial in confidence. I'm not a lawyer, but it's—

**The Hon. ADAM SEARLE:** The top 10 providers. I'm not asking for the money. It's not commercial in confidence, really. It's just nonsense.

**The Hon. NATASHA MACLAREN-JONES:** I'll ask the department to comment further on that.

**SIMONE CZECH:** Yes. We could provide the top 10. Can I just clarify, Mr Searle. Just a list of top 10 without the numbers—

**The Hon. ADAM SEARLE:** Yes. The names of providers.

**SIMONE CZECH:** Names of providers.

**The Hon. ADAM SEARLE:** I'm not asking for the numbers. On page 62, again relating to alternative care arrangements, the question was, "When people leave alternative care arrangements, where do they go?" and "Does the department actually have a breakdown of where they go?" Ms Campbell, it was, said:

Yes, we do. I do not have it with me but we can certainly provide it on notice.

The answer given is:

This information is not publically available.

Again, we know it's not publicly available. Minister, is it known to your department where those children go when they leave alternative care arrangements?

**The Hon. NATASHA MACLAREN-JONES:** I'll ask the secretary to comment on that. But I would assume so.

**MICHAEL TIDBALL:** Since the hearings in March, Mr Searle—the answer is we do know where children go. Where they go, which, I know, strictly is not your question—but can I say, aside from knowing where they go, the places to where they go and the placements which are available to them are growing. I'd be very happy to assist the Committee today comprehensively in responding to that as a line of interest of the Committee, if that is the case.

**The Hon. ADAM SEARLE:** That was a line of interest. I asked the question. I would like to know. Can you tell us? Or do you want to tell us later in the hearing?

**MICHAEL TIDBALL:** I'd be very happy to do it now. Again, coming out of the March hearings, since the March hearings, and having listened to the range of questions that were asked by the Committee at the March hearings, it was apparent that the arrangements with alternate care arrangements to me needed to be clarified and needed to be absolutely focused upon. ACAs, as they're known, must be—they are emergency. They are short term. They are in place only as a stopgap until an alternative is arranged.

So I've formed a governance group which is seeking to build alternate capacity to grow out-of-home care placements that are—I think part of the Committee's questioning, as I recall it, was the ACAs are not accredited by the Office of the Children's Guardian. Secondly, they do not offer a home-like environment. So we have started to do a range of work around quality assurance, around case planning and triage. We're continuing to expand placement models such as interim care, where we now have 90 placements; significant disability, where we now have 120 placements; residential placements; and innovative carer placements—over 50. The new, short-term emergency placements are known as STEP. We're very focused on expanding STEP because, as I say, a STEP placement has the two advantages over an alternate care arrangement in that it is with an accredited provider, firstly, and, secondly, it's in a home-like environment.

**Ms ABIGAIL BOYD:** Good morning, Minister and officials. Thank you very much for attending. I wanted to start, Minister, by asking you about an issue that I know we've spoken about before, which is this disconnect between New South Wales' responsibilities to protect children from risk and court orders made within the family law system which have the impact of putting those children at risk. Did you watch the Children and Young People's committee's inquiry into this issue that we held on 12 August?

**The Hon. NATASHA MACLAREN-JONES:** At the time I couldn't watch it, but I have read some of the evidence as well and also just want to say I appreciate you reaching out prior to that inquiry to bring forward some of the ladies.

**Ms ABIGAIL BOYD:** Thank you. Are you concerned to hear that evidence?

**The Hon. NATASHA MACLAREN-JONES:** I was. As you mentioned, Family Court is a Commonwealth responsibility and also that of the AG. But once I saw and also had spoken to you about some of those matters, I did speak to the secretary about what we could do, because it is outside my area of responsibility. But if you don't mind, I might ask the secretary to comment further about the work that he has done to address this or to look at this matter.

**MICHAEL TIDBALL:** Thank you. Again, if I can just advise the Committee that the Minister did raise this area, this concern with me and I agree, there is concerning evidence. I last week spoke with the Chief Justice of the Family Court, the Hon. William Alstergren, and he has agreed to meet with us. He'll be after specifics and case evidence where we can provide it, but he is keen to work with us in relation to seeking to identify examples and to work with New South Wales to identify potential solutions. I know that's broad at this point. But he's acknowledged that if there is a concern, we should talk, and we will do that. In a previous life I've worked closely with the Chief Justice, and I'm confident that there is the opportunity to talk about particular points where there are tensions and case outcomes which are not ideal.

**Ms ABIGAIL BOYD:** It's very heartening to hear that you're taking the issue seriously and you've started looking at ways to address it. Certainly, reach out to me and my office if we can help, because we have tens of examples in our hands already of where this has occurred. I was very concerned to hear the evidence from Domestic Violence NSW, that there are hundreds of children, in their view, who have been placed at harm through the Family Court system, placed with a parent who is a known abuser or is the individual that the DCJ has identified as being the source of risk to that child. I'm very concerned that we have hundreds of children who are technically the responsibility and are under the care of New South Wales and that we are not now doing anything about because of these court orders. Do you accept, Minister, that the duty of care that the New South Wales Government has to these children overrides the Family Court process?

**The Hon. NATASHA MACLAREN-JONES:** What I'll first of all say is that I don't agree that we're not doing anything in relation to this. I will ask Ms Czech to go through some of the more specific details. But, again, anyone can continue to make a ROSH report, which is always investigated. Secondly, in relation to representation of families in the court process, I'll ask Ms Czech to go into some of those details as well.

**Ms ABIGAIL BOYD:** Thank you. To the extent that there's information that's additional to what you gave in the inquiry?

**SIMONE CZECH:** Thank you, Ms Boyd. I will just touch on some of my evidence in the inquiry, just to echo the comments from the Minister and the secretary about quite concerning, in my view, issues of parents being unable to make a report to the helpline when they're concerned about their children. As the secretary outlined, he's taking or has taken that up, and there'll be some further work on that. As I gave evidence on Friday, a week ago, we have significant information-sharing provisions, as I outlined, which seem to be effective. Actually, two of the questions on notice we took, which I don't have a response yet for. I think the responses are due in a few days' time back to the inquiry. But those answers will be of interest to this Committee as well. The questions are: How many times do we intervene under section 67Z of the Family Court Act? How many matters have we appealed? Now, I understand the team is working through those numbers at the moment, but we have intervened in numerous matters and we have appealed matters. So, that information will be forthcoming. Unfortunately, I don't have it today.

The other thing I'd just like to highlight is—and again I mentioned this in the inquiry evidence—the caseworkers that are funded by the Commonwealth that sit in the courts to provide a conduit of information sharing I think have been a godsend, as has the Lighthouse Project that's in the major courts that deal with serious physical and sexual allegations, as I understand it they are having an impact. I suppose it's continuing to leverage off those resources, make sure people are adequately trained and that that information sharing is occurring as needed. And of course, as the Minister said, every piece of information we receive, where it relates to a matter before the Family Court, we will do an assessment of that information and determine what is to happen next.

**Ms ABIGAIL BOYD:** I appreciate all of that. I guess, Minister, you've not been in this portfolio very long, so I understand that there is a certain amount of needing to go back and have a look at what's been done previously, but this is an issue that witnesses told us at the inquiry, including Ms Czech, has been at least a decade that we have known about this issue. Given that we have so many children currently being placed with an abusive parent who have been separated entirely from their protective parent and given that you do have the power to intervene, will you intervene in those cases?

**The Hon. NATASHA MACLAREN-JONES:** As I said before, I'm not a lawyer but my understanding would be if there's a court order from the Commonwealth Family Court, I would not be able to intervene, but I will double-check on that.

**SIMONE CZECH:** You know Ms Boyd, I did give evidence to this effect at the inquiry. In order for us to intervene typically the court needs to make a request to the Department of Communities and Justice. We do consider every one of those requests when we get them and, like I said, we'll provide the information as to how many times we've actually intervened in proceedings. We have also, and I think from memory Ms Ward gave an example, we've actually sometimes taken matters out of the Family Court and positioned them in the Children's Court because we were concerned about the particular way that a matter was heading. So, again, we'll provide all of that on notice.

**Ms ABIGAIL BOYD:** Okay, but we still know that—sorry, it absolutely blows my mind. We heard from witnesses on 12 August that there are hundreds of these children in this circumstance, where they've been identified as being at risk from DCJ. DCJ has said the child is at risk from a particular parent. The court has then placed, in many cases, the children in sole custody of that abusive parent and our response is not to intervene. How does that happen? Why are we not getting actively involved in appealing these decisions?

**SIMONE CZECH:** I think first of all there's a difference between intervening in a proceedings before the Family Court, so that's one option we have available, and, secondly, whether we've intervened or not, our ability to actually appeal a matter once an order's been handed down. We do both of those things and like I said, I haven't got the numbers with me today, but we will provide that to the Committee. We're just finalising it, like I mentioned before.

**Ms ABIGAIL BOYD:** Minister, my office sent you quite recently details of a very clear case of this, where a woman had lost custody of her children, despite her children being deemed to be at risk of the abusive parent but also deeming her to be a stand-up citizen. How is it that when I asked you to intervene in that case, you responded and said: "We are happy with the situation." I don't have the exact words, but basically "DCJ has looked into this and we don't see any need for us to intervene." That request was rejected. How can that be?

**The Hon. NATASHA MACLAREN-JONES:** I'll have to ask Ms Czech to go into the specific details as to that particular case.

**Ms ABIGAIL BOYD:** Without disclosing confidential information.

**SIMONE CZECH:** Yes. I'm unable to comment on the particular case. I'd have to take it on notice and go and have a look at, which I'm willing to do.

**Ms ABIGAIL BOYD:** Thank you, and perhaps Minister we can have a discussion about that separately. Having listened to story after story, horrific stories of these children being horribly abused, often sexually abused, you can understand how urgent I find this issue and I am frustrated by the lack of urgency coming from your office, given that it has been 10 years at least that we've known about this.

**The Hon. NATASHA MACLAREN-JONES:** As I said, obviously I am new to this portfolio, but as soon as it was brought to my attention, and particularly the evidence was being provided in that hearing, I did speak to the secretary about that to say, "What more can be done?" But one thing I'd like to say, and I would encourage you to reach out to any organisation, is that if an individual parent, relative, feels that a child is at risk, they should make a report. That can be done anonymously or with their details but, as Ms Czech said, if a report is made it is followed up.

**MICHAEL TIDBALL:** If I may, Minister, add to that. In terms of the specifics that you raise, clearly if there is an immediacy to that, the matter to come back to this estimates is not workable, it's not acceptable in terms of the issues involved, I would be very keen to be briefed in advance of the meeting with Alstergren CJ, for that reason alone to be briefed. But we're also very happy to engage on the specifics because evidence case by case in this space is obviously going to be critical.

**Ms ABIGAIL BOYD:** Thank you. This is not political in my view; this is about children's wellbeing. Anything we can do to help advance this and quicken the process would be very good.

**The Hon. NATASHA MACLAREN-JONES:** Also, I'm more than happy to talk to you on a confidential basis about individuals, with their approval obviously.

**Ms ABIGAIL BOYD:** Can I just ask, this usual process where the judge in family law matters puts basically a gag on the protective parent and says basically that they can't make a claim that their child is at risk, is that something, Mr Tidball, that you will be raising urgently in order to ask the courts not to put that gag order on?

**The Hon. NATASHA MACLAREN-JONES:** Just before heading over to the secretary, anyone can make a confidential or anonymous I should say, report, but I will ask the secretary to comment further.

**Ms ABIGAIL BOYD:** I understand that's true.

**MICHAEL TIDBALL:** Yes, I think there are two, if I can just distinguish, the Minister is right in terms of the need for a report to be made in respect of a child at risk. That's a process that should always run its own course. It's a statutory process and it's an important one. I'm very keen to get my head around this and my knowledge needs to grow quickly to be able to do that. So, I separately will be very happy to engage with the issue quickly.

**Ms ABIGAIL BOYD:** All right.

**SIMONE CZECH:** Ms Boyd, could I just add, the secretary mentioned earlier that he'd made contact with the chief justice. Now that, as I understand it, was specifically on the issue you just raised, which was about where an order has been made by a judge in the Family Court or the circuit, to not allow or prohibit the parent from making a report to the Child Protection Helpline and that's exactly what Mr Tidball has reached out about. Like you said, it's an initial conversation, but we will be having further conversations to try and rectify that issue.

**Ms ABIGAIL BOYD:** And I think that message is clear, that despite the gag order, people should be making those notifications, but you can imagine how difficult that is for a parent who's been slapped with one of those orders. Alright, let's move on then. I will take up your offer to talk about this separately. The National Construction Code minimum accessibility standards—I raised this with you last time as well, Minister. I know that this is part of the Fair Trading portfolio and Building portfolio and not directly yours; however, I note that last Friday again New South Wales confirmed it would not be adopting those minimum accessibility standards, which was of huge disappointment to the 1.2 million people in New South Wales with a disability. Did Minister Dominello consult with you at any point before the building Minister's meeting where that decision was made?

**The Hon. NATASHA MACLAREN-JONES:** Not about this matter before that meeting, no.

**Ms ABIGAIL BOYD:** Have you advocated at all since you've been the Minister for Disability Services for those minimum accessibility standards to be adopted?

**The Hon. NATASHA MACLAREN-JONES:** What I would like to say, and as you are aware, it is a matter for the Minister for Fair Trading. But under my portfolio, particularly relating to social housing, the New South Wales Government has been investing significantly in building of properties and, of that, a high percentage is at the silver standard. One of the key things more recently is, of the over 3,000 social housing dwellings that have been completed, over 990 of those are at a silver standard. In talking to some of the housing providers, this matter has come up. A number of them have said they like the flexibility to be able to modify properties to meet the needs of individual clients and that could be as simple a thing as bench heights and things like that just to—

**Ms ABIGAIL BOYD:** Sorry, let me just stop you there. Do you know what the silver standard is actually requiring of builders?

**The Hon. NATASHA MACLAREN-JONES:** It is broad, and I know it does also cover outside of the disability sector, which is why it is a matter for the Minister for Fair Trading.

**Ms ABIGAIL BOYD:** Sorry, no, in terms of the specifics, do you know what the specifics are in terms of—because it's really minimal what's being requested here of new builds. Do you know what the requirements are under those accessibility standards?

**The Hon. NATASHA MACLAREN-JONES:** It's, as I said, a matter for the Minister for Fair Trading.

**Ms ABIGAIL BOYD:** Sorry, do I take it that you don't know what those minimum accessibility standards are that the disability community has been calling out for for five years?

**The Hon. NATASHA MACLAREN-JONES:** I don't have the full list in front of me but, as I said, they are a matter for—

**Ms ABIGAIL BOYD:** Let me tell you, because the comments that you made indicate that you may not understand just how minimal these are. We're talking about a level entrance to the building. We're talking about having a toilet on the same floor as the level entrance, having corridors that are big enough to fit wheelchairs through. And we're talking not even about putting railings or anything in showers but simply having the walls being built in such a way that you could attach a railing later. These are things that are not—everybody should want these things. These are not things that are particularly for people with disability or particularly for people who are aging. It's not something that a person would balk at and say, "Well, I don't want that because it's been somehow modified." So, in light of that, do you personally think it's a bit absurd that New South Wales is one of the only two States in the whole of Australia not to adopt these standards?

**The Hon. NATASHA MACLAREN-JONES:** What I will say—and I'll expand on some of the comments you made—you are right. There are actually seven core design elements of the silver standard, which comes under the Livable Housing Design Guidelines silver standards, and that includes:

1. A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance—  
of that level—

2. At least one ... (step-free) entrance into the dwelling.
3. Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
4. A toilet on the ground (or entry) level that provides easy access.
5. A bathroom that contains a hobless shower recess.
6. Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.
7. Stairways ... designed to reduce the likelihood of injury and ... enable future adaptation.

But, as I said, these are matters for the Minister for Fair Trading.

**Ms ABIGAIL BOYD:** As the disability Minister, do you see that you have any advocacy role for people with disability in this State within your Cabinet?

**The Hon. NATASHA MACLAREN-JONES:** I do. And, as I pointed out, where I have responsibility—particularly in working with the planning Minister, who is responsible for social and available properties—I did outline that we have delivered close to 3,000 properties of silver standard, but we have also delivered \$1.6 million per annum for home modifications. That's around 2½ thousand properties.

**Ms ABIGAIL BOYD:** But, Minister, what I'm asking you about is in relation to new builds and the normalising of accessible housing in our State. Us and WA are the only States to be holding out on this. We have

builders who will be working in the ACT, in Victoria, in Queensland who are going to be doing this as standard but, when they come to New South Wales, they don't need to make these incredibly reasonable modifications. Do you think that that is supportable?

**The Hon. NATASHA MACLAREN-JONES:** As I said, these are matters for the Minister for Fair Trading.

**The Hon. ADAM SEARLE:** Minister, I'm just going to return to the theme we were warming up with about the questions that we asked to which we didn't get an answer. One of the questions at page 70 of the answers to questions on notice paper was the number of unique children in alternative care arrangements overall in the 12-month period. Now Ms Czech said, "We can certainly provide it." Again, the answer is, "The information is not publicly available." Now does the department have this information? Yes or no?

**The Hon. NATASHA MACLAREN-JONES:** Following the last estimates hearing, I actually have asked the secretary and I wrote to him to focus our attention on ACA numbers. The numbers—

**The Hon. ADAM SEARLE:** Minister, that's not the question. The question is: Do you have the information? Does the department have the information?

**The Hon. NATASHA MACLAREN-JONES:** And I'm answering that question. As I was saying, the numbers of children in out-of-home care do fluctuate. On average, it can be around 100, but that is not a constant number.

**The Hon. ADAM SEARLE:** But it was asked for a 12-month period, Minister. I'm only asking for the information your departmental official said that the department had and could easily provide. My question is: Why was that information not provided to this Committee? What was the specific reason you haven't informed us?

**The Hon. NATASHA MACLAREN-JONES:** As I was trying to explain, the numbers for children in ACA can fluctuate, so it is quite often taken at a certain time, which is what was provided. But from a day-to-day basis, the data—you've got to ensure that is reliable. Any information we want to provide to the Committee has to be reliable information. I'm happy to go through ACA numbers now.

**The Hon. ADAM SEARLE:** No, my specific question was the number of unique children in alternative care arrangements over a 12-month period—not day by day, over a 12-month period. Your departmental official Ms Czech said she had the information and would provide it on notice, and you didn't. I'm asking why did you not provide the information to this Committee your department said it had?

**The Hon. NATASHA MACLAREN-JONES:** As I was trying to—

**The Hon. ADAM SEARLE:** Because your answer is not responsive, Minister. It does not answer the question.

**The Hon. NATASHA MACLAREN-JONES:** As I am trying to explain now, the numbers do fluctuate from a daily or a weekly period.

**The Hon. ADAM SEARLE:** But not over a 12-month period. There will be a number. There will be a number of children. What is that number, and why will you not tell us?

**The Hon. NATASHA MACLAREN-JONES:** I'll ask Ms Czech to outline from that last 12 months.

**SIMONE CZECH:** Thank you, Minister. I do have the number and I will provide it. I need to provide a bit of context to start with if that's okay.

**The Hon. ADAM SEARLE:** No, Ms Czech, you can provide the context on notice. Just give us the number.

**SIMONE CZECH:** Okay. So between 1 July 2021 and this goes up to 23 August, which is the most recent data that we've got available this year, there were 374 children.

**The Hon. ADAM SEARLE:** Now my question is—that's a pretty straightforward answer; could've been given on notice—why did you not provide that answer on notice to the Committee?

**The Hon. NATASHA MACLAREN-JONES:** I'm just confirming that question was specifically asked of me in the morning—or was it asked in the afternoon?

**The Hon. ADAM SEARLE:** It doesn't matter, because you still take responsibility for answering the questions.

**The Hon. NATASHA MACLAREN-JONES:** But what I'm trying to outline now is, and as Ms Czech said, we've focused in on not only numbers but improving outcomes for children in ACA—

**The Hon. ADAM SEARLE:** But why did you not answer the question? You've got a department. You get all the questions on notice. You'll be provided with draft answers by the department. So my question is this: Did the department provide you with a number in a draft answer that your office then changed? Is that what happened?

**The Hon. NATASHA MACLAREN-JONES:** As Ms Czech has outlined at the time—and I've said on multiple occasions—sometimes information is not publicly available.

**The Hon. ROSE JACKSON:** No, sorry, it was available, because we have the number now. Thank you, Ms Czech. And I appreciate there is context. Just to clarify—because I've never been in government so I don't know—when you take a question on notice, or an official takes a question on notice, how does that work? The committee staff send that to your office first, or does that go straight to the department?

**The Hon. NATASHA MACLAREN-JONES:** Ms Jackson, as I have explained—

**The Hon. ROSE JACKSON:** No, sorry. The committee staff, they send the questions on notice, they are taken on notice, who are they sent to? Mr Tidball, are they sent to you and your staff or do they go through the Minister's office?

**The Hon. NATASHA MACLAREN-JONES:** I think we really should be focusing on the question. As I pointed out, at the time, the information was not publicly available for—

**The Hon. ROSE JACKSON:** No, it is available. So we've clarified that. This is, literally, who receives an email. You are unable to answer a question of who gets the email with the list of questions that were taken on notice?

**The Hon. NATASHA MACLAREN-JONES:** As you can imagine, Ms Jackson, I don't do the administration in the office, so I'll have to take it on notice.

**The Hon. ROSE JACKSON:** Okay. Then, presumably, for information like that, whether it goes directly to the department or through your office, the department who have the information, they put answers in, they provide drafts. Ms Czech, did you provide information in response to these questions, or did you or your team provide the answer that information is not publicly available?

**The Hon. NATASHA MACLAREN-JONES:** Ms Jackson, as I said, I'll take the question on notice and we can provide full details of the process of our correspondence—

**The Hon. ROSE JACKSON:** I'm sorry to say, I'm not confident with that. I'm asking a specific question—

**The Hon. NATASHA MACLAREN-JONES:** —or any notices of motion, whether it is in—any questions on notice, whether they are taken here or in a committee or in Parliament.

**The Hon. ADAM SEARLE:** Another example, Minister. At page 59 of the transcript I asked for the modelling on the cost of extending care from 18 to 21. Again, Ms Campbell said, "I do not have that with me today," but said she could provide it on notice. Again, the modelling was "not publicly available". Now, I'm assuming you have the modelling. Does the department have the modelling, Mr Tidball?

**MICHAEL TIDBALL:** In response to that question, not to my knowledge. But Ms Czech may correct me.

**The Hon. ADAM SEARLE:** Okay, so is the answer you don't possess the information?

**The Hon. NATASHA MACLAREN-JONES:** In relation—

**The Hon. ADAM SEARLE:** No, I'm asking Mr Tidball.

**MICHAEL TIDBALL:** Ms Campbell is probably the appropriate adviser.

**The Hon. ADAM SEARLE:** Ms Campbell?

**MICHAEL TIDBALL:** To my knowledge, no. Have we modelled it?

**ANNE CAMPBELL:** My understanding was it was modelled some time ago. I'm not sure it's been done recently. We're currently—

**The Hon. ADAM SEARLE:** Okay. But my question was what is the modelling that you have. I was told you could take it on notice. You didn't provide an answer on notice. So my question is this: Will you provide

the information you have on notice? Secondly, who made the decision to tell us that the answer was not publicly available? Was that your decision, Minister? Did it happen in your office, or did the department provide you with a proper answer and you've redacted it in some way?

**The Hon. NATASHA MACLAREN-JONES:** As Ms Campbell said, the modelling, she believes, was based on previous information.

**The Hon. ADAM SEARLE:** That doesn't matter. I asked for the modelling that you had.

**The Hon. ROSE JACKSON:** Ms Campbell, was it you? My colleague has asked a very clear question. You have modelling. I appreciate your view is that it's not up to date, and you can explain that to us. We are capable of understanding that kind of information. But you didn't. Someone made a decision not to provide information that you have, not to be clear that your concern is that it's dated and to allow us as representatives of the community to assess that. Someone made a decision that the answer would be that information is "not publicly available". They made that decision on 23 occasions, consistently, in response to questions on notice. Was it you, Ms Campbell, or did you provide information to the Minister's office and they changed it?

**The Hon. NATASHA MACLAREN-JONES:** Ms Jackson, as I pointed out a number of times, when providing information, particularly when it relates to data or research, we must ensure that it is accurate. Now I'm more than happy to have a broader conversation about leaving care.

**The Hon. ROSE JACKSON:** No, I'm asking a specific question about why information that we now know was available, it did exist, was not provided. Who made the decision to not provide it and to consistently say that information was not publicly available? I can only assume from the response from you, Minister, that it was you and your office—that these officials have tried to provide information, and that you and your office are the blockage. That's the assumption that I'm taking from this, so correct me if I'm wrong.

**The Hon. NATASHA MACLAREN-JONES:** I have, on multiple occasions. I have a responsibility to ensure, as we all do, that the information you are provided is accurate. That includes any research and data that is up to date and accurate to the question you are asking.

**The Hon. ADAM SEARLE:** Minister, that doesn't answer the question about why, repeatedly, your officials said they had the information and that they could and would provide it, and then didn't. So one of two things is possible—either, on reflection, the department doesn't have the information, and you could have said that, and you have said that in relation to at least one of these, or two of them, that you don't possess the information. Why did you not tell us what the truth was, that you just don't have that information? Why this obfuscation and lack of clarity?

**The Hon. NATASHA MACLAREN-JONES:** As I've pointed out on many occasions, if information is not accurate or it could be in confidence it is not made publicly available.

**The Hon. ADAM SEARLE:** Okay. Minister, you are retreating behind a slogan. You have got a couple of tested lines here to retreat behind, but you are not answering the question about why you didn't simply tell us, "We don't have the information." There is no commercial in confidence there, there is no breach of confidentiality, there is no State secret; you just didn't have the information.

**The Hon. NATASHA MACLAREN-JONES:** Mr Searle, if you'd like to have a conversation about leaving care and the work that's being done—

**The Hon. ADAM SEARLE:** I was trying to, but you weren't answering the question.

**The Hon. ROSE JACKSON:** We don't have confidence in this process now. We don't. This is a serious issue. Your answer doesn't take it seriously, but it is. Everyone is here under oath. We are elected as members of Parliament to represent the community. This is a serious process. We wasted time last time asking questions. We were told you had the information. It now turns out in some instances you did, in fact, have that information, and yet it wasn't provided. That is a serious breach of the estimates process, to not provide information that you had and claim that the information was not publicly available. That is not an acceptable response. So I'm trying to understand who made the decision, consistently, to give that response to questions that we as members of Parliament asked witnesses under oath. Was it your office or was it the department?

**The Hon. NATASHA MACLAREN-JONES:** There was multiple questions in there, but I would like to answer Mr Searle's question, as he was the first in before he was interrupted. Mr Searle, you were asking about leaving care and support for carers up to the age of 21, I understand, with the stretch program?

**The Hon. ADAM SEARLE:** Yes, the modelling of how much would it cost.



**The Hon. NATASHA MACLAREN-JONES:** I'll answer that and I'll come to that. There are a number of proposals when it comes to that stretch proposal. There is also a lot of work that is done in different States. Here in New South Wales, a lot of support goes into supporting young people leaving care and leaving care plans. It could be financial assistance, accommodation, various other things. But in relation to the lengthened extension of funding to carers, I've actually spoken with the secretary—and this is following the last estimates and also following meetings with stakeholders—to look at that further; in part, what is actually already provided here in New South Wales but also to look at other jurisdictions, because every jurisdiction has a different type of care and support that is provided to young people leaving care. As I outlined, in New South Wales, there is a lot of work—

**The Hon. ADAM SEARLE:** Minister, this is fabulous waffle, but you haven't provided a single piece of information, a single fact. I asked you what was the cost of extending that care to 21. We know there is some modelling that may be old; it's going to be provided on notice. You haven't added anything new. I have to say, Minister, your answers have not instilled confidence for this Committee. You have not had information, which you've not been honest about, and presumably there are reasons you have withheld data from us, that we have asked for, that we have confirmed this morning exist in your agency. This is a matter the House is going to have to consider further. We might move on to a different topic, and we will return in the afternoon with the public servants. Minister, I assume you have seen the video posted in July by the member for Gosford, Liesl Tesch, about the Point Clare railway station. Have you seen that video?

**The Hon. NATASHA MACLAREN-JONES:** No.

**The Hon. ADAM SEARLE:** Ms Tesch, a Paralympian, is struggling to get down the stairs on her wheelchair because the ramps were removed from that site. There is construction at the railway station and the disability access ramps were removed. Why were they removed?

**The Hon. NATASHA MACLAREN-JONES:** In relation to transport access, these will be questions you need to put to the Minister for Transport.

**The Hon. ADAM SEARLE:** Okay. You take no responsibility given you've got disability inclusion as your portfolio?

**The Hon. NATASHA MACLAREN-JONES:** As you would be aware, we have, obviously, the Disability Inclusion Act and also departments have their own disability inclusion plans. The department of transport has that. But in relation to specific modifications, those questions need to be directed to the Minister for Transport.

**The Hon. ADAM SEARLE:** At a policy level, do you think it's appropriate that the current disability access option at Point Clare railway station is a shuttle bus from one side of the station to the other? Is that a satisfactory response?

**The Hon. NATASHA MACLAREN-JONES:** These are questions you're going to have to ask the Minister for Transport, as I said.

**The Hon. ADAM SEARLE:** How long will it be until the lifts are able to be used at that station?

**The Hon. NATASHA MACLAREN-JONES:** You will need to ask that question to the Minister for Transport.

**The Hon. ADAM SEARLE:** As the Minister for Disability Services, what have you done to fix that situation?

**The Hon. NATASHA MACLAREN-JONES:** As I said, any particular questions in relation to transport need to be directed to the Minister for Transport. Liesl Tesch has not made representation to me, but if any individual—whether it's a member of Parliament or an individual—makes representation to me, I would follow that up.

**The Hon. ADAM SEARLE:** Going back to your responsibility for the Disability Inclusion Plan—or plans—how many train stations in New South Wales are not accessible to people in wheelchairs?

**The Hon. NATASHA MACLAREN-JONES:** They are questions you will need to direct to the Minister for Transport.

**The Hon. ADAM SEARLE:** Do you know how many accessible public bus services were replaced with non-accessible bus services in the last 12 months?

**The Hon. NATASHA MACLAREN-JONES:** Again, these are questions outside my portfolio.

**The Hon. ADAM SEARLE:** Do you know how many ferry terminals in Sydney are not wheelchair accessible?

**The Hon. NATASHA MACLAREN-JONES:** Again, I refer to my previous answer. These are questions outside my portfolio.

**The Hon. ADAM SEARLE:** As Minister responsible for the Disability Inclusion Act, what specific actions have you taken to make train stations more accessible?

**The Hon. NATASHA MACLAREN-JONES:** As I said, the department of transport has a disability inclusion plan. All our departments are in the process of reviewing those to ensure that they are up to community expectations. As I said before, these are matters for the Minister for Transport.

**The Hon. ADAM SEARLE:** Right. Any actions you've taken to make ferry wharves accessible?

**The Hon. NATASHA MACLAREN-JONES:** As I said, these are specific questions for another Minister.

**The Hon. ADAM SEARLE:** How many school libraries aren't accessible to persons with a disability in New South Wales?

**The Hon. NATASHA MACLAREN-JONES:** Again, these are not questions that are within my portfolio.

**The Hon. ADAM SEARLE:** As Minister for disability inclusion, what do you see as your responsibilities? Is it just a name, just a label on your door?

**The Hon. NATASHA MACLAREN-JONES:** No.

**The Hon. ADAM SEARLE:** What do you do?

**The Hon. NATASHA MACLAREN-JONES:** Across all jurisdictions, we not only advocate for services more broadly to ensure that it's through our disability action plans. As I said, they're the responsibility of individual councils and departments. We also work at a national level to ensure that people on the NDIS are supported and we're also getting our fair share. That is part of the national council. But, as I said, specific issues or matters relating to accessibility are matters for those individual Ministers.

**The Hon. ADAM SEARLE:** Getting back to your advocacy role, what advocacy or actions have you taken to improve wheelchair accessibility in New South Wales schools, for example?

**The Hon. NATASHA MACLAREN-JONES:** More broadly, when I said advocacy, we actually fund the advocacy futures fund, which works with a number of organisations and individuals to provide support and raise awareness. But, as I said, if an individual or a member of Parliament wishes to raise any matter with me, I would be more than happy to follow that up.

**The Hon. ADAM SEARLE:** When you say advocacy, you don't mean that you actually advocate as a Minister to other Ministers for improvement?

**The Hon. NATASHA MACLAREN-JONES:** If any member of the public or a member of Parliament were to write to me, I would be more than happy to write a letter of advocacy.

**The Hon. ADAM SEARLE:** Okay. How many hospitals in New South Wales are not fully accessible? Surely this is something that's in one of the disability inclusion plans that you are responsible for?

**The Hon. NATASHA MACLAREN-JONES:** As I said, the matters in relation to specific disability accessibility are matters for those individual Ministers.

**The Hon. ADAM SEARLE:** How many police stations are not fully accessible?

**The Hon. NATASHA MACLAREN-JONES:** They're questions that need to be asked of the police Minister.

**The Hon. ADAM SEARLE:** How many New South Wales public service buildings are not fully accessible to workers with disabilities or members of the public?

**The Hon. NATASHA MACLAREN-JONES:** Again, that's outside my portfolio.

**The Hon. ADAM SEARLE:** What actions have you taken to improve wheelchair accessibility in public buildings in New South Wales? Any advocacy?

**The Hon. NATASHA MACLAREN-JONES:** As you have highlighted, a number of individual matters I said are matters for those individual Ministers.

**The Hon. ADAM SEARLE:** But you're responsible for the State's Disability Inclusion Act? That's right?

**The Hon. NATASHA MACLAREN-JONES:** That is correct.

**The Hon. ADAM SEARLE:** And you are also responsible for the Disability Inclusion Plan, yes?

**The Hon. NATASHA MACLAREN-JONES:** Yes.

**The Hon. ADAM SEARLE:** But you've got no idea about whether the public transport network is accessible, about schools, about hospitals, about public buildings. Are these things not dealt with in your plans?

**The Hon. NATASHA MACLAREN-JONES:** As I said, all agencies are required to have a disability inclusion plan, which is currently under review, and these are monitored.

**The Hon. ROSE JACKSON:** I wanted to ask some questions about homelessness, starting with rough sleeping. You're obviously aware of the Premier's Priority?

**The Hon. NATASHA MACLAREN-JONES:** Yes.

**The Hon. ROSE JACKSON:** How are we going?

**The Hon. NATASHA MACLAREN-JONES:** We're doing well.

**The Hon. ROSE JACKSON:** So 1,141 people were recorded in the 2021 street count. What was that number in 2022? I will tell you. It was 1,207. We're going backwards. My time is up, but we will come back to it.

**Ms SUE HIGGINSON:** I take us to the role of DCJ in the provision of evacuation centres. Particularly, just briefly, if we could go to Lismore. We know the situation was catastrophic and we also know that the concerns around the initial evacuation centre response was less than adequate—in fact, terribly poor. There were serious concerns about how that evacuation centre started up. Absolutely, I understand that things got better over time. What have you done? And in a similar event that in all reasonableness is potentially forecast to happen again in the next few months as a possibility for Lismore, how can you guarantee that we won't find ourselves in the same situation we were in in very early March this year?

**The Hon. NATASHA MACLAREN-JONES:** One of the key things that have come out of the inquiry—and I welcome both the full inquiry as well as the Legislative Council inquiry—is the feedback and recommendations that we will look at where we can improve our response. In relation to emergency services and also Resilience NSW and our response, they are more appropriately directed to—

**Ms SUE HIGGINSON:** Minister, all I'm asking about is the evacuation centre—physically. I went and I saw. I'm from Lismore, obviously. It was really nothing short of unbelievable. What I want to know is not unreasonable because we have seen the bureau in the last few days suggesting that we are potentially about to experience the third La Niña for the first time in hundreds of years. When you live where my community lives, you know what that means. It's potentially catastrophic. What would you guarantee that if it was next Monday, at the evacuation centre, wherever that is—back at the university or wherever it might be—we will not experience what we experienced last time?

**The Hon. NATASHA MACLAREN-JONES:** As I was trying to say, although it is a responsibility for another Minister, Mr Toomey has been involved with the evacuation centres. I do want to acknowledge the terrific work not just of DCJ but across a number of portfolios and particularly our volunteers as well. I might ask Mr Toomey to comment further about the evacuation centre and some of the recommendations that we will be looking at.

**JAMES TOOMEY:** In respect of Lismore and the Northern Rivers floods earlier in the year, there were 54 evacuation centres opened. They were established under the existing arrangements, where those are identified by Resilience NSW, and DCJ's responsibility is to provide staff into those evacuation centres to direct people towards emergency or temporary accommodation and other housing solutions. The current circumstances in Lismore are that many of the areas that were affected by the floods earlier in the year are actually not currently populated and that we still have many disaster-affected people who were evacuated in those areas living in accommodation outside of the areas that are most likely to be affected by future floods.

**Ms SUE HIGGINSON:** Sorry, I just don't understand. Are we suggesting that, because everybody is sort of catastrophically impacted and displaced, we're not concerned that we'll need to have an evacuation centre in the circumstances that we see another catastrophic weather event?

**JAMES TOOMEY:** No, that wasn't what I was—

**Ms SUE HIGGINSON:** Sorry, I'm just not sure. In terms of your responsibility to your staff, who I also know were quite traumatised through trying to staff that, what guarantee have we got that if there was a flood on Monday as catastrophic as the last, or even half as catastrophic—are you sure and certain that an evacuation centre could house the many hundreds of people that would be displaced again? Believe me, there are people back in those terrible places and homes that have not fully recovered, but they are living there. If they had to go, are you satisfied that we would have everything in order to accommodate those people in an evacuation centre?

**JAMES TOOMEY:** As I said, the establishment of evacuation centres and the identification of appropriate sites for evacuation centres is the role or the area of coordination—which is Resilience NSW.

**Ms SUE HIGGINSON:** I'm just asking are you satisfied? It would be your staff that are required to be there at three in the morning, two in the morning, seven in the morning, 10 in the morning or two in the afternoon. Are you satisfied that you would be sending them to an evacuation centre that would be safe, and not dangerous like the last time?

**JAMES TOOMEY:** I don't have evidence that the evacuation centres were dangerous last time. The role of an evacuation centre is partially to provide people with shelter, but also to triage people into local accommodation options. Those local accommodation options, we are now very familiar with in the Northern Rivers area and will be able to quickly triage people into accommodation.

**Ms SUE HIGGINSON:** Just moving to homelessness, what success rate have the rental diaries yielded for independent access to accommodation and housing? My advice is that the diaries are incredibly burdensome for people who are already in crisis. This was something that was introduced, and I'm just wondering if you could report on the success of those.

**JAMES TOOMEY:** I can talk about the role of the rental diaries, which is, for anybody who is homeless and accessing temporary accommodation, we would expect, as part of that temporary accommodation access, that they will show their own efforts, alongside our own, to access suitable accommodation for them.

**Ms SUE HIGGINSON:** I understand the purpose of them. I'm just wondering what you are considering is the success of them, given the role? Are you getting evidence that they are a successful mechanism? Are you getting reports that they are causing more burden on people already in crisis?

**JAMES TOOMEY:** My understanding is that they provide evidence to our staff on the ground of attempts that people have made to access appropriate accommodation. That's part of the work that the person in temporary accommodation and our staff jointly engage in to try to identify suitable accommodation options for people in temporary accommodation.

**Ms SUE HIGGINSON:** Are you monitoring or measuring whether they are a successful mechanism or is it a given that you're just taking it that's the mechanism—that's what you will continue to be using even though they continue to place unnecessary burden on people in crisis?

**The Hon. NATASHA MACLAREN-JONES:** Is it fair to say that they're not the only means of providing evidence? I understand that you can also provide evidence of income, any assets evidence, a letter from a support worker or a statutory declaration or evidence of inability to obtain private rental accommodation due to medical or disability needs. Therefore, the diary is not the only means.

**Ms SUE HIGGINSON:** Specialist Homelessness Services apparently, from my latest understanding, operates 27 per cent above the capacity that it is currently funded for. I'm just curious, how do you plan to account for the ever-increasing demand and workload in the Specialist Homelessness Services system?

**The Hon. NATASHA MACLAREN-JONES:** Providing support for people who are homeless or at risk of homelessness is quite broad. There is the first initial response, which is the crisis response, which can include placing a person in crisis accommodation before being moved to long-term accommodation. There's also support that we can provide, whether it's through social housing or it could also be in the private market. We provide a range of support for individuals, like rental assistance, so it is quite broad. Specialist Homelessness Services is just one part of the work that is done to support people who are homeless or at risk of homelessness.

**Ms SUE HIGGINSON:** Do you accept, though, that the funding isn't meeting the need at this point?

**The Hon. NATASHA MACLAREN-JONES:** I think it's important to always look at and review the range of services that are provided. As I said, Specialist Homelessness Services is just one part of that. We also have, as I said, support that is provided through the private rental market. It's not just looking at one form of support.

**Ms SUE HIGGINSON:** During the lockdowns, services noticed a massive increase of people without permanent residency and the City of Sydney's rough sleeping. An emergency accommodation program was funded by DCJ. What are the outcomes for people in the program? How do you propose and plan to address the lack of access to services for these people without permanent residency that are now well and truly on the radar?

**The Hon. NATASHA MACLAREN-JONES:** You're referring to the Together Home program?

**Ms SUE HIGGINSON:** Yes.

**The Hon. NATASHA MACLAREN-JONES:** The Government actually announced an extension of that program. It's a \$55 million extension, and \$37 million of that is going towards the building of 120 new dwellings, which will be across New South Wales, so it includes regional areas as well. A further \$18.5 million is also being provided to support individuals who have accommodation with wraparound support. The great thing about the Together Home program—and there are a number of other programs. On the weekend, I recently announced a \$20 million investment to another program called STEP. Again, it has the principle of one of the key focuses of our Government, which is about providing accommodation to support a person who is at risk of homelessness or has been sleeping rough, but also providing that wraparound support which is critical. That's working with organisations to support an individual to address their physical or health wellbeing. It might also be about helping to transition them into employment, but the aim is to ensure that they have long-term safe and stable accommodation and the support that they need.

**Ms SUE HIGGINSON:** Thanks, Minister. Just on out-of-home care now, how many Aboriginal mothers had their children removed directly from their care in the past two years?

**The Hon. NATASHA MACLAREN-JONES:** I have the number of children in out-of-home care as of June 2021 was 6,829. Preliminary data, which is—

**Ms SUE HIGGINSON:** Sorry, was that First Nations children or children overall?

**The Hon. NATASHA MACLAREN-JONES:** That was First Nations children at that time. I might ask Brendan Thomas to be more specific to your question, which I think related to how many had been placed in out-of-home care in that year.

**Ms SUE HIGGINSON:** The question specifically is how many Aboriginal mothers have had their children removed directly from their care in the past two years.

**BRENDAN THOMAS:** Last year there were 928 Aboriginal children that entered out-of-home care. The previous year—I will need to provide the data for that year, but it was just on 1,100.

**SIMONE CZECH:** I have got it, Mr Thomas, if you wanted me to add it. For 2021, it was 1,111.

**BRENDAN THOMAS:** The number in care is 6,656 at the end of June this year.

**Ms SUE HIGGINSON:** I've got some figures. As of 30 June 2021, 53 per 1,000 Aboriginal children and young people were in statutory out-of-home care compared with five per 1,000 non-Aboriginal children. Does that sound right?

**BRENDAN THOMAS:** No. As of 2021, it was just on 60 per 1,000.

**Ms SUE HIGGINSON:** So more?

**BRENDAN THOMAS:** Yes. At the end of this current financial year, it is 57. It has dropped about 16 per cent.

**Ms SUE HIGGINSON:** But it's persisting, isn't it? It is still significantly worse since Bringing them Home brought this to national attention. We are persisting—

**The Hon. NATASHA MACLAREN-JONES:** Even though the number of children in out-of-home care has reduced across Australia, I think it is fair to say that Aboriginal children are over-represented, which is why the New South Wales Government has made some significant investment in this budget. We announced over \$400 million to boost Closing the Gap initiatives. This includes—and something I'm particularly working on—\$3.9 million for the Aboriginal commissioning of local programs and services that will see young—

**Ms SUE HIGGINSON:** Minister, with that spend, are you working directly and are you committed to working in partnership with AbSec, the ALS and the Coalition of Aboriginal Peak Organisations?

**The Hon. NATASHA MACLAREN-JONES:** Yes, and in fact in the budget we have allocated funding directly to those organisations. As I said, it's an area that I've got a personal interest in and working to empower

ACCOs so that they can have the responsibility of children, and with that means empowering them, providing them the support and resources so working directly through AbSec, CAPO and the legal service—

**Ms SUE HIGGINSON:** When you say "working directly through AbSec", what processes are you engaging in? Do you have actual formal processes with them? Because my information is they don't feel particularly that they are being engaged in genuine partnership.

**The Hon. NATASHA MACLAREN-JONES:** There are a couple of areas where I work. One is the Aboriginal Knowledge Circle, and I'm working directly with them and have been in relation to the Family is Culture report and the implementation of the recommendations.

**Ms SUE HIGGINSON:** What's the meeting program for the Aboriginal Knowledge Circle?

**The Hon. NATASHA MACLAREN-JONES:** The last meeting I think was about—I would have to check my diary—six weeks ago. But another one's coming up within the month—September. But I have met with them on multiple occasions from the beginning of this year, and we also have the meeting with CAPO as well to go through and I've also met with—

**Ms SUE HIGGINSON:** Thank you very much. Can I just ask about the Aboriginal Knowledge Circle? I understand that that's your kind of focus mechanism, but the knowledge circle wasn't a recommendation of the Family is Culture report. What work did you do in establishing that to actually engage with these very organisations that I'm specifically talking about—so AbSec and the ALS—and what was their involvement with the knowledge circle creation?

**The Hon. NATASHA MACLAREN-JONES:** The establishment of the knowledge circle was before my time under a previous Minister, I understand, back in 2019. My understanding of the history was to look at the Family is Culture report. When I became Minister, I organised to meet with them and particularly review where the implementation—and Mr Thomas had only recently come on board. So, working with him, we sat down to say let's consult more broadly with the sector about implementation of all 25 recommendations, with the focus on being the aim of implementing what could be achievable this year, understanding that some of the recommendations are more complex or could require financial support so they might need to be dealt with at a later stage.

In relation to my engagement with CAPO but also AbSec separately, the CEO of AbSec is also on the Aboriginal Knowledge Circle. There is a little bit of an overlap of some of the members but, as I said, I have engagement with CAPO, particularly in relation to the FIC, along with AbSec in relation to the FIC, and then more broadly with CAPO in relation to what can be done across my portfolio to reduce the over-representation of Aboriginal children in out-of-home care.

**Ms SUE HIGGINSON:** What's the role of the Aboriginal Outcomes Taskforce?

**The Hon. NATASHA MACLAREN-JONES:** I'm not familiar. I might ask Mr Thomas to comment on that.

**BRENDAN THOMAS:** The task force is an internal group looking at the quality of the response to the Family is Culture recommendations.

**Ms SUE HIGGINSON:** How is it going?

**BRENDAN THOMAS:** It's starting to meet again regularly. However, there is a group that I co-chair with the ALS and AbSec that tracks the implementation of the recommendations of the Family is Culture review.

**Ms SUE HIGGINSON:** At the moment, would you suggest that they feel very abreast of what's happening and up to date and informed?

**BRENDAN THOMAS:** I believe they do. I meet once a month with the CEO of AbSec. The CEO of AbSec and I co-chair what's called an officer-level working group, which is the group that manages our Closing the Gap plans. We jointly developed implementation plans for the Closing the Gap arrangement. There's a quarterly meeting of all the cluster Ministers with the CAPO heads, including the CEO of AbSec, that openly and quite robustly discusses progress around Closing the Gap arrangements. Other parts of the department are meeting with AbSec probably once a week on a range of different items. The Minister mentioned funding that's been announced recently in the budget. Almost all of that is either going to AbSec or the ALS directly for them to deliver services.

They work in partnership and are co-funded to help us implement the Aboriginal Case Management Policy. They're funded to deliver an innovative guardianship support scheme on behalf of the department. We

meet regularly and we have discussions. We don't always agree on everything, we don't always see eye to eye, but there is a pretty robust and open communication between us.

**Ms SUE HIGGINSON:** What about reporting back to Aboriginal communities more generally? Do you then take that outcomes task force that it's their role to then communicate to community?

**BRENDAN THOMAS:** The partnership we have with AbSec is AbSec do community consultations. As part of the Closing the Gap process, there was a round of community consultations about changes people would like to see to the care and protection system and the criminal justice system, for example. Those under the partnerships that exist under the Closing the Gap arrangement, those consultations, were led directly by the CAPO organisations. AbSec and the Aboriginal Legal Service conducted those consultation sessions, which included both feedback to community about progress that is being made and issues that are being worked on as well as concerns from community back to government about the justice system or the care and protection system.

**Ms SUE HIGGINSON:** My time is up, but I put it to you that things really need to improve and that there is a feeling or an absence of input and accommodation.

**The CHAIR:** At this juncture we'll break for morning tea and release the Minister until 11.15 a.m.

**(Short adjournment)**

**The CHAIR:** We will get started with questions from the Opposition.

**The Hon. TARA MORIARTY:** Hello, everybody. Nice to see you all again. I will focus on some Youth Justice questions for the next little while. I might start by getting some updated figures, if I can. I'll do it through you, Minister, however you want to deal with it. How many young people are currently in custody, broken down by age et cetera? If you can give me some up-to-date figures, that would be great.

**The Hon. NATASHA MACLAREN-JONES:** I will actually defer that to the department, mainly because you've asked for some specific answers by age, which I don't have in front of me but they may do.

**PAUL O'REILLY:** Sure, happy to do that. Good morning. There are 205 young people in custody today. Fifty per cent of those 205 young people are Aboriginal young people. A hundred and sixty-two of the 205 are on remand; the remainder are on a control order. Seventeen of those young people are female. One of those young people is in custody on a section 28 bail order. There are nine young people under the age of 14, the youngest of whom is 11 years and nine months.

**The Hon. TARA MORIARTY:** How many people are on community orders?

**PAUL O'REILLY:** I do have that information. Currently on community orders, we have 849.

**The Hon. TARA MORIARTY:** That's current?

**PAUL O'REILLY:** Eight hundred and forty-nine on community supervision, yes.

**The Hon. TARA MORIARTY:** Can I just tease out what role Youth Justice plays in supporting or monitoring the young people who are on those community orders? Is it really a job for police, or what role do you play?

**PAUL O'REILLY:** If they're in that figure of community orders, it's our job to supervise those young people. The supervision will vary depending on the order and depending on the young person, but it usually requires complying with reporting expectations and monitoring for a period of time. The most important part of our job is to do work around criminogenic intervention to address the offending thinking, decision-making and behaviour. We also fund agencies to assist with more welfare-focused casework, because that's really relevant to the young person. That might be connection with family, school or employment; or getting health referrals in place; or it might be to do with Centrelink and so on. There are two streams to the support, but my caseworkers focus on the criminogenic intervention.

**The Hon. TARA MORIARTY:** What kind of reporting is there for young people who do comply or who might miss some of those arrangements, so that we can make sure they're captured before they might fall through the cracks from there?

**PAUL O'REILLY:** The reporting requirements vary from person to person. If young people fail to comply with the requirements, we have an escalation process which can lead up to a breach depending on the nature of the order. Some orders can include provision for a breach where it goes back to the court and the court will make a decision, but not all orders have those provisions. It is about our staff being proactive, maintaining contact and knowing where to find young people. But we do find that young people are pretty compliant. The casework is designed for children and teenagers; it's geared towards them. They generally like spending time with

their caseworkers, so noncompliance with reporting is not common. But, yes, there are escalation processes when it does happen.

**The Hon. TARA MORIARTY:** I have a more general question to you, Minister. Youth crime is on the up at the moment in the post-COVID world that we're in, and plenty of official statistics tell us that. What role do you play as youth justice Minister in combatting that and dealing with that? In violent crime, burglary—we're seeing knife crime increase with teenagers—what role do you have?

**The Hon. NATASHA MACLAREN-JONES:** There are a couple of parts. One is, obviously, the questions that need to go to the police Minister about some of the gangs and violent crimes. But the key thing where I have responsibility, and the department's work, is in that early intervention space and ensuring that first and foremost we are preventing a child going into the Youth Justice system, which is why we've extended the Youth on Track program, which has been quite successful—around, I think, a 75 per cent or more success rate in relation to young people that have participated in that. That is delivered by non-government organisations across the State.

We've also had A Place to Go, which is targeting 10- to 17-year-olds who have had contact with the justice system, with a focus on those on remand, and drawing on services across New South Wales Government and also the non-government sector to deliver a multi-agency approach. That's what it really comes down to with a lot of these things, and also with family conferencing, is working with various agencies to provide that wraparound support for a young person, but also addressing the challenges they're facing to ensure that they're not going into correction centres.

**The Hon. TARA MORIARTY:** We all want that and I understand it's a complex area, particularly the specifics of Youth Justice and then the support that might not have happened before young people get to a particular point. Let me just tease out some of those programs that you just talked about, for example Youth on Track. I want this stuff to work, but BOCSAR recently did a review and it doesn't seem like it's working as well as it really should. I'm interested in the figures that you just gave, but the most recent figures I can find are that it pretty much has a 50 per cent success rate. So 50 per cent of young people who go through the program, or maybe just slightly less than that, are reoffending within 12 months. Why is that? Why is it failing?

**The Hon. NATASHA MACLAREN-JONES:** Just on the BOCSAR evaluation that was done, I understand that it compared the less intensive control program Fast Track. The evaluation found no statistically significant difference between reoffending in custody between both of those programs. One of the key things is that the evaluation does provide us with the information on how we can tailor and adapt the program for a more individualised response to meet specific needs of a young person. It also shows that a number of young people benefit from the shorter invention where it's freeing up resources to engage more people. I think the key thing out of it is ensuring that we're targeting what is needed for young people, because it's not one size fits all. That's the beauty of these programs and early interventions. It's identifying the individual needs of that child, whether it's addressing issues that might be at home, could be at school—

**The Hon. TARA MORIARTY:** I'll just stop you there, because I do want this to work, but the records are reflecting that it's really not—a 50 per cent success rate within 12 months of completion and, in fact, roughly only half of the young people involved in it are even completing the program to begin with. Why is it not working? Are you not investing enough money in it? It's been going since 2013, but it's still only essentially a pilot program in a couple of places. Have you not invested enough? Why is it only 50 per cent?

**The Hon. NATASHA MACLAREN-JONES:** One of the things in the evidence we've had is that there is a 75 per cent success rate for young people that do participate in it, which is why we announced an additional rollout—I think it was around \$9 million—to expand it further. But what I am advised is the evaluation did not measure the impact of Youth on Track compared to most services at all, and this may account for the small difference observed between the two different groupings. The evaluation's small sample size also meant it was unlikely small differences between cohorts were able to be detected and determine a significant difference between them.

**The Hon. TARA MORIARTY:** I'm aware it looked at the comparison between Youth on Track and the Fast Track version of that and essentially found there's not really much difference. What are you doing to look at that? Should we be putting more money into Fast Track if it means that some of those young people get faster support, even though it's less support, because the results are not much different? What assessment have you done?

**The Hon. NATASHA MACLAREN-JONES:** I'll actually ask the department to comment further about some of those specifics and the data that's been gathered, because I do stand by the fact that Youth on Track is working as an early invention and diversion program and helping prevent young people going into corrections.



**PAUL O'REILLY:** I don't accept the statement that it's failing. I think that's inaccurate, and it kind of misses the complexity of this cohort of young people. We have less young people on the offending radar than ever before, and that means that they are the most concentrated. They have not been diverted the way that other young people have. They are the most difficult to work with, and so I think it's important to look at those reoffending rates in that context and also to compare them with other interventions. When you compare those rates with Youth Justice Conferencing, community supervision and custody, those offending rates are pretty good considering how complex those kids are.

That study was a really great dosage comparison because it showed that you can get good results with a low dose and you can get good results if a high dose is needed. With any therapeutic intervention, the clinical view is that you need to make sure you don't over-service somebody with a clinical intervention because it can cause harm. So the dosage comparison study was really critical. We are keenly awaiting the results of a comparison with a sample from the population that has had no intervention. It is really hard to do that in a randomised controlled trial because of the ethical risks around that. So we're trying to access the Human Services database to try to find a suitable comparison sample. That will show us what you do when you apply Youth on Track compared to applying nothing. That gives us a much better reading of how that program has an impact.

**The Hon. TARA MORIARTY:** I say it again: I start with the premise of wanting these things to work.

**PAUL O'REILLY:** Sure.

**The Hon. TARA MORIARTY:** I get that it's complex.

**PAUL O'REILLY:** But I think it's important to—

**The Hon. TARA MORIARTY:** But early intervention is important because I don't want them to end up, as you don't—with my other portfolio hat on—in corrections proper. You say 75 per cent; the figure I've found is 50. I'm interested to perhaps get that up-to-date information if you want to provide it. But you just mentioned youth conferencing as another example. The last information I can find about any kind of proper evaluation on that was 2012. Has there been any up-to-date evaluation of that? The evaluation done back then was that it's not really much of a significant difference between that plus formal processes.

**PAUL O'REILLY:** We have not done a formal evaluation recently; that's true. But the most recent figures for reoffending for young people who have completed a conference in the 12 months is 38.4 per cent, which is a great result when you consider how complex these young people are. That means that more than 60 per cent walk away from the conference and don't reoffend. That's what restorative justice is all about: helping young people understand the impact of their behaviour, understand the impact on the other parties and make better decisions. That figure, I think, when you understand the clients we're working with, is a good result. I think the Youth Justice conferencing and similar restorative processes and approaches need a lot of support and probably expansion to do more of that.

**The Hon. TARA MORIARTY:** What kind of additional support or expansion are you looking at? I'm asking this from the perspective of the whole of your department. This is happening in Youth Justice. I think the results can be better. I'm trying to find out how and why they're not. I say again that I'm starting from the premise of wanting them to work. But with your broader department hat on, what other supports are you looking at to assist these young people outside of just these programs?

**The Hon. NATASHA MACLAREN-JONES:** I can't talk about future policy, but what we can say is obviously any evaluation allows you to look at the current programs, how they're working and whether they need to be fine-tuned across any part of the portfolio. But there are a number of other initiatives that we do have to support young people to divert them away from going into a corrections centre. We have the Broadmeadow Children's Court pilot, which is in Newcastle, which aims to prevent children and young people from having repeated contact with the justice system, again through a multidisciplinary approach.

**The Hon. TARA MORIARTY:** It does. Let me just start with that one. There's not a lot of information about how it's going to work. Could you give us some information about how it's supposed to work?

**The Hon. NATASHA MACLAREN-JONES:** I might actually ask the department to go into the details of that pilot.

**PAUL O'REILLY:** The Broadmeadow Children's Court? It's an integrated case management model. When young people come before the court, the various agencies that need to provide support to those young people are there. They can work together to work with the young person and maybe their family, if they're there, to develop an integrated support plan. That gives the court rich information about what the best options might be in making their decision.

**The Hon. TARA MORIARTY:** What does that mean in practice, though? These organisations get together. Is there, say, in practice, a file on this young person?

**PAUL O'REILLY:** The difference is if you try to build an integrated case plan and the providers are not together, it's a siloed approach.

**The Hon. TARA MORIARTY:** But is that what's supposed to happen in practice? Is that the idea of this?

**PAUL O'REILLY:** Generally speaking, it can be siloed. This model ensures that it's not siloed because all those people are around the table working together.

**The Hon. TARA MORIARTY:** That's literally how it's supposed to happen?

**PAUL O'REILLY:** Yes.

**The Hon. TARA MORIARTY:** There's a young person who's before the court through this program and all of these other agencies are supposed to—what?—meet in practice to work out the best—

**PAUL O'REILLY:** Yes. There are a few locations where we have a similar model. We've had it in Parramatta with the "A Place to Go" program. In other local courts around the State, our staff work together with other agencies to bring them to the table on the day of a hearing or prior to a hearing to try to get that integrated case management approach across.

**The Hon. TARA MORIARTY:** How many young people have been through that so far?

**PAUL O'REILLY:** I don't have the numbers on the Broadmeadow Children's Court participation, but it's several hundred.

**The Hon. TARA MORIARTY:** Are you able to take that on notice?

**PAUL O'REILLY:** Of course, yes.

**The Hon. TARA MORIARTY:** Sorry, it's 700?

**PAUL O'REILLY:** Several hundred, but I can get you the numbers in detail.

**The Hon. TARA MORIARTY:** Just teasing out this idea of how this—again, Youth Justice is a particular part of your portfolio but I don't think it can be dealt with in isolation. In terms of other support that you're providing to assist young people before they get to this point, how?

**The Hon. NATASHA MACLAREN-JONES:** Another one is a residential adolescent alcohol and drug rehabilitation service which operates in Dubbo and Coffs Harbour. I actually had the opportunity to visit the one in Coffs Harbour. I met with a resident who was there at the time. He was, obviously, young. Without going into too much detail, in that environment he was able to address complex needs in relation to his dependency but also various other challenges in his life. I actually saw him at the end of the program, which, I think, is about 12 weeks or so. He was then transitioned to accommodation and actually talking about what he can do to help his younger brothers.

**The Hon. TARA MORIARTY:** That's great, and I'm glad. Every single person counts; every single person who can get some assistance counts. But how many other people have been through that program? There is a very small amount of resources put into these things.

**The Hon. NATASHA MACLAREN-JONES:** I'd have to take it on notice. Sorry, no, if you've got the—

**PAUL O'REILLY:** I don't have the number. It is a small cohort overall. We're not going to see thousands of people through these programs because there are not thousands of people of that age in the criminal justice system. It really is important to focus on the quality of the work for that small number of people who need it, making sure that it responds to the evidence base, that we evaluate when we can and we improve as we go, and that young people have the support to participate in those programs. That's where all the effort is: in the quality of the work.

**The Hon. TARA MORIARTY:** That's for a particular cohort of young people who are at a particular point. But my question was more broadly about what the Government is doing to assist other young people to not get to that point. Recently there was an announcement. The only thing I can find that the Government is doing to deal with my original question of an increase in youth crime is a recent announcement from the police Minister—I'm not sure if you were involved in this—to have football players do a video that will be shown in schools. Is that it? Is that what we're doing to try to address an increase in youth crime?

**The Hon. NATASHA MACLAREN-JONES:** As you said, questions in relation to crime need to go to the police Minister. There is a range of broader initiatives that might also be through the regional youth Minister, police and within education that are about early intervention and supporting young people, not just about crime but, in general, giving them support. But from my perspective, it is where a child has interaction or is believed to have interaction with the Youth Justice system and what intervention can be done then, first and foremost, to stop a child or young person going into a corrections centre. There is a suite of early interventions that we run to support young people.

**The Hon. TARA MORIARTY:** Can I ask a couple of specific questions? There's a young man who is currently taking legal action against the department for some treatment that he says occurred to him when he was in Youth Justice in 2016, particularly how he was treated and kept in segregation for 25 days. That doesn't meet any kind of standard, let alone basic human rights. Can you give a guarantee that that's not happening or hasn't happened to any other young people?

**PAUL O'REILLY:** I can talk about segregation and confinement, absolutely. In the period that I've been leading Youth Justice—the last three years—we've seen significant reductions in all restrictive practices in Youth Justice and we've seen consistent compliance with the regulation. The regulation for confinement is set out under section 21 of the Act. People under 16 can't be confined for more than 12 hours and people over 16 can't be confined for more than 24 hours. In the last three years, confinement numbers have reduced. In 2019-20 there were 4,403 incidents of confinement. In 2021 it was down to 3,665, and in the year just completed it was down to 3,207.

**The Hon. TARA MORIARTY:** Were any of those above that period of time?

**PAUL O'REILLY:** No, they were not.

**The Hon. TARA MORIARTY:** What are you doing to address the complaints made by the young man who is taking legal action against the department?

**PAUL O'REILLY:** Incidents or claims around historical abuse or ill-treatment are managed in partnership with our legal team because most of those matters are civil litigation matters, and we work through them. There are a few things that we need to do, as the current custodians of Youth Justice, even though these claims predate my team and myself. One of the things we need to do is assess whether there's any information in the claim that might suggest any of our current staff may have been involved. So we have to go through that screening and testing process.

**The Hon. TARA MORIARTY:** And were they?

**PAUL O'REILLY:** No, so we have identified—over the many claims that have been received in relation to the last 40 years—17 current staff who may be involved, and in each of those cases we have gone through our process. We report to police, we ask the claimant if they want to provide more information. They invariably have not wanted to provide more information and then we undertake our own investigation to see if there's any evidence that that staff member was involved in the incident. We suspend them from duty while we undertake that investigation and, if those claims were to be sustained, we would then take disciplinary action in line with section 69 of the GSC Act.

In all the cases where we identified where somebody might be a staff member, out of those 17, it's really only around 11 where we have been able to pinpoint that it is one of our staff members, that they were on shift on that day, in that location and there may have been a crossover. We've put allegations to those staff and we've been unable to sustain those allegations due to a lack of evidence. But we have to obviously stick with the rules of evidence and investigation for procedural fairness.

**The Hon. TARA MORIARTY:** But all of those staff are still working in the organisation?

**PAUL O'REILLY:** Yes, because there were no findings against them—none at all. Some have retired because time has passed. But if there's no evidence to sustain allegations, there's no scope for disciplinary action.

**The Hon. TARA MORIARTY:** I'm out of time. I'll come back to it.

**Ms SUE HIGGINSON:** Mr O'Reilly, this is probably for you, just on a question you answered from Ms Moriarty. I think I got this right, but of the nine under 14-year-olds currently in custody—and I know one of those is 11 years and nine months—how many of those children are First Nations children?

**PAUL O'REILLY:** I shall check, but I don't think I have that information with me. Bear with me for one second.

**Ms SUE HIGGINSON:** All right. Otherwise you're happy to take that on notice?

**PAUL O'REILLY:** Of course.

**Ms SUE HIGGINSON:** Thank you. And just on that, if I can just elaborate a bit more on that for now, whereabouts are these young people? Basically, what is the population at each of the six youth detention centres in New South Wales?

**PAUL O'REILLY:** Okay, I can give you that if you bear with me for one second. I have the exact figure. I don't have the figure for how many of the nine under-14s identify as First Nations.

**Ms SUE HIGGINSON:** Okay, if you could take that on notice, thank you.

**PAUL O'REILLY:** Absolutely. Just bear with me while I pull this up. It's because the report has just come through this morning.

**Ms SUE HIGGINSON:** Isn't it funny, as soon as you go, I can't find it, it pops up three minutes later.

**PAUL O'REILLY:** It's coming up now. There are six centres across the State and the numbers in those centres has been steadily reducing.

**Ms SUE HIGGINSON:** I might come back, if that's okay.

**PAUL O'REILLY:** I've got it.

**Ms SUE HIGGINSON:** I told you, it's always the way. A bit more pressure.

**PAUL O'REILLY:** So at the Acmena Youth Justice Centre we have 24 young people. At Frank Baxter we have 48, at Cobham we have 66, at Orana we have nine, at Reiby we have 33 and at Riverina we have 22.

**Ms SUE HIGGINSON:** Thank you.

**PAUL O'REILLY:** There are two young people in the Austinmer ward at The Forensic Hospital.

**Ms SUE HIGGINSON:** Do you have what the current operating costs are for each of those detention facilities?

**PAUL O'REILLY:** No, I don't have the detail broken down to each of the centres.

**Ms SUE HIGGINSON:** Is that something you could take on notice?

**PAUL O'REILLY:** Absolutely.

**Ms SUE HIGGINSON:** Thank you. So in terms of the figures and your suggestion there that they are decreasing—and I realise you're talking overall figures perhaps—but from the years 2015 to 2021, the percentage of First Nations youth in detention declined from apparently 56 per cent to 36.3, but in the last 12 months this has actually jumped back up to 51.5 per cent.

**PAUL O'REILLY:** Yes, 50 per cent today.

**Ms SUE HIGGINSON:** How do you explain that? What's happened?

**PAUL O'REILLY:** I can explain that, absolutely. The proportion of the percentage of young people in custody who identify as First Nations has been around 38 to 40 per cent for the last 2½ to three years, until April this year. Around April this year it started increasing, and two things started increasing: the number of bail refusals and young people in custody on remand increased and the proportion of young people in custody who are Aboriginal increased since April. So we've seen a jump in those bail refusals and it's clear that Aboriginal people have been disproportionately impacted by the increase in bail refusals.

**Ms SUE HIGGINSON:** Do you have a deeper explanation or understanding of the increase in refusals?

**PAUL O'REILLY:** Well, again, these are small numbers overall and—

**Ms SUE HIGGINSON:** They're very significant.

**PAUL O'REILLY:** I'm not suggesting they're not insignificant, but I'm saying that that means it's difficult to identify and act on trends if the number of incidents are small. I'm not suggesting for one second that they're not significant. I think those numbers are shameful, having that level of over-representation in custody, and it's incredibly disappointing to me and all of my staff.

**Ms SUE HIGGINSON:** Do you have an actual understanding of what those refusals are? Are you looking at those intimately?

**PAUL O'REILLY:** Yes. They're the decisions of police in courts and we work with police in courts all the time around making sure that we are doing all we can to give police and courts options other than remand.

**Ms SUE HIGGINSON:** What would you suggest where the greater increase of bail refusal is—police or court?

**PAUL O'REILLY:** Well, there is a difference between the decisions of police and the decisions of court. There is a bit of a gap in decisions sometimes, and we do see a lot of young people come in on short-term remand, which means bail is refused by police and then granted by court very soon after—within 24 hours. Over the last three months, there's around 160 kids a month coming in on short-term remand under those terms. That could be because the court the next day has more information or differing information to the police officer in the middle of the night; that's possible.

**Ms SUE HIGGINSON:** I'm more just asking, in that analysis of the increase of bail refusals, where have you seen the greater increase out of the two places bail gets refused—court or police?

**PAUL O'REILLY:** We're seeing an increase in police bail refusals in response to particular incidents in some communities.

**Ms SUE HIGGINSON:** So are we increasing our engagement with police in those communities commensurate to the—

**PAUL O'REILLY:** We most certainly are, absolutely. My staff and myself, we work very closely with the police youth command and with local commanders to try and understand what is going on here. A lot of the young people who go through that short-term remand process have been through multiple times. So the police set up youth action meetings in communities and we participate in youth action meetings. A youth action meeting is similar to the model I described earlier. The relevant agencies sit around the table with police and look at young people they are concerned about and try and work out what is it that we need to do as a group of concerned agencies with responsibilities for these kids, how can we coordinate differently to stop the offending behaviour and make sure the young people are safe, and provide safer placement options for them.

So around that table there's myself, there's Community Services, there's Education, the community groups, there's police, working hard to try and work out is it about what's happening in the home, is it about what's happening with other kids in their social group, are there other drivers? We work very closely with police on—

**Ms SUE HIGGINSON:** Sorry, just to elaborate there, is the answer always yes?

**PAUL O'REILLY:** I'm sorry?

**Ms SUE HIGGINSON:** That there are other things happening at home et cetera.

**PAUL O'REILLY:** Often. Often there are things at home, absolutely, and our job then is to try and work out how can we support those families and how can we support other groups in that community or that town to support those families. Sometimes the Government response is not the right response, so we will work with community groups to try and support them to be the lead if that's the best response.

**Ms SUE HIGGINSON:** So in terms of that response to the increase in bail refusal by police and your increased engagement, is that having an impact?

**PAUL O'REILLY:** It's early to tell. I would say that response started before this increase in bail refusals. We've been doing this for some time, and we are trying to or we will be getting up a couple of pilots in the Riverina command and the South Sydney command, where my team works closely with police as they are making bail decisions, to try and make sure that we understand what are the influences on those bail decisions and how can we help.

**Ms SUE HIGGINSON:** Have you managed to focus in that it's happening in two areas?

**PAUL O'REILLY:** Those two areas were chosen because there certainly is data in those two areas. But there is also really enthusiastic police commands who really want to make a difference and can see what's happening with the data and want to do things differently and are very cooperative and really want to work with us. I can't speak for police. It wouldn't be appropriate. But it is a very big organisation, and we are a small organisation. So we are working with it.

**Ms SUE HIGGINSON:** Are we not working in the areas where there are less enthusiastic police? Is that what we're—

**PAUL O'REILLY:** We're working in every single area, absolutely, in every single area.

**Ms SUE HIGGINSON:** But more so in those areas where the police are more receptive.

**PAUL O'REILLY:** No. In those areas, we're doing specific things. But we are working in every single police area command. I have 34 locations across the State with staff permanently based. Out of those 34 locations, we cover every police station.

**Ms SUE HIGGINSON:** Are there any young people held in any adult prisons in New South Wales?

**PAUL O'REILLY:** Not that I'm aware of. No.

**Ms SUE HIGGINSON:** You would be aware, though?

**PAUL O'REILLY:** I would think so. Yes.

**Ms SUE HIGGINSON:** Thank you. I was just genuinely trying to find out and understand. We've seen what's happening nationally, and it's been pretty tragic. So it was just—

**PAUL O'REILLY:** No. There are no provisions available to me to transfer children to adult custody.

**Ms SUE HIGGINSON:** You would think not, especially given we've got six specific centres. So you wouldn't think they would need to.

**PAUL O'REILLY:** There's no overcrowding in my centres.

**Ms SUE HIGGINSON:** Thank you. I will go back to what we're doing in the department and the deputy Children's Guardian. Again, given this wasn't a recommendation of Family is Culture, what was the main impetus for developing that particular role and position?

**The Hon. NATASHA MACLAREN-JONES:** This was before my time, so I wouldn't be able to comment, but—

**Ms SUE HIGGINSON:** Is there somebody who was around, who would understand how that happened? No? We're all new.

**SIMONE CZECH:** Or not involved in the decision-making process. I was around, but I wasn't involved.

**Ms SUE HIGGINSON:** Perhaps this is for you, Mr Thomas. The role of the deputy secretary for Aboriginal outcomes—what was involved in making your appointment and that decision?

**BRENDAN THOMAS:** Why did the position come about?

**Ms SUE HIGGINSON:** Yes.

**BRENDAN THOMAS:** The Department of Communities and Justice has a pretty significant role in the Closing the Gap targets that the Government has committed to. We're the lead agency for four of those targets: reducing juvenile detention, adult imprisonment, children in care, and violence against women. It was thought, towards the end of last year, that there needed to be a stronger, higher level, coordinated focus around the work the department was doing to focus on those priorities. My understanding is the former secretary and the Attorney had discussions about needing to create that focus and created the role that I'm currently in.

**Ms SUE HIGGINSON:** Is the view of AbSec and the ALS—again I go to these peak organisations that are on the absolute front line. Is their view that this is working well and that your role is the appropriate role to drive the Closing the Gap work?

**BRENDAN THOMAS:** I'm not sure if I'm the best person to comment on my own performance. I might leave that to others.

**The Hon. ROSE JACKSON:** Go for it.

**The Hon. ADAM SEARLE:** It's not really a fair question.

**Ms SUE HIGGINSON:** I know you meet with AbSec and the ALS. Would you say that that is a real partnership relationship that you've been able to pursue and form at this point?

**BRENDAN THOMAS:** I believe it is. It's arrangements with AbSec and the ALS where we don't necessarily see eye to eye on every issue. We have a very robust relationship where we openly talk about the partnership itself and the Closing the Gap targets. The Closing the Gap arrangement that all governments have entered into have 17 socio-economic targets attached to them, but they have what's called four priority reforms, which is really about thinking differently about how Aboriginal communities engage with government, sharing decision-making, sharing data, tackling racism within the public service. To be quite frank, those are new things for governments to tackle. Some of the discussions that we have with the ALS and AbSec are about how we establish those partnerships to tackle those big structural reforms.

**Ms SUE HIGGINSON:** Do you feel you've got the support internally to have those discussions and deliver in that regard?

**BRENDAN THOMAS:** I certainly have the support internally and ministerially to have those kinds of discussions with the ALS and AbSec. The Closing the Gap targets are very challenging targets. They're big, and they're targeting what are pernicious problems that we haven't been able to overturn nationally. So we don't underestimate the challenge of turning these figures around, but I certainly feel that I have the backing within the department to be able to focus wholeheartedly on them.

**Ms SUE HIGGINSON:** Minister, you refused to support our Family is Culture bill, along with others. One of the key reasons cited for that, I understand, was the lack of consultation. But, as you know, the bill was based on the findings of the Family is Culture review, which was based on years of extensive consultation. Experts, leaders, communities were involved. As I understand it from a discussion we've had, you intend to introduce a bill. As I understand it, it doesn't seek to implement all of the recommendations in the Family is Culture report. How do we justify that this is the appropriate way forward in terms of the much-needed legislative reform? How is it better than our bill, which I think was pretty good?

**The Hon. NATASHA MACLAREN-JONES:** I can say that I think Mr Shoebridge came from the right place in trying to bring forward the recommendations or the legislation. Again, it was something that I personally feel that we could have looked at sooner, which is why, when I came in as a Minister, I did look at this legislation more broadly or the recommendations. It's also fair to say that the Shoebridge bill did not implement all 25 recommendations. So I actually asked Mr Thomas to go out and consult with key stakeholders and also with individuals in the community—

**Ms SUE HIGGINSON:** Which key stakeholders?

**The Hon. NATASHA MACLAREN-JONES:** I will get him to go through, but just the key thing is that all 25 recommendations—asking for their views in relation to implementation. Because a lot of work had already been done in relation to the Family is Culture review, the focus of this consultation was about how those recommendations could be implemented. It included the Children's Court, ACCOs, but I'll allow Mr Thomas to go through not only the stakeholders consulted but also the amount of feedback that we received.

**Ms SUE HIGGINSON:** Did this directly involve, again, AbSec and the ALS?

**BRENDAN THOMAS:** It did. There was a round of public consultations on those 25 legislative recommendations. There were 11 specific public consultations that were held in different locations around New South Wales. They involved representative organisations as well as Aboriginal community members. They were quite robust discussions about the child protection system. On top of that, we sought submissions from organisations and received just on 30 specific submissions from a whole range of organisations, from legal stakeholders to NGOs to Aboriginal organisations.

**Ms SUE HIGGINSON:** Can I just ask what time frame this was done? What was the time frame between which this was done?

**BRENDAN THOMAS:** The consultations were over April, from memory. The public submissions closed in May. I can provide you those dates on notice. From May, it was, from memory.

**Ms SUE HIGGINSON:** Thank you. Quite a short period.

**The Hon. NATASHA MACLAREN-JONES:** The key thing is it wasn't about consulting on the recommendations, because they were already what was put forward. It was how they would be implemented and the impact they could have through the court proceedings or with providers. It was actually about the specific implementation.

**Ms SUE HIGGINSON:** So it was actually consulting on a kind of an implementation plan. Is that—

**The Hon. NATASHA MACLAREN-JONES:** How each individual recommendation could be implemented. What I wanted to identify were, of those recommendations, what could be implemented seamlessly this year, bearing in mind we've got a limited amount of time before the House will rise. That was a commitment I gave to the House when we did debate the Shoebridge bill. Of the other recommendations that are more complex—as I said, they could relate to financial implications, or they could have been broad views in relation to how it could be implemented. Those ones would be parked because my focus is being able to introduce legislation this year that, hopefully, will be able to get through, because ultimately the changes we can make—something as straightforward as transitioning of people in out-of-home care from non-Aboriginal-controlled organisations to ACCOs will make a huge impact, not only on the life of that individual child but their family.

**Ms SUE HIGGINSON:** Why did you not just support and seek amendments to our bill? Why did that not happen?

**The Hon. NATASHA MACLAREN-JONES:** The feedback I'd been provided and the advice I'd been provided was that the legislation that had been put forward by Mr Shoebridge could've had unintended consequences. One example is the Children's Court had not been consulted on the implementation. I wanted to make sure that any legislation we introduce into the Parliament is the right legislation. We know, based on feedback from key stakeholders, what implication they would all have.

**Ms SUE HIGGINSON:** That's what the amendment process is for, really, Minister. I think that it's quite an indictment and it's really quite tragic that there was a really good bill that was placed before Parliament that had had serious input and consultation and was endorsed by the peaks, who were on the front line, and it was open for amendment and now we are months and months later and we haven't seen a bill.

**The Hon. NATASHA MACLAREN-JONES:** Can I just say, in relation to the amendments, when I looked at it, it would've been so substantial it was far easier to bring forward a new bill.

**Ms SUE HIGGINSON:** I'm not sure how you can say that when the bill was really seeking to just implement the recommendations of the Family is Culture in-depth report. When will we see your bill?

**The Hon. NATASHA MACLAREN-JONES:** As I said, I've given a commitment that it will be introduced this year into the Parliament with the aim of—

**Ms SUE HIGGINSON:** Will that be at the next sitting?

**The Hon. NATASHA MACLAREN-JONES:** As you can understand, there is a process of drafting. And then it'll be a matter of the second reading. But I can say it's imminent.

**Ms SUE HIGGINSON:** So we did consultation in April, we finished in May and we haven't drafted yet? Or have we—

**The Hon. NATASHA MACLAREN-JONES:** It's in the process.

**Ms SUE HIGGINSON:** I understand it's a process. Just something—give us a date, closest you can give us, please.

**The Hon. NATASHA MACLAREN-JONES:** It's imminent.

**Ms SUE HIGGINSON:** Imminent? Thank you, Minister.

**The Hon. TARA MORIARTY:** I just want to follow up on a few of the questions I was asking earlier, Minister, just in relation to the increase in violence and particularly knife violence in recent times. What, if anything, is your department doing to address that issue? Have you put any more resources into—

**The Hon. NATASHA MACLAREN-JONES:** Could you clarify in regard to violence—

**The Hon. TARA MORIARTY:** Particularly the knife violence that we've seen in recent times—there's been a number of young people.

**The Hon. NATASHA MACLAREN-JONES:** You're talking in the community?

**The Hon. TARA MORIARTY:** Yes.

**The Hon. NATASHA MACLAREN-JONES:** As I said, there are a number of broad programs that we have that we work with young people who are at risk or have been engaged—

**The Hon. TARA MORIARTY:** But anything specifically based on the recent events and recent increase?

**The Hon. NATASHA MACLAREN-JONES:** In relation to—and you're talking about youth?

**The Hon. TARA MORIARTY:** Specifically the "postcode wars" that are going on with young people joining gangs, particularly in western Sydney. Have you put any more additional resources into that issue?

**The Hon. NATASHA MACLAREN-JONES:** They're matters for the police Minister.

**The Hon. TARA MORIARTY:** So you're not looking at it from your department's perspective at all? Not just Youth Justice, FACS proper—

**The Hon. NATASHA MACLAREN-JONES:** No, because it's a matter for the police Minister.



**The Hon. TARA MORIARTY:** So you're not looking at it at all in terms of additional resources to support young people in these situations or these areas?

**The Hon. NATASHA MACLAREN-JONES:** As I said, we already have a number of programs that are targeted for early intervention, working directly with young people—whether it's through conferencing, through the Youth on Track and other initiatives—to divert young people away from crime.

**The Hon. TARA MORIARTY:** But specifically you would be aware that there is—I anecdotally refer to it as the postcode wars, because that's how it's reported and that's how young people involved in these things are referring to it. I don't mean that flippantly. But you would be aware that this is an issue. I mean, young people have died and young people have been charged with murder as a result of what's going on. Is this not on your radar from the department's perspective?

**The Hon. NATASHA MACLAREN-JONES:** It is and, as I said, we have a number of targeted interventions that we do with young people as it is. But there's also work that the police Minister does. I think you should ask those questions directly to the police Minister, unless the department has anything further—

**The Hon. TARA MORIARTY:** Can I just be a bit more specific then. In relation to some of the young people involved in specific crimes allegedly, young people who have been charged with knife crime and, in particular, murder, were any of the people involved being assisted by your department?

**The Hon. NATASHA MACLAREN-JONES:** I couldn't comment on individual cases; however, what I can say is that there are a number of programs that are run within our centres that—

**The Hon. TARA MORIARTY:** No. A specific question—have any of them been involved with your department? I'll be even more specific.

**The Hon. NATASHA MACLAREN-JONES:** I can't comment on—

**The Hon. TARA MORIARTY:** Was one of them in the care of your department?

**The Hon. NATASHA MACLAREN-JONES:** I can't comment on individual cases. That's operational, but I can ask the department if they can, based on—

**The Hon. ROSE JACKSON:** The question is: Were any individuals who are currently in Youth Justice facilities charged with murder previously known to the department or under the care of the department? It is a specific question and you can answer it.

**The Hon. NATASHA MACLAREN-JONES:** Thank you, Ms Jackson. I was actually trying to, before you interrupted. I was actually going to ask the department to comment further because, as it is an operational matter, it's more appropriate for them to comment on individual cases.

**The Hon. TARA MORIARTY:** It's not an operational matter; it's a yes or no question.

**The Hon. NATASHA MACLAREN-JONES:** That's what I'm saying. They have the knowledge and the information. I've asked the department to comment.

**The Hon. TARA MORIARTY:** Do you have the knowledge or the information?

**The Hon. NATASHA MACLAREN-JONES:** I've asked the department to comment on specific individual cases.

**The Hon. TARA MORIARTY:** I'm happy to hear from the department. But I want to know specifically from you, Minister: Was one of the people who have been charged in the care of your department?

**The Hon. NATASHA MACLAREN-JONES:** As I said, I'm referring that question to the department. Otherwise I'll take it on notice.

**PAUL O'REILLY:** I can't comment on young people's care status, but I can tell you that most of the young people involved in knife crime events are not known to Youth Justice or to the courts. But there are two young people that I'm aware of who have been charged as a result of one of those incidents who are known to Youth Justice.

**The Hon. TARA MORIARTY:** Not specifically to Youth Justice but more broadly to FACS—you can refer to the department if you like.

**The Hon. NATASHA MACLAREN-JONES:** I think it's appropriate, as it was—

**The Hon. TARA MORIARTY:** Was one of these people in the care of the department—not Youth Justice—your broader department, FACS, at the time of this crime, alleged incident?

**The Hon. NATASHA MACLAREN-JONES:** That's a question that needs to be directed to the department.

**SIMONE CZECH:** We can't comment on individual matters. The numbers are very small. We risk identifying individuals. There are, as you would be aware or the Committee would be aware, children often coined as "crossover" children, who are known both to the child protection system and/or out-of-home care and Youth Justice. Like I said, in relation to a care status of a child or young person, there are provisions under the care Act, specifically section 105, that prohibit us commenting on those individual matters.

**The Hon. TARA MORIARTY:** I'm aware of the provisions and I'm not asking about names. I don't want people to be identified. There are rules in place for that, for a very good reason. But I will be specific: There is a young person who is facing a murder charge who I understand was in the care of your department. I would like to get some confirmation about that. Are you aware of that?

**The Hon. NATASHA MACLAREN-JONES:** I'll take the question on notice.

**The Hon. ROSE JACKSON:** I just wanted to ask a follow-up question to you, Minister, about some of the issues that Ms Higginson was raising with Mr O'Reilly. You are aware, as Mr Thomas has indicated, that First Nations young peoples' over-representation in the criminal justice system is one of the key Closing the Gap outcomes that you're responsible for. We've had information today from Mr O'Reilly that the number of First Nations young people in Youth Justice has jumped. Now he has indicated to us that that is because of an increase in police bail refusal. Have you done anything about that? Don't refer it to Mr O'Reilly; he's been clear on what he's done. Youth Justice are a small part of it and they're doing great work. But this is an initiative for which your department is responsible. We are going rapidly in the wrong direction. Have you done anything about it?

**The Hon. NATASHA MACLAREN-JONES:** First of all, there is a challenge in the over-representation of Aboriginal people in Youth Justice and we know that. One of the things that our department has established is the Transforming Aboriginal Outcomes division, which is purely focused on Closing the Gap targets. That work is being done and some of that work is through Mr Thomas and also Mr O'Reilly in honing down on the issues. In relation to bail, we recently announced this year the 500 nights project, which is enhancing accommodation options for young people, particularly in regional New South Wales, working with homelessness services but most importantly looking at—because we do know that some of the reasons why a young person is not granted bail is they don't have that accommodation. That is one thing more recently that we have announced.

**The Hon. ROSE JACKSON:** Mr Thomas, I might ask you—we have limited time and we can go back to it this afternoon, but have you spoken to the police Minister about this? Because, as you say, you're responsible for delivering this outcome. Mr O'Reilly and his team are trying to work as well as they can, but it is police bail refusal that is causing us to go backwards. What work have we done to try to address that at a more systematic level?

**BRENDAN THOMAS:** We have certainly spoken to the police about the issue of bail refusal and, in fact, there is a meeting about Aboriginal involvement with police as we speak, which I would be at if I wasn't here speaking to you. As Mr O'Reilly said, the problem really is around remand. The number of Aboriginal young people serving a sentence of detention—that is, convicted of a crime, sentenced to detention—today is 12. That has significantly reduced and has been reducing over a number of years. The remand numbers are much higher than that, and we have seen an increase in the last couple of months in terms of remand generally, not just Aboriginal remand.

Mr O'Reilly and his team and my team are working together on what we can do to try to reduce that remand rate. There will be some bail support trials operating in Surry Hills and western Sydney later this year to try and provide better support for people getting bail. There are some trials happening outside of Sydney where Aboriginal community members and Aboriginal staff at courts are meeting with police around how bail is granted for certain individuals in the community to make sure that they get better supports and are, therefore, able to maintain their bail conditions.

There are some trials in some police local area commands about limiting bail conditions that are imposed on people—so not ramping up the number of conditions and, therefore, hopefully reducing the rate at which those conditions are being breached. There has been, generally, an increase in the numbers of young people coming to police attention through the course of this year, which is driving that increase of people coming into contact with police. The police, with us and Mr O'Reilly, have set up a youth action meeting—which is a regular discussion around young offending—in a couple of locations where those numbers have started to increase this year. But it is an ongoing challenge. This remand challenge is an ongoing one that we need to focus more of our efforts on.

**The Hon. ROSE JACKSON:** Okay. We might come back to some of that this afternoon, because it's a pretty serious issue. The Premier, as you know, Minister, has made a lot of noise about Closing the Gap being a

priority for him, and this is one area where we're going backwards at a pretty rapid rate. It's important to know what you're doing about it.

**The Hon. NATASHA MACLAREN-JONES:** As I outlined, a lot of the key work that we're doing is working on that early intervention, supporting young people so they're not going into correction centres. I have got some stats in relation to 67 per cent of Aboriginal young people participated in Youth on Track; there is also 393 participated in the Youth Justice Conference in 2021-22; and also 41 participated in My Journey My Life. But, as I was saying before, those that have gone into the youth justice centres, there are a number of programs that are also run in our centres to support young people as well, and we have invested a significant amount.

I think one in Cobham where we've got the learning circle, which is about ensuring that we've got culture-appropriate spaces for young Aboriginal people, but also the mentoring support. We have got additional staff that have been employed. We also have programs to see an increase in the number of Aboriginal staff that are employed. I might ask Mr O'Reilly to comment further about some of that.

**The Hon. ROSE JACKSON:** No, that's fine. Mr O'Reilly, I want to move on to homelessness, but are those programs available for First Nations young people on remand?

**PAUL O'REILLY:** Yes, absolutely.

**The Hon. ROSE JACKSON:** That's good. Back on homelessness, we were just talking about the specific issue of rough sleeping. The number in 2022 was 1,207. That number didn't include Brunswick Heads and Mullumbimby, in my understanding, where because of natural disasters their street count wasn't able to occur. Is that correct?

**The Hon. NATASHA MACLAREN-JONES:** That is correct.

**The Hon. ROSE JACKSON:** So that number, which is higher than last year, doesn't even capture some key areas on the North Coast where we would also expect to see a number of people sleeping rough. So how can you possibly say we are on track for a 50 per cent reduction by 2025 when, in fact, it's getting worse?

**The Hon. NATASHA MACLAREN-JONES:** You referred to the North Coast and what I would like to outline is, particularly in relation to the Tweed Valley, which you saw would have had a higher increase, it is because of additional towns that were also included in that street count. I might ask Mr Toomey to go into the detail. My understanding is that eight locations were included in the 2022 street count, making 13 targeted locations in total. This involved—and I might actually ask Mr Toomey to go over the detail of that.

**JAMES TOOMEY:** It's correct that some street counts weren't carried out because of the floods. It is also likely that any people who were in flood-impacted areas were actually drawn up into evacuation centres and through into temporary accommodation in that way, so were probably accommodated. There has been an increase in the areas where street counts have taken place, an increase in LGAs, and also, through partnership work on the ground with other organisations, an expansion in the way in which people recorded in the street counts have been recorded. So, for example, in Eurobodalla the street counts were expanded to incorporate camp sites on the advice of Forestry and other partner organisations, and that revealed a greater number of people who had previously not been picked up in street counts because those areas were not previously covered in the street counts.

**The Hon. ROSE JACKSON:** Minister, the issue is you have committed to a 50 per cent reduction by 2025. You have told us that it's going well and it's on track. In previous budget estimates when we have asked how you are quantifying that, you have said, "Well, between 2020 and 2021 there was a 13 per cent reduction in the street count and if you times that by the number of years until 2025 we are on track to 50 per cent." So now we've seen that the figures are going the other way. I mean, it's good that we are now getting better at realising just how many people are sleeping rough in our community and that we're picking up people that we haven't picked up in the previous years, but we're not possibly on track to meet that, are we? There is no way we are going to get a 50 per cent reduction by 2025 when it is actually getting worse.

**The Hon. NATASHA MACLAREN-JONES:** The street count is only one means of measuring. If you look at the City of Sydney, we have actually had a 48 per cent reduction since 2017 in the number of people who were counted as sleeping rough. But there is also the Australian Bureau of Statistics—is the primary metric which measures the Premier's priority to reduce street homelessness. According to the latest data, in 2021 there were 990 persons living in improvised dwellings, tents or sleeping rough. This is down from 2,588 in 2016.

**The Hon. ROSE JACKSON:** But you can't just change the measurement metric that you use to meet the goal that you've set. We've asked about this before and you've consistently referred to the street count as the measure that you are using to achieve that Premier's priority. And now, as soon as that data doesn't fit your narrative, that's out the window and we're using something else. The reality is homelessness is getting worse in New South Wales, isn't it?

**The Hon. NATASHA MACLAREN-JONES:** Ms Jackson, the street count, as I said, is just one measure at that time. The actual measure that is used for the Premier's priority, which has always been the case, is the ABS in relation to—and as I pointed out, the latest data is 2021 where there were 990 persons living—

**The Hon. ROSE JACKSON:** You've never, ever referred to that before. I won't waste my own time reading out your comments and Mr Vevers' comments consistently on this in previous budget estimates. But the reality is homelessness is getting worse in New South Wales, isn't it?

**The Hon. NATASHA MACLAREN-JONES:** Ms Jackson, as I pointed out, the measure that is actually used to measure that priority—overall there are, obviously, more broader challenges in relation to homelessness and tackling homelessness, which is why the New South Wales Government has been investing significantly since we came into government and supporting people not only sleeping rough but ensuring that people have long-term, stable accommodation, which is about providing housing as well as that wraparound support. Most recently, as I said, in the budget we have announced additional funding for the Together Home program, which will support more people who are sleeping rough into accommodation but also providing additional wraparound support for others, and more recently, as I said, announced that STEP program. So our Government is actually doing a significant amount of work in relation to addressing homelessness and providing that long-term solution.

**The Hon. ROSE JACKSON:** On the long-term solution, which for almost all people sleeping rough is going to be social housing, the number of people transitioning from chronic homelessness to the private rental market is very, very low—as at least Mr Vevers has previously acknowledged. On the social housing waiting list, what is the latest data that you have on the number of people? If you tell me it is 44,127, I'm going to point out that that data is over a year old. I'm just flagging that you better have something more up to date than that.

**The Hon. NATASHA MACLAREN-JONES:** I'm advised that the number of people on the social housing waiting list as of June 2021 is 49,928.

**The Hon. ROSE JACKSON:** June 2021. I don't know if you need to be reminded of the date. It is actually August 2022. The best that you can give us is data that is over a year old.

**The Hon. NATASHA MACLAREN-JONES:** I will ask the department to explain the process of how that data is collected to ensure that it is accurate information that is provided.

**ANNE CAMPBELL:** Yes, we've always reported annually. I'm not sure if Mr Toomey's—

**The Hon. ROSE JACKSON:** It's not actually true, Ms Campbell, that you have always reported annually, is it?

**ANNE CAMPBELL:** Certainly, in the time I've been in the role, we have always reported.

**The Hon. ROSE JACKSON:** More recently, yes.

**ANNE CAMPBELL:** There are usually issues in the sort of data cleaning up that you need to do and cross-checking data. But, at the moment, I only have data that's June 2021.

**The Hon. ROSE JACKSON:** Can you understand, though, how frustrating it is that on something as important as shelter for people we only have one data point that is released in a 12-month period? Can you understand, Minister, how difficult that makes it?

**The Hon. NATASHA MACLAREN-JONES:** Ms Campbell already explained that it is reported on an annual basis.

**Ms ABIGAIL BOYD:** Minister, the Advocate for Children and Young People recently released *The Voices of Children and Young People in Out-of-Home Care 2021* report. Have you read the report and its recommendations?

**The Hon. NATASHA MACLAREN-JONES:** I have read their recommendations. Yes, I have.

**Ms ABIGAIL BOYD:** Have you read the report?

**The Hon. NATASHA MACLAREN-JONES:** Not in all detail. As I said, I've gone through the recommendations and key parts. I do want to acknowledge the work of the advocate in doing this research, which is quite critical in providing information, and particularly the voices of young people. This research, along with the recommendations, helps along with other work which is done to look at how services are provided and how support is provided as well.

**Ms ABIGAIL BOYD:** Thank you. I recommend you read the whole report, mainly because one of my favourite things about the Advocate for Children and Young People is that she puts everything in the voices of young children. She directly quotes from them.

**The Hon. NATASHA MACLAREN-JONES:** I think it is important to note, and it's something that the advocate highlights as well, that it is only around 1 per cent of the out-of-home care population that was interviewed. A lot of them had already left care. But it didn't reflect a lot of the work that has been done by our Government since a number of these children had left care as well. But there are other recommendations that we are looking at that could be implemented as well.

**Ms ABIGAIL BOYD:** Okay. Sorry, so you're saying that you don't think that necessarily this is representative of the experience people would have now?

**The Hon. NATASHA MACLAREN-JONES:** As I said, it doesn't reflect the programs and initiatives that we have implemented, particularly our intervention work in supporting young people. It also doesn't reflect the practice direction that has been given to caseworkers, particularly in relation to developing those relationships with young people in care. But, as I said, the research and that feedback is vital, because it does provide a young person's perspective, and that will form part of—as we look at each part of the recommendations—where we may like to make improvements.

**Ms ABIGAIL BOYD:** Minister, that's a disappointing response. Sorry, let me just clarify. There is nothing in the report that talks about a marked difference between those who are currently in out-of-home care and those who have experienced it in the past. Are you saying, though, that you are not going to take it in full because—

**The Hon. NATASHA MACLAREN-JONES:** No, I take it in full. What I'm saying is, in the recommendations, it doesn't necessarily reflect some of the work that has already been done by the department from when the research began.

**Ms ABIGAIL BOYD:** Will you prepare a formal response to this at some point? Is that the idea?

**The Hon. NATASHA MACLAREN-JONES:** I will ask the secretary to comment on that because it is not usual that you would provide formal responses.

**MICHAEL TIDBALL:** Can I indicate that the report in many ways dovetails and speaks to a number of observations that, in my short tenure, have been a focus—and should be. There will be some work to be done. The recommendations are being worked through. I have been briefed by Ms Robinson, and certainly anticipate talking with her about her view of implementation. In terms of the areas of particular priority that are the focus, which are very real: Firstly, increasing access for children to trauma-informed care. That is a theme writ large in out-of-home care, sadly, but it is very real. Secondly, focus on evidence-based programs that prevent children entering out-of-home care. Thirdly, and importantly, ensuring that children entering out-of-home care are aware of their rights.

Clearly, some of the initiatives proposed in the report will require an allocation of resources. Say, for example, for there to be reach-out 24/7, there needs to be a place for young people to reach out and for there to be a departmental liaison point. That is one of the issues that Ms Czech and I have been talking about. But the report is being comprehensively considered and it does, in many aspects, dovetail with initiatives that we are considering for our out-of-home care system.

**Ms ABIGAIL BOYD:** One of the strong recommendations that comes through the report is basically in relation to how young people just aren't listened to. Again, coming back to the issues we were talking about in the previous set of questioning, when we were talking about these family law issues—whether it is the tragic case of the Edwards children, or any number of other cases, children have told lawyers, they have told a number of people, that they feel that they are at risk and their wishes aren't respected. One of the recommendations in the report is for DCJ to work more collaboratively with the courts and with Legal Aid NSW to ensure that the views of children and young people are recorded in their own words. What's your view on that recommendation, and do you have any strategies to address that?

**The Hon. NATASHA MACLAREN-JONES:** I think there's a couple of things touched on: the importance of young people having their say and, most importantly, knowing their rights. But also knowing how to have your say. There is some work—and I'll allow the secretary to comment further about how that can be accommodated in the database systems that are currently in operation. But there's also some other recommendations and I think one was an app that they talked about. There are a number of different apps that are used internationally and across other jurisdictions. In relation to that, it is important to look at what is the best type of app. For those members of the Committee not aware of it, this is something that a child themselves can enter the information on their own phone or iPad, which then links back. But, again, that comes back to IT and technology. I'll ask the secretary to comment further.

**Ms ABIGAIL BOYD:** Just to be clear, that it is not just about allowing children to have their say but also to be listened to. That's the bit that's missing.

**The Hon. NATASHA MACLAREN-JONES:** Exactly.

**MICHAEL TIDBALL:** I think there are two aspects of voices being heard. The first is that which was adverted to in your earlier question about actual risk. That matter has been traversed this morning, and that is a matter for discussion in another place, with the courts. There is then, secondly—and bearing in mind that sadly many of our young people in out-of-home care have been severely traumatised. There are real challenges in how we empower them to feel and perceive that they have a voice. I don't want to waste the Committee's time, but that, to my mind, is a more challenging task that we have. Both are very real problems, but they are slightly different. They are both real and they both coexist.

**Ms ABIGAIL BOYD:** Again, it comes back to resourcing.

**MICHAEL TIDBALL:** Yes.

**The Hon. NATASHA MACLAREN-JONES:** The only other thing I'd like to add is that, when this report came out, I did speak to the secretary about looking at the resourcing and what can be implemented. I also want to note that I have also asked the Office of the Children's Guardian to commission a special report examining foster care and the current system, including support to children as well. That goes back to my original point that this report is very important and should be taken in context with others as well to ensure that we are providing a robust system, but also a system that addresses the needs and supports children.

**Ms ABIGAIL BOYD:** Another one of the recommendations is to extend the age of leaving out-of-home care to at least 21 years. Obviously, this has been a live discussion around the country. Queensland recently implemented it, to make it 21 years. I understand that New South Wales is the only state in Australia—again, we are the outlier—with no commitment to implement funding and policies to extend out-of-home care to 21 years. Do you intend to adopt that recommendation, Minister?

**The Hon. NATASHA MACLAREN-JONES:** It's not as straightforward as saying "blanket extend". I touched on this before, that there is a range of support that is given to young people in care, and there is also evidence that says that some of our most vulnerable are the ones who actually leave care. So having a blanket payment to carers if that child is choosing not to stay there—and at the age of 16, 17 or 18, you can't force that child to stay there. It's about targeting the individual child's needs. We have a range of programs that support young people, including traineeships and scholarships, supported independent living, there is Foyer Central and there is also the Premier's Youth Initiative, which is for young people who are—

**Ms ABIGAIL BOYD:** Sorry, if I could just take you back. In the answer that you gave before—are you then saying that you support the option, should a child wish to stay in out-of-home care until 21?

**The Hon. NATASHA MACLAREN-JONES:** No. What I'm saying is that you have got to look at it more broadly. There is the complexity of a child that is leaving, but also looking at how it is implemented across all of the other jurisdictions as well. In New South Wales we have very targeted early intervention for young people, but we also do have some support for young people who stay with a carer beyond the age of 21. There's also—

**Ms ABIGAIL BOYD:** There's quite a lot of evidence, though, isn't there, that if children are leaving at 18 as opposed to 21, you'll see higher rates of homelessness, of unemployment and of problems further down the track? It makes sense from a long-term perspective, doesn't it, to extend this care to 21 years and give people that option?

**The Hon. NATASHA MACLAREN-JONES:** It's not as black and white. I'll address it in two parts. One is our focus is about the individual care. We have individual care plans that caseworkers will work with a young person—I think it is from the age of 15—to identify what their needs are and what their additional support might be. We also have programs that target young people who might be more at risk of homelessness, and I'm happy to go through all of those in detail. But when you look at other jurisdictions, they have actually implemented the care support in different ways. For example, in the ACT and Northern Territory, financial assistance to carers may continue beyond 18 on a case-by-case basis.

**Ms ABIGAIL BOYD:** Sorry, I'll stop you again. Is your answer, "No, we're not thinking of extending the age of leaving out-of-home care to 21 because the rest of our landscape is different"?

**The Hon. NATASHA MACLAREN-JONES:** No. What's I'm saying is that you need to take on board what is in operation across jurisdictions, and they all do vary. Also looking at what we currently provide—and I've asked the secretary to look at that and review it more broadly because it is not just a blanket "let's make this

announcement"; it's actually, "What would work in our current framework?" As I said, we do a lot more in supporting young people in care and as they leave care than other jurisdictions.

**Ms ABIGAIL BOYD:** Is the answer that you're actively reviewing it?

**The Hon. NATASHA MACLAREN-JONES:** I am actively reviewing it.

**Ms ABIGAIL BOYD:** Thank you. Do I have more time? I'm just checking with Ms Higginson.

**Ms SUE HIGGINSON:** Yes, absolutely.

**The CHAIR:** Seven minutes.

**Ms ABIGAIL BOYD:** I'm going to ask you a couple of additional questions in relation to people with disability. Just in terms of accessible communications, I'm sure you will be aware of the advocacy that a lot of the disability groups have been doing around making Auslan available in Parliament et cetera. I wanted to also ask you if you've come across another issue that's been advocated for in relation to deaf jurors? This is people who are deaf or hard of hearing being empowered through Auslan interpretation or other means to participate as jurors.

**The Hon. NATASHA MACLAREN-JONES:** I actually don't have a note on that in front of me, but I have had a brief discussion with the Disability Council in relation to this. It was brought to my attention. I will take it on notice because I believe it might come under the AG, but I want to get the facts before I go into any detail.

**Ms ABIGAIL BOYD:** I have raised this with the Attorney as well. Again, in terms of your advocacy on behalf of people with a disability, is this something that you would be interested in advocating for?

**The Hon. NATASHA MACLAREN-JONES:** I'm happy to do advocacy, as I said, and it has been raised with me. My understanding is the Attorney General is also looking at this matter. In relation to that, I will take it on notice and wait for further information from him in that regard.

**Ms ABIGAIL BOYD:** Are you concerned that New South Wales has missed its own target of making all train stations accessible by the end of next year?

**The Hon. NATASHA MACLAREN-JONES:** Mr Searle asked this in previous questions. As I said, at the time—

**The Hon. ADAM SEARLE:** Not that precise question.

**Ms ABIGAIL BOYD:** Not that precise question.

**The Hon. NATASHA MACLAREN-JONES:** And you were much more polite.

**The Hon. ADAM SEARLE:** I'll have to up my game.

**The Hon. NATASHA MACLAREN-JONES:** I did say that the department of transport does have a disability action plan, and questions about what is accessible or not accessible are matters for the Minister for Transport.

**Ms ABIGAIL BOYD:** Again, are you actively making the decision to not advocate to the transport Minister in relation to those issues?

**The Hon. NATASHA MACLAREN-JONES:** What I'm saying is that there is a disability action plan. All departments are required, under the Act, to prepare and respond to that plan and make sure that they're meeting the needs of the community. Any specific questions about what modifications have been done and which station or not has been modified are questions directly for the Minister for Transport.

**Ms ABIGAIL BOYD:** Minister, it's correct, isn't it, that you secured the free rapid antigen tests for people with disability previously, which we were all very grateful for, despite that falling within the Health portfolio. Clearly, you do see your job as advocating for people with disability to your colleagues and within cabinet. Why have you not been advocating on these other issues—trains or building standards? Are you not advocating on those things as well?

**The Hon. NATASHA MACLAREN-JONES:** When it came to the rollout of RATs, it was for all vulnerable people in New South Wales, not specifically for people with disability. What we've seen yesterday, we're making that more broadly available for senior concession card holders as well, through Service NSW centres. In relation to advocating for specific services, it's more broadly, as I said before, up to the individual departments and their action plans to identify what they roll out. It's their decision, based on costings and based on what their overall plan is for infrastructure. As I said, they have a responsibility through the Disability Inclusion Act to ensure that all people have access to services or to buildings.

**Ms ABIGAIL BOYD:** So are you saying then that there are zero examples of you advocating for people with disability within your own Government?

**The Hon. NATASHA MACLAREN-JONES:** I disagree. As I mentioned before, I serve on a national ministerial disability council and I've raised a number of matters most recently and we would have seen through the work of Bill Shorten in relation to hospital discharge. There are a number of agenda—

**Ms ABIGAIL BOYD:** But within your own Government?

**The Hon. NATASHA MACLAREN-JONES:** If there are things that need to be raised, and I said this before, if there are matters that an individual member of the community or if a member of Parliament has come forward to say these are issues of concern in their community, I'm more than happy to write to the member about that.

**Ms ABIGAIL BOYD:** But on these major issues that have been ongoing for many, many years—something as simple as the accessibility standards for new buildings—why are you not advocating for that on behalf of people with disability?

**The Hon. NATASHA MACLAREN-JONES:** As I said, it'd be a matter for the Minister for Fair Trading.

**Ms ABIGAIL BOYD:** Who else within government are people supposed to go to for these systemic issues? Is that not the role of the Minister for disability?

**The Hon. NATASHA MACLAREN-JONES:** I think if it's specific issues that relate to another Minister's portfolio, they need to contact that Minister. However, as I said to you, if you have individual cases or members of Parliament or individual members, they are more than happy to write directly to me as well.

**Ms ABIGAIL BOYD:** So you're not really the Minister for disability. You're the Minister for disability except if it falls under someone else's portfolio.

**The Hon. NATASHA MACLAREN-JONES:** No, you're asking about specific train stations, and Mr Searle was asking about ferries and bus stops. Those decisions—

**The Hon. ADAM SEARLE:** And schools.

**The Hon. ROSE JACKSON:** And police stations.

**The Hon. NATASHA MACLAREN-JONES:** And those are specific matters for those individual Ministers as to how they manage their budgets and infrastructure and modifications.

**Ms ABIGAIL BOYD:** What is your role as Minister for disability then?

**The Hon. NATASHA MACLAREN-JONES:** As I said, I've got quite a broad role in relation to disability services within New South Wales working. As I said before, we have invested \$13 million for the Disability Advocacy Futures Program, which is working with organisations—

**Ms ABIGAIL BOYD:** That was a long fight to get that.

**The Hon. NATASHA MACLAREN-JONES:** Yes. But I also work alongside the Disability Council, particularly with projects they may be interested in but also they come to me with issues and things that might also need to be raised.

**Ms ABIGAIL BOYD:** But in terms of systemic change that could actually materially improve the lives of people with disability in New South Wales, there's nothing that you've been doing.

**The Hon. NATASHA MACLAREN-JONES:** You're actually talking about individual bus stops, police stations or train stations. If it's more broadly, we do have a Disability Inclusion Act, which is where I do work and also ensuring that the disability inclusion action plans are rolled out across agencies as well as councils.

**The Hon. ADAM SEARLE:** Minister, a proposal to repurpose Tomaree Lodge and the Stockton Centre sites for emergency accommodation was apparently rejected by the Government. Did you make that decision or did somebody else?

**The Hon. NATASHA MACLAREN-JONES:** Sorry, you are talking about it being used for—this is the Kate Washington media article?

**The Hon. ADAM SEARLE:** Yes.

**The Hon. NATASHA MACLAREN-JONES:** I've been advised by the department that that property is not fit for purpose to be—



**The Hon. ADAM SEARLE:** I understand, but who made the decision to reject the proposal?

**The Hon. NATASHA MACLAREN-JONES:** I will ask Mr Toomey to comment. My understanding is there was no specific proposal put to me. I just read the media article.

**The Hon. ADAM SEARLE:** Okay, but I understood there was a proposal that it should be repurposed as emergency accommodation—perhaps not a formal proposal.

**The Hon. NATASHA MACLAREN-JONES:** No, it's just a media article.

**The Hon. ADAM SEARLE:** Okay.

**The Hon. ROSE JACKSON:** I'm sorry, I know for a fact that you have been written to. Yourself and others have been written to on numerous occasions to request consideration of the repurposes.

**The Hon. ADAM SEARLE:** Yes, I think Ms Washington has written to you in those terms.

**The Hon. ROSE JACKSON:** On a number of occasions.

**The Hon. NATASHA MACLAREN-JONES:** Sorry, when you said "proposal" I thought it was a submission.

**The Hon. ADAM SEARLE:** Well, I think it was a submission from the local member to—

**The Hon. NATASHA MACLAREN-JONES:** So you're referring to Kate Washington's suggestion of the site, and my advice that was provided to me by the department was that the site, which has been decommissioned, is not fit for purpose to be used for that.

**The Hon. ADAM SEARLE:** Is that because of the plumbing?

**The Hon. NATASHA MACLAREN-JONES:** I will ask Mr Toomey to go into the details.

**JAMES TOOMEY:** There are a number of reasons why both Stockton and Tomaree are unsuitable. I'll start with Tomaree, which has been fully decommissioned—which means that fixtures and fittings are being removed from the buildings on the Tomaree site. In addition to that, it is subject to a renewed Aboriginal land claim and, in respect of the outcome of that claim, an undertaking has already been made for that land to be returned or to remain in public use as recreation and cultural space. Any development of that land would be seen to be in frustration of an Aboriginal land claim.

As I've already identified, the site having been fully decommissioned—including faulty plumbing, which you have identified—makes it unsuitable for use for any kind of housing. In common with Stockton, it's not proximate to any appropriate services and infrastructure. As I'm sure you know, most people who access social housing don't have cars and rely on transport and access to proximate services and resources. Stockton has also been decommissioned and also has a series of buildings which are not suitable for use for accommodation without significant, effectively, restoration. There are heritage considerations and concerns at the Stockton site as well.

**The Hon. ADAM SEARLE:** The proposal, as I understand it, was for emergency accommodation, not necessarily permanent ongoing use. Are you suggesting that it's better for people to sleep on the side of the road or in their cars rather than to make temporary use of some accommodation?

**JAMES TOOMEY:** We carry out consistent assertive outreach work throughout New South Wales and certainly in the Central Coast area as well and make a range of temporary accommodation resources available to people who are rough sleeping and who seek them. In order to be eligible for temporary accommodation, you have to also be eligible for social housing and that means, for example, having \$1,000 in savings or an income below a certain threshold or other considerations taken into account to make people eligible for housing.

**The Hon. ROSE JACKSON:** Minister, the Stockton Centre is minutes away from the centre of Newcastle. The proposition that it's not close to services or public transport is frankly preposterous and demonstrates that you either don't know where it is or haven't been there. It's not on the Central Coast; it's in Newcastle. Are you seriously suggesting that a substantial plot of land with numerous buildings on it that was previously used as accommodation for people with a disability is better sitting vacant because some plumbing needs to be updated than women and children fleeing domestic violence sleeping in cars? That's preferable to you?

**The Hon. NATASHA MACLAREN-JONES:** Ms Jackson, you mentioned a number of topics there. First and foremost, I want say that we're investing over \$9.9 million in a specialist homelessness service in the Newcastle area. As Mr Toomey explained, if an asset is to be used it needs to be evaluated for whether it's fit for purpose. It's quite complex in the support that is provided to a person who is transitioning from homelessness into long-term housing, and that is about providing that support and that's one of the key things our Government has

implemented—is that wraparound support. It's about the accommodation along with the support we provide the individual. You talked about women escaping violence. Again, that is more for the Minister for domestic violence, but what I can say is our Government has significantly invested. We made the announcement last year of over \$400 million that will be going towards supporting women and children escaping violence. That includes core and cluster buildings along with support services. So across the board our Government is significantly investing in prevention of homelessness but, more importantly, ensuring that people are given that support so they do not go back into homelessness.

**Ms ABIGAIL BOYD:** What is the Government doing, Minister, to ensure that digital communications—including government websites and the like—are fully accessible for everyone in New South Wales, including people with an intellectual disability?

**The Hon. NATASHA MACLAREN-JONES:** I will need to take that on notice because I don't have the details in front of me.

**The CHAIR:** I think we've now got time for Government questions if they wish.

**The Hon. LOU AMATO:** Thank you, Minister, for attending today's budget estimates. Minister, do you have anything you wish to say or add to today's hearing?

**The Hon. NATASHA MACLAREN-JONES:** No, only to thank all the members. As an LC member, I know the amount of work that goes into budget estimates whether it's from Government members or from crossbench and the Opposition. I appreciate all that you do to make it a robust inquiry. Thank you.

**The Hon. TAYLOR MARTIN:** Thank you, Minister.

**The Hon. LOU AMATO:** Thank you, Minister.

**The CHAIR:** That's it?

**The Hon. LOU AMATO:** That's it, Chair.

**The CHAIR:** Are you finished? Is Government questioning finished?

**The Hon. LOU AMATO:** Yes.

**The CHAIR:** No more compliments?

**The Hon. LOU AMATO:** No. It was great.

**The CHAIR:** Thanks very much, Minister, for coming. I think there were a number of questions taken on notice by you. The secretariat will be in contact with you and we'd like a return within 21 days. Thank you.

**(The Minister withdrew.)**

**(Luncheon adjournment)**

**The CHAIR:** We will recommence questioning. Do the Opposition have any questions?

**The Hon. ADAM SEARLE:** Yes, a couple. Mr Tidball, we'll return to the issue of Tomaree Lodge and Stockton Centre. Mr Toomey was outlining that the two sites had been decommissioned. Last year there were still residents living at Tomaree Lodge, and they were using the toilets, showers and sinks. It sounds like the sewerage system was operational, and it was habitable last year. What has changed, and who made the decisions to make those changes? I'm also happy for Mr Toomey to answer.

**MICHAEL TIDBALL:** I just want to make sure I understand the question. Your question is trying to ascertain whether the facility was—if it was workable a year ago, why it is not now.

**The Hon. ADAM SEARLE:** Yes, why is it not now? I know Mr Toomey was enumerating the decommissioning of the two sites. I understand it was occupied last year, so it was obviously habitable then. What's happened since to make it not habitable, in a mechanical and physical sense?

**MICHAEL TIDBALL:** I honestly am not able, and I do not have any briefing in front of me that would assist the Committee.

**The Hon. ADAM SEARLE:** That's okay. Does Mr Toomey know?

**JAMES TOOMEY:** The information I have is that the sites have been decommissioned, which involved removal of all furniture; removal of non-fixed plant and equipment, including industrial kitchen fridges and appliances; removal of the hot water boilers; disconnection of power to some of the buildings; removal of the

commercial gas metre; disconnecting gas to the site; capitalisation and relocation of moveable heritage et cetera. That's as I understand it.

**The Hon. ADAM SEARLE:** When did those things take place? You can take them on notice.

**JAMES TOOMEY:** Clearly between when it was—I'm not trying to be cheeky, but at some point in the time since it was vacated until now. But I don't know exactly when.

**The Hon. ADAM SEARLE:** Sure, but I'm asking you to take it on notice to tell us exactly when.

**JAMES TOOMEY:** Okay, yes.

**The Hon. ADAM SEARLE:** That would be good.

**The Hon. ROSE JACKSON:** As has been indicated this morning, correspondence has come in raising the possibility of using the Tomaree Lodge and the Stockton Centre as emergency or temporary accommodation. Other than drafting a response to the correspondence, has any deeper or more detailed examination been given to that proposition?

**JAMES TOOMEY:** I set about establishing what might be required if that proposition were achievable. That was when I was informed of the depth of information that I've just provided, which was that those facilities—forgive me, I'm relatively new in the role, and I wanted to understand that myself. My understanding was those facilities have been fully decommissioned.

**The Hon. ADAM SEARLE:** But you didn't indicate that the electricity had been turned off—or did I miss that?

**JAMES TOOMEY:** Removal of the gas metre, but I don't know about—there may be supply to the boundary of the site of electricity. It's probably still on the electricity main, but whether the equipment on the site could accommodate being switched back on again is the question.

**The Hon. ADAM SEARLE:** Could you take on notice whether the electricity is still available to the buildings?

**JAMES TOOMEY:** Yes.

**The Hon. ADAM SEARLE:** I think you did say something about the plumbing and sewerage. If they're not operational, have you ascertained what it would cost to make them operational again? Again, if you don't have the answer—and I assume that you don't—could you take that on notice?

**JAMES TOOMEY:** I don't know what the cost is, but I do know in relation to Tomaree—I understand that the sewerage and water system was having to be consistently maintained in order to make it operational whilst the site was actually in operation, but I don't know the cost of remediation. But as I said before, any activity on the site in terms of construction activity or anything beyond the site as it currently stands would be considered to be frustrating of the Aboriginal land claim.

**The Hon. ADAM SEARLE:** I understand that point.

**The Hon. ROSE JACKSON:** You presumably don't have this on you, but could you give us any information that you have about the costs associated with re-establishing the Stockton Centre, which is not under an Indigenous land claim, as a facility that could house people? As I said, we appreciate that right now they are not in a condition that could be used for temporary accommodation. It's not the Government's policy to do that and so, from your point of view, that's obviously not work that you're doing. But we're trying to explore any information that you do have about what that pathway back to a facility that people could live in—even temporarily—might look like, and the costs are obviously important.

**JAMES TOOMEY:** Okay, I understand.

**The Hon. ADAM SEARLE:** In answer to a media inquiry, the department said in relation to Tomaree Lodge, "The sewerage system at Tomaree Lodge is not operational and would require significant investment". Drawing your attention to that, that presumes that at some point the department has assessed what the cost would be in order to make that claim. When you give your answer on notice, I just direct you to that.

**JAMES TOOMEY:** Thank you.

**The Hon. ROSE JACKSON:** We are interested at this point in pursuing some of the questions that we asked this morning in relation to what we considered to be inadequate responses to questions taken on notice by departmental officials. Mr Tidball, there is no need to repeat some of the very valid reasons why certain information may not be provided. We are, of course, across those. But you accept that the simple fact that

information is not otherwise available in the public domain is not a reason not to provide it in answer to a question on notice, don't you, Mr Tidball?

**MICHAEL TIDBALL:** Yes, I do.

**The Hon. ROSE JACKSON:** To the extent that there were other reasons why that information was not provided that weren't articulated, do you accept that, going forward, a one-sentence response that says, "That information is not publicly available" is inadequate?

**MICHAEL TIDBALL:** I accept that and, Ms Jackson, if I can assist by making the point that during my short tenure there have been a number of practices which I have just followed. Whether they pre-existed, I do not know. What I will be doing, having observed the questioning this morning, is having direct line of sight of every response. I appreciate that my role is largely advisory, but certainly in terms of the provenance and the scope of responses to questions about data, I will—how can I put this?—inject myself into that process more closely.

**The Hon. ROSE JACKSON:** Thank you. It's not an intention to provide more work for you, Mr Tidball. But can you at least assure me going forward, to the extent that it may appear as though that response was given as a deliberate effort to avoid providing information, that that will cease to be the case—that the department does not approach these things with the mindset of "How can we, as the department, avoid providing information that we would otherwise be required to provide?" and that that isn't the framework under which you as secretary or the department will approach those matters?

**MICHAEL TIDBALL:** Absolutely not, no. I will, as I've said, be more closely involving myself within the process. Given the work we do for disadvantaged people in vulnerable communities, and the importance of the public interest and accountability, I am very concerned that there is confidence in our processes.

**The Hon. ADAM SEARLE:** Just on that, Mr Tidball, I know you and the Minister were new then. But during the question-and-answer session, the Minister, Ms Czech, Ms Campbell and you indicated that the material was held by the Government or by the department and an answer would be provided, and then, in substance, it wasn't. I'm just trying to understand what happened. If the answer was "We don't record this," why was it that the information is not publicly available? If the answer is "We have it but maybe it's old, it's out of date, we want to get updated information," why was that answer not given? Why were we given this kind of blocking response? Can you enlighten us as to what happened?

**MICHAEL TIDBALL:** I cannot, in the sense that I have not been seeing the responses as they have come back. What I can say is that the parliamentary ministerial—what's it called? There's a part of the organisation that coordinates the responses to questions. They then, ultimately—as was said this morning, the department prepares the responses. They then clearly send it to the Minister's office and we, of course, are advised of what the response is. I repeat what I've said, which is, I hear the strength of your comment and respect the Committee's interest in the accountability of the department and responses to questions being provided accurately. I will more closely take an interest with each response that goes back to the Committee. Where there is a matter which is particularly, can I say, contentious or of particular concern—there were a couple of those this morning—I will work to ensure that the Committee can have confidence that the secretary has closely interrogated and considered the issues raised so that the data is as helpful as it can be.

**The Hon. ROSE JACKSON:** Thank you. That's useful going forward. I do want to ask you directly—you may not know but I want to ask. As you say, there is an area of DCJ that coordinates, I'm sure, questions on notice, supplementary questions, motions, questions that we put on notice ordinarily—all of that. There is a lot that's coming in. They do that work and they send it to the Minister's office, which is a completely understandable process. Was it that team that wrote the answer "That information is not publicly available" in response to all those questions, presumably on advice from people who work for Ms Campbell and Ms Czech and others? They also have very busy jobs and they're doing other things. But was it them who did that and sent it to the department or was other information provided, sent to the Minister's office and the Minister's office was the one that said, "We would prefer the response 'That information is not publicly available' in answer to these questions"?

**MICHAEL TIDBALL:** I have not inquired over the lunchbreak, and I do not know. It is possible that it could be a bit of both, but I have not inquired.

**The Hon. ADAM SEARLE:** Could I ask this question then to Ms Czech and Ms Campbell? When you got the questions on notice, was it your advice that this information was not publicly available or did you actually provide the data that the Committee was asking for? I know it's a difficult question, but I'm asking you directly.

**SIMONE CZECH:** It is a challenging question to answer because, as Ms Jackson alluded to, there's actually quite a number of both questions on notice and supplementary questions. Sometimes, depending on the

nature or the topic, it can be a joint response as well. So it's not necessarily one part of the department actually providing that response. As the secretary mentioned, there is a team that then coordinates those responses. My understanding is they don't typically write the responses. It's the business unit that does that. Their job is one of coordination and forwarding that on to the Minister's office for consideration. What was actually written in each response, I honestly don't know the answer to that question. But that's typically the process.

**The Hon. ADAM SEARLE:** That's okay because if we want it we'll ask for it. The upper House can compel the production of documents if that's what we want.

**SIMONE CZECH:** Sorry, Mr Searle, I was just going to say Ms Campbell might like to add to that.

**ANNE CAMPBELL:** I would really like to go back and look at the sign-off path personally. But my recollection is I didn't sign off a one-line answer. It's hard because there are lots of these that come through. But in terms of your specific question around the modelling, from my memory it was back in 2019. It was pretty basic; it was desktop. It wasn't particularly reliable. I think it was the kind of response.

**The Hon. ADAM SEARLE:** Could I ask both of you to look at the questions that were on notice, particularly the ones where, I think, you, Ms Czech, said a number of times, "We have the information," and just look at what happened and maybe give us some answer on notice as to what happened and why we were given that response?

**SIMONE CZECH:** Yes, I can certainly go back, as Ms Campbell alluded to as well, and have a look at the responses, Mr Searle.

**The Hon. ROSE JACKSON:** Mr Tidball, one of the interesting things that Ms Czech just said is that the team that works for you that coordinates all of the different elements doesn't typically write the answers, that that's done by the different units. It comes together, they collate it and send it to the Minister's office. The issue that we have raised is quite clearly one of cut and paste, where a consistent form of words has been used repeatedly in response to questions on a range of issues in Ms Campbell's area and Ms Czech's area. I have some in social housing as well, in relation to social housing transfer requests and others. To me, that would suggest that that was done centrally in one place. If the suggestion is that that is not done in the department, it would suggest that that was done in the Minister's office, wouldn't it?

**MICHAEL TIDBALL:** If I can just be clear, the parliamentary ministerial and liaison unit or—what's the name of it, Anne?

**ANNE CAMPBELL:** It's close enough.

**MICHAEL TIDBALL:** It's one of those names. I am well aware that it does not prepare the specifics. It's a clearing house and coordination point. It reaches out to the appropriate part, or on occasions there'll be more than one part of the organisation. The question today about modelling, that would be both a financial question and that would be an operational question. The two would be fused together and there would be a response, subject to what the approach to answer that question was going to be. It then goes back to that unit, and a response is prepared and considered for their consideration—the Minister's office and the Minister.

**SIMONE CZECH:** Ms Jackson—

**MICHAEL TIDBALL:** I'm just concerned I haven't answered your question.

**The Hon. ROSE JACKSON:** No, that is an answer. As I said, we're not trying to make this awkward for you, but we want to know what's happened here because it crosses a range of areas and we put a lot of work into this, as you do too.

**MICHAEL TIDBALL:** Yes, of course

**The Hon. ROSE JACKSON:** We want to know that the processes are going to work properly.

**MICHAEL TIDBALL:** One thing that—Ms Campbell just touched on it. I will now be in the final—the person that's on a path. There is an enormous volume. The priority of this Committee is such that I am very happy in my evidence to be very clear that I will be absolutely in that as the final signatory.

**The Hon. ROSE JACKSON:** Ms Czech, do you have anything you want to add?

**SIMONE CZECH:** Yes, apologies. I was going to add to my earlier response. I left a very important part of the department off that process. I understand—Michael just touched on it—it goes to the parliamentary team and then to the secretary's office before it goes to the Minister's office. I just wanted to add the secretary's office into that hierarchy, if you like.

**The Hon. ADAM SEARLE:** Just on that, Ms Czech, were you aware before I started to unpack it today about those answers about the information not being publicly available, that those were the responses given?

**SIMONE CZECH:** I hadn't gone back recently to review the material that's online. Obviously, at the time when we prepare them we see the final versions.

**The Hon. ADAM SEARLE:** You saw the final version?

**SIMONE CZECH:** We do. But I hadn't recently gone back in and checked.

**The Hon. ADAM SEARLE:** But the question is: You saw the final version before it was sent to the Parliament?

**SIMONE CZECH:** Yes, I would have to go back and check, but that's my memory.

**The Hon. ADAM SEARLE:** If you could and Mr Tidball and Ms Campbell if you could, on notice, give those answers also, because I think you both took questions on notice.

**Ms SUE HIGGINSON:** Could I just go back to, for a moment, the Family is Culture program? The DCJ was releasing regular progress reports on the implementation of the Family is Culture recommendations and I don't think there's been a report for some time—sorry, the report was up until August last year. We're just wondering whether there's been a decision not to continue those reports, whether there's a different path and what the reason for that might be.

**BRENDAN THOMAS:** There is an intention to release a report in the next quarter and for those reports from thereon to be quarterly reports on progress.

**Ms SUE HIGGINSON:** Was there any particular reason that we'd had a break in that?

**BRENDAN THOMAS:** Not specifically. There's a strong focus, as you can imagine, on those legislative recommendations and a lot of those recommendations were in flight and required Government decisions on whether they were going to be implemented or not. There was a decision to hold off on the reporting until there'd been some decisions made on the implementation of them.

**Ms SUE HIGGINSON:** So we're likely to see one in the next quarter. Thank you. I'm just going to labour this one last time, if I can. In terms of the relationship with AbSec and ALS, whether you're taking the approach that they are real partners in the program and the delivery or just another agency that worked very hard on the front line that we can get a bit of input from?

**BRENDAN THOMAS:** I believe we're taking a partnership approach to the engagement with AbSec and the ALS. The department, though, is a big organisation and AbSec and the ALS touch many parts of that department, not only the parts that those of us here are responsible for. The relationship might vary depending on those parts of the department that they're engaged with. But certainly the plans that we've got in place, we've developed in partnership with those two organisations in particular. The bodies that oversee the implementation of those plans, I co-chair with the CEOs of both of those organisations. I meet with them both at least once a month on a one-on-one basis and more often than that when we're chairing meetings together.

We have disagreements on the approach to certain things. I'm always happy to further engage with them on how we can improve that partnership. But there is, from my point of view, constant and regular contact with them. I believe I certainly take to heart any feedback and comment that the ALS and AbSec have and try and engage in as best we possibly can in the design and the delivery of anything that we're doing. But I'm always happy to get further feedback from them on how we can improve it.

**Ms SUE HIGGINSON:** Thank you. You say that in relation to the Family is Culture and the Closing the Gap?

**BRENDAN THOMAS:** Everything that we're doing, effectively.

**Ms SUE HIGGINSON:** Thank you very much. I just want to go back to you Mr O'Reilly, if that's okay. I know you took on notice, I think I asked specifically for the costs around—do you have one round figure for detention centres, youth detention centres?

**PAUL O'REILLY:** There are a few ways of counting it. The way we usually count it is the cost, the daily cost, per young person in custody and for the financial year just completed it's \$1,956, which is an increase on the previous year, which was \$1,598 and the year before that \$1,306. That increase is driven by two things. Our costs have increased because we've changed the way we manage security. But the real driver of the change is the reduction in the number of young people, because that affects the unit cost.

**Ms SUE HIGGINSON:** Sorry, how does that work with the number of children, did you say?

**PAUL O'REILLY:** Because it's an average daily cost per young person. So, if there are less young people the average cost goes up.

**Ms SUE HIGGINSON:** Yes. On costs and young people, I just wanted to ask you—and I think you're on the record as being very supportive of this—the idea of music in youth justice centres.

**PAUL O'REILLY:** Yes.

**Ms SUE HIGGINSON:** The questions really are: Do you or does the department have plans to introduce computers in the youth detention centres in the cells?

**PAUL O'REILLY:** We do have plans to do that, but not now, for a few reasons: the infrastructure is not well set up for it; it comes at a very high cost and we don't have funding for that currently; and we also have a range of reforms that we are prioritising. I want to be very clear: I do support the use of music in custody for young people and we do have a lot of music programs in our centres. I participated in them myself, but the idea of providing—

**Ms SUE HIGGINSON:** Are you any good?

**PAUL O'REILLY:** When I say participated—

**Ms SUE HIGGINSON:** I apologise.

**PAUL O'REILLY:** —far be it from me to steal the limelight from the young people in the room. But they are good programs. But I think that your question goes more to providing equipment in the individual cells for young people to listen to music and access the internet unsupervised.

**Ms SUE HIGGINSON:** Yes.

**PAUL O'REILLY:** We're not ready for that yet for a couple of reasons: One, the infrastructure and the cost but, secondly, we have to bed down the safety and security reforms that we've just implemented. We've completed the Shearer report recommendations. But we are very carefully making sure that we don't lose any momentum in those safety reforms, and that is a big focus at the moment. We're also focusing on effective cultural practice in custody, working out what we can do to better support our specialist Aboriginal staff and delivering services to Aboriginal clients while they're in custody.

**Ms SUE HIGGINSON:** Can I just ask on one thing you said? Sorry, I don't mean to cut you off, but before I forget—what have you identified as being the risk to safety and security? What is that in terms of providing access to this?

**PAUL O'REILLY:** I was speaking more about how we have general safety and security priorities that we're trying to improve and that is our top priority in custody: keeping people physically safe. That's what I was referring to in relation to that.

**Ms SUE HIGGINSON:** Okay.

**PAUL O'REILLY:** But certainly if we were to introduce internet access and equipment in the rooms unsupervised, there are certainly security and safety considerations. It is not the same as adult custody. Young people in custody are at a different developmental stage and they often do lack impulse control. So, we have to be really careful in the way we assess all of the activities that young people undertake in custody, particularly at those times when they're not being supervised. It's not a question of just saying it's good for young people, therefore we should do it. It's about understanding what would be the unintended consequences if we did it poorly. What would be the unintended consequences if we didn't consider the risks and then how do we make sure we mitigate those before we launch into implementation?

**Ms SUE HIGGINSON:** So, do you have a plan?

**PAUL O'REILLY:** We do have a plan. We have a youth justice modernisation program and that focuses on a whole range of technical changes, using technology. But again, safety and security is top priority. The first two projects in our modernisation program are introducing X-ray body scanners to eliminate body searches. That's the first technological priority and we've started that process. We have scanners operating in our two busiest centres currently and the rest will be completed by December. Our second priority is introduction of body-worn cameras for our response teams and they have just been implemented in July at Cobham and Frank Baxter youth centre to improve information and accountability during incident response and use of force. That was a big investment, big complexity, big change of management to introduce those two technological changes. Again, I don't wish to diminish the importance of music in custody, but those two things were far more important to me this year than introducing music in custody technology.

**Ms SUE HIGGINSON:** Are you suggesting then it really is a resourcing issue? If you had enough to be doing both at the same time, you could have done that?

**PAUL O'REILLY:** No, I think there are bandwidth issues as well as cost issues. We're a small agency—

**Ms SUE HIGGINSON:** Capacity.

**PAUL O'REILLY:** —and changed management in relation to safety has to be done carefully. It's unreasonable to expect the workforce to just adapt to too many changes and also the young people and their supporters. So, it is about staging it and prioritising safety as the number one—in particular, child safety principles, and that's why the scanners were the top priority this year.

**Ms SUE HIGGINSON:** You mentioned earlier there's an increase in youth coming into contact with police.

**PAUL O'REILLY:** I talked about an increase in bail refusals.

**Ms SUE HIGGINSON:** Yes, that's where we kind of got to it. Basically, that's what I wanted to understand. In response to the bail refusal by police, you said there was an increase in young people coming into contact with police. Is that your premise?

**PAUL O'REILLY:** I have to check the transcript, but I guess it's logical. If young people are coming into custody and being bail refused more than they were a while ago, it is possible there was more contact with police. But there's a bit of police contact—

**The Hon. ROSE JACKSON:** I think Mr Thomas said that.

**Ms SUE HIGGINSON:** Apologies.

**The Hon. ROSE JACKSON:** It was said, but not by you.

**PAUL O'REILLY:** Thank you. I don't have visibility of all contact with police, because it's not my mandate. I have visibility of where the police contact requires a response from my team. That's usually after arrest and certainly in court. But there is an awful lot of effort from the police to divert young people away. They've made a lot of decisions in the last 10 years to not proceed against young people in court. There's been a huge reduction, around 24 per cent, in the last decade. BOCSAR has that data in relation to police having contact with a young person, deploying the Young Offenders Act to divert, using cautions or warnings or conferences, and deciding that court's not necessary or appropriate. That's driven a lot of the reduction, I think, in contacts with court and contact with our system.

What's happened recently is an increase in offending in a couple of areas and a couple of offence categories, in small numbers in the scheme of things but it certainly feels big because a lot of those offences are very serious. That has seen an uptick in bail refusals and an increase in the custody population, which we sincerely hope is a temporary glitch, after what has been a consistent drop. In the last four years, we've seen a 29 per cent overall drop in custody numbers.

**Ms SUE HIGGINSON:** My time's up. We might come back to it.

**PAUL O'REILLY:** Sure.

**Ms ABIGAIL BOYD:** My questions are for Mr Fitzgerald. Good afternoon. I know we're not that far past the end of the 2021-22 financial year. Are you able to tell us the number of calls received by the Ageing and Disability Abuse Helpline in the last year?

**ROBERT FITZGERALD:** Absolutely. Last year to 30 June, it was 12,561. They converted into 5,289 matters. Of that, there are 3,975 statutory reports. The statutory reports are up 11 per cent on the previous year, and each year has been a significant increase in the number of statutory reports.

**Ms ABIGAIL BOYD:** The numbers on the helpline are slightly down, then, on the previous year?

**ROBERT FITZGERALD:** Yes. That's partly due to the pandemic. The major group of people that contact the helpline are other relatives wanting to raise concerns about their other relatives' care of older people, or frontline service providers for people with disability. They're quite different categories. During the pandemic, both the families that would normally visit and report the concerns are not visiting. In relation to the frontline service providers, a lot of the services were withdrawn from people with disabilities in their home. So the question there is whether or not that's just a blip. But the previous year was 13,090.

**Ms ABIGAIL BOYD:** Then the number of matters were slightly down?



**ROBERT FITZGERALD:** No. The number of calls are slightly down. But matters—the most important part of the equation is the statutory reports, which are up consistently.

**Ms ABIGAIL BOYD:** They're 11 per cent up. Does that indicate that people are becoming more aware of their responsibility to report?

**ROBERT FITZGERALD:** Two things are happening. The first thing is the awareness, particularly of elder abuse, is growing. There was a prevalent study undertaken by the Australian Institute of Family Studies, released by the Commonwealth Government in December. It shows that 15 per cent of older people over the age of 65 identify as having been abused in the last year. In New South Wales that would equate to something—170,000 people in New South Wales would have identified as having been abused in the previous year. The first thing about it is that the level of abuse itself seems to be higher than we first thought, certainly higher than when we were established three years ago. The second thing is there's a very significant increase in community awareness, largely driven around financial abuse, very active campaigns by the banks, the superannuation industries, but also some of the work done by the Commonwealth Government in terms of their community awareness. So there's an increase in the awareness.

But there's one third factor, which is critically important, about resourcing. A societal shift has occurred. Adult children would have inherited their parents' wealth in their 50s or early 60s. That's now being pushed back by at least another 10 to 15 years. So the pressure on the system, the pressure by adult children—the major perpetrators—to acquire that inheritance earlier will grow substantially. So, just as society, we would expect that financial abuse will considerably increase in real terms because of that delayed wealth transfer. As you know, the major perpetrators of financial abuse are the adult children. That's consistent right around Australia.

**Ms ABIGAIL BOYD:** Given that data, which, as you say, is consistent around Australia, do you think then that there is a need to expand—I'm just thinking about the Government's draft coercive control legislation they've got out at the moment. It only applies to a current or former partner, effectively. If that was extended out to include other family members, do you think it would capture some of the issues that you are seeing?

**ROBERT FITZGERALD:** Yes. We've been consistent in two submissions that we've made in relation to that piece of legislation that the definition should be expanded beyond intimate relationships to what's called domestic relationships. That's a definition that's used in the domestic violence legislation. We believe that the definition should be slightly expanded so that it captures the sorts of abuse we see, which are largely family members abusing older people. In the case of people with disability, it's parents abusing adult children. By slightly expanding the definition, you would capture a very substantial—but not all of the arrangements that we're dealing with. We've been consistent in our advice in relation to that.

**Ms ABIGAIL BOYD:** Thank you. That's very helpful. Do you provide mediation services for people with disability?

**ROBERT FITZGERALD:** We have an MOU with Relationships Australia, which provides mediation services in relation to elder abuse. They also provide counselling for older people that have been abused. Those services don't extend to people with disabilities. We believe they should. That funding comes both from the Commonwealth and the State. My understanding is that, at the instigation of some lobbying—including by Minister Coure, Minister for Seniors—that funding has been extended by one year. But it doesn't come through us. But, yes, we do. In time, mediation will become a critically important issue in relation to dealing with abuse matters because fundamentally what you're dealing with is relationships that have gone bad. That's what we see.

Either they've gone bad intentionally—that is, people are out to exploit or otherwise abuse older people or people with disabilities—or it's relationships where they started off with good intent to provide appropriate care but they're incapable of providing that care. Of course, in that case, you end up with very substantial levels of neglect. Neglect is the hidden problem that we see. To understand this area of abuse, it is all about relationships that have gone wrong. The aim is to put the person in a safer position than when they were first reported to us. Part of that should be to provide mediation to reshape those relationships with family members and people beyond that. It has many of the same elements as child protection and domestic violence but it has some unique features, which should be acknowledged separately.

**Ms ABIGAIL BOYD:** That funding has been extended for a year, but it doesn't apply to people with disability?

**ROBERT FITZGERALD:** No. The scheme is in relation to older persons that have been subject to abuse or requiring some sort of family mediation.

**Ms ABIGAIL BOYD:** Do you think we need something similar for people with disability?

**ROBERT FITZGERALD:** Yes, we do. The issue in relation to people with disability is this: The risk age for people with disability is 18 to 25 years of age. The major perpetrators are adults—that is their family members, particularly parents. Again, most people with disability would want their families to be engaged in their life. We would think that is appropriate if you have a normalised relationship. But that won't happen unless there is intervention to be able to sort out those family relationships. The least attractive alternative is—and we can do this—to apply to NCAT for guardianship. That happens, and it's increasingly happening with people with disabilities. But, as a society, what we want to do is reinforce the natural bonds that exist in one's life. That includes family, community, neighbours. To do that, we think mediation might be helpful.

**Ms ABIGAIL BOYD:** I guess the question for Mr Tidball then is: Is funding mediation for people with disability in these circumstances something that the department has considered?

**MICHAEL TIDBALL:** I do not believe so, no; certainly not on my watch.

**Ms ABIGAIL BOYD:** Is it an issue that you've seen at all come up for discussion?

**MICHAEL TIDBALL:** No, there are ongoing discussions with the commission about funding. In response to your specific question about disability, so this is a new agency, it's three years old. It's got under the ADC Act very clear responsibilities and it needs to be able to undertake them. The focus has been around the growth of existing functions rather than it creating anything new, but it is something that I'm certainly very happy to engage with the commissioner in.

**Ms ABIGAIL BOYD:** Sounds like something I might need to lobby for.

**ROBERT FITZGERALD:** I think, if I can just use that as a segue—and the secretary won't be surprised—the issue of resourcing of the commission in attendant activities is of serious issue, as you are well aware. Just the history of this is important to understand. The indicative budget prepared by DCJ was for \$29 million over a four-year period. Before I arrived, it was cut to \$13.6 million over a four-year period, as the legislation was going through Parliament. As a consequence of that, the commission has not been provided with a budget that's adequate to undertake the statutory functions.

Fortunately, through the intervention of Minister Gareth Ward, a viability payment was made by DCJ of \$3.5 million over four years. But going forward, there's an immediate cut of 25 per cent to the budget of the ADC at the end of this financial year and a 40 per cent reduction against anticipated demand, which has been agreed by Treasury and DCJ. The financial position of the commission is precarious and has been so for some time. I acknowledge that the secretary, Minister Maclaren-Jones and Minister Couré are trying to rectify that.

The second part of the budget which you need to understand is the Official Community Visitor scheme, which is administered by Minister Maclaren-Jones. Of course, that has not had an increase in 10 years, notwithstanding the number of visitable services has substantially increased. We're moving to a situation in the Official Community Visitor scheme of—we have a target of 80 per cent of visitable services should be visited.

In financial year 2020, it was down to 65 per cent; financial year 2021, 56 per cent; financial year 2022, 50 per cent; and as at the moment, it's 48 per cent. It's getting to a point where the Official Community Visitor scheme could not be said to be viable if it is visiting less than 50 per cent of the visitable services, and they are out-of-home care children's services, assisted boarding houses and over 1,800 disability residential services. So the two aspects of the commission—the core and the community visitor scheme—are both in a perilous position. The Government is aware of that and we've been aware of that for some time.

**The Hon. ADAM SEARLE:** Just on that, so it's never had what was meant to be its indicative budget? Is that correct?

**ROBERT FITZGERALD:** The indicative budget was \$29 million over four years and it was cut, before I arrived, to \$13.9 million over four years. Had the budget that was prepared by DCJ been upheld, we would be in a very good financial position relative to the demand that we've seen over the last few years. But a cut of 60 per cent before you open the doors means that you can never recover from that. Thanks to the DCJ, they've supported that through, as I said, a supplementary payment of \$3.5 million, plus they undertake some of the back office support for us. But fundamentally there's a deficit. The deficit has been coming and there's a financial cliff—which I've used many times—at the end of this financial year.

**The Hon. ADAM SEARLE:** What is the financial deficit as you see it?

**ROBERT FITZGERALD:** Precisely, over the next three years for the core of the commission, it's \$6.9 million relative to demand.

**The Hon. ADAM SEARLE:** Is that over the four years?

**ROBERT FITZGERALD:** Over three years. And the OCV scheme, which is in very severe deficit, will be \$2.1 million over the same three-year period.

**The Hon. ADAM SEARLE:** That sounds pretty serious. What are the practical implications of those cuts? You've already described the percentages that haven't been met in terms of visitations with the official visitor scheme.

**ROBERT FITZGERALD:** In relation to the official visitor scheme, understand that this is a ministerial scheme administered by us on behalf of the disability Minister, and the scheme administered by the OCG, but through an MOU I administer it in relation to children's services. So it's two schemes in one. The scheme has been in operation in New South Wales for 27 years. It's a longstanding scheme. In relation to the scheme, if the budget is not supplemented on an ongoing basis, the percentage of services that can be visited by a community visitor drops, because every year the number of visitable services grows. Every time the NDIS approves a new residential service, that becomes a visitable service in New South Wales automatically.

**The Hon. ADAM SEARLE:** What are the percentages then? What would they drop to in future years?

**ROBERT FITZGERALD:** Well, at the moment they're dropping by—as I said, it's gone from 65 per cent to 56 per cent to 50 per cent. And it'll drop to about 45 per cent by the—not this year, because we have some supplementation, but it will go to about 45 per cent next year.

**The Hon. ADAM SEARLE:** And that'll just keep compounding for each year that it's not made good?

**ROBERT FITZGERALD:** Yes.

**The Hon. ADAM SEARLE:** So it could get down to 30 per cent, 20 per cent?

**ROBERT FITZGERALD:** Yes, it's night follows day. If the number of visitable services increases and the budget doesn't increase, then in fact the visitable rate drops. The second thing is DCJ provided to us a \$400,000 supplementation one-off payment last financial year, which we're using this year. But part of that was to be used for an increase in the remuneration for the community visitors. The community visitors had not received a single increase in their payments for 10 years—not a single dollar, not for inflation, nothing. So, again, through the intervention of Ministers and the DCJ, we have now increased that remuneration for the first time in 10 years by 14 per cent. But the grant to do that is a one-off grant.

**The Hon. ADAM SEARLE:** That'll cover this year only and not future years.

**ROBERT FITZGERALD:** Yes. It'll cover this year only.

**The Hon. ADAM SEARLE:** So that'll compound your deficit?

**ROBERT FITZGERALD:** Yes.

**The Hon. ADAM SEARLE:** So what is the roadblock? Is it Treasury for not appearing? Is it your Minister not going in to bat for you? What's the story here?

**ROBERT FITZGERALD:** We've had seven—the main Act, which includes the OCV scheme, is jointly administered by the disability Minister and the Minister for Seniors and the family and community services Minister in relation to children. So we've had seven Ministers who jointly administer our Act in the last three years. There's no doubt at all that we've raised these concerns consistently with all Ministers, as you would imagine. This has been a foreseeable problem and I must say most Ministers are very supportive. Nevertheless, we've been unsuccessful in all budget bids so far. Not a single budget bid has gone up, but the secretary is taking this matter up at the moment.

**The Hon. ADAM SEARLE:** The scheme that you administer and the role of your organisation, is it sustainable going forward without this being fixed on an ongoing basis?

**ROBERT FITZGERALD:** I've indicated to the Government very clearly that in relation to the commission's core budget the commission will be unable to fulfil its statutory functions to the extent that is expected by Parliament unless the budget is fixed. In relation to the Official Community Visitor scheme, it's now a reputational risk to Government and, of course, to the residents. Once you get below 50 per cent—when the desirable visiting rate is 80 per cent—you have to ask whether or not it's a viable scheme. The promise by the Government is that people with disabilities, people living in assisted boarding houses and children and young people in out-of-home care will have access to a community visitor. At 50 per cent, that's not the case.

**The Hon. ADAM SEARLE:** To put it baldly, you've indicated you just can't properly fulfil your statutory duties without this being properly addressed. Is that my understanding of your evidence?

**ROBERT FITZGERALD:** Yes, it's very clear, because if you have a 25 per cent immediate reduction in the budget, that's 25 per cent less that we can deal through the helpline, through the community support, through our investigations and through our community education. But in fact it's worse than that, because there's been a growth in the level. We worked with Treasury and Finance last year on a predictable growth pattern. It's called a demand funding model, which is used in part of DCJ in relation to their Justice area. It is a predictable tool for proper budgeting where an agency is incapable of controlling demand. We can't control demand, because it comes through the helpline, and, of course, the Government's and Parliament's intention that that would increase. That's why we have a community engagement function as well. At the end of the day, we've agreed to what the demand will look like.

If the current budget is sustained as it is, it'll be a 40 per cent reduction in our capacity to deal with people through the helpline, community support functions, through investigations and through community engagement. Because we're a statutory agency, there is nothing we can do—not a single thing. Because the original budget was cut, there's actually no fat left in the organisation because it was taken out before we opened. With a 60 per cent reduction in the anticipated budget, there is nothing left—more than nothing left. This is a story that we've done privately with the Government for now three years. It is a matter that we've raised in each and every budget bid. We worked with Treasury and Finance in DCJ to come up with a demand funding model, which is used in other parts of DCJ—and, again, that was unsuccessful. So, at this stage, we have put in an urgent plea to Minister Maclaren-Jones, Minister Coure and the secretary to try to resolve this well in advance of the end of this financial year. This financial year, we will use some of the carried forward funds. But after that, that's the circumstances.

**The Hon. ADAM SEARLE:** So what is your message to your Ministers here?

**ROBERT FITZGERALD:** It's the same message that it's been to you and everybody else. I'm very open about this. It is not possible to maintain our performance in relation to the statutory functions into the future on the budget that's now predicted. The official Community Visitors Scheme runs the risk that it is no longer viable as a scheme that protects the wellbeing of people with disability, boarding house residents and children, unless the budget can, in fact, be increased. Everything I've said to you is the same as we've had discussions with the secretary and with seven Ministers. I do not understand why our bids are unsuccessful, especially the last one because we actually worked it up with Treasury and Finance in DCJ and it is absolutely modest. It is absolutely modest. It has no new elements in it. It is simply trying to do core business.

**The Hon. ROSE JACKSON:** Thank you so much for your evidence. Just to clarify, you developed the, I think you called it, demand—

**ROBERT FITZGERALD:** Demand funding model.

**The Hon. ROSE JACKSON:** —funding model, obviously with DCJ but also with Treasury and Finance. That was prior to the last budget funding round?

**ROBERT FITZGERALD:** Yes.

**The Hon. ROSE JACKSON:** And that model, despite that collaborative development process, was not adopted?

**ROBERT FITZGERALD:** Correct.

**The Hon. ROSE JACKSON:** In terms of the consequences of the potential unviability of the official visitor program, for all of those people watching—which may be many—you mentioned the fact that we are already below 50 per cent in terms of official visits. What are the potential consequences of that? That program ensures that someone who is trained and has a background in disability services, mental health, nursing, one of those areas, goes into a facility where vulnerable people are housed, and it is a place for them to raise concerns both about their own treatment and also about any systematic issues. I just want you to explain what an official visitor does and when they are not there what that means for the vulnerable people who are living in those circumstances?

**ROBERT FITZGERALD:** More than a quarter of a century ago, New South Wales decided, when it was the disability service system owner and operator both through its own organisation and in relation to NGOs, that visitors who came from the community who were skilled but supported by the commission would be appointed by the Minister, paid under a different remuneration scale—they're not employees—with the sole purpose of going into these disability services and assisted boarding houses and out-of-home care facilities in order to listen to the concerns of the residents. So it is completely resident-focused. They seek to resolve the issues of concern at the lowest possible level, that's within the house or residence, or with the service provider. But what we also use is we provide that information to inform advice in relation to systemic issues.

The issues of concern are provided to the Office of the Children's Guardian and to the relevant Ministers, and have been right through. So it is all about trying to empower the resident. It is not part of the regulatory system, but it has aspects of that. At the moment, in relation to the NDIS, there is consideration that a Community Visitors Scheme might be developed at a national level. That's been talked about for some considerable time. But at the present time, the States and Territories are responsible for conducting the Community Visitors schemes. In relation to the assisted boarding houses and out-of-home care, the New South Wales Government is the system owner. It regulates the boarding houses and it is the system owner in relation to out-of-home care. So those two aspects are absolutely part of New South Wales' responsibility.

**The Hon. ROSE JACKSON:** So it is not an exaggeration to say that when a visitor doesn't come, when there is no visit because, as you say, there are too many facilities and not enough funding for the visitors, both individual issues of abuse and neglect, and systematic issues of mistreatment, are missed—that is the consequence of no visit occurring?

**ROBERT FITZGERALD:** Absolutely. We now have a number of services where there has not been a visitor able to attend for some years. So because of the one-off grant of \$400,000 from DCJ, we will be visiting an additional 60 facilities on a one-off basis. Normally, the visitor develops a relationship with the house, the staff, but most importantly, the resident. We cannot do that with these. But my view is the integrity of the scheme would be completely undermined if we actually have a large number of services never being visited, which is the consequences of the resources at the moment. So we are trying to supplement that with the one-off grant. If the one-off grant is a one-off grant, that will cease in the next year.

**The Hon. ADAM SEARLE:** So if places aren't visited that just increases risks for residents?

**ROBERT FITZGERALD:** Absolutely. This morning, you talked about "the voice". One of the ways voices of residents—and these are the most vulnerable people, that's why they are in residential care or in assisted boarding houses, they have very few ways by which that voice can be raised. Certainly, some have families; many don't. Some have advocates. This is an independent way, but it also has a ripple effect. That is, if you are dealing with a service provider who might have a multiple number of homes, we would hope that that informs service improvement. I'm not convinced it does yet, but it should. So by visiting two or three homes, that has an effect on all of the houses or residences that that provider might be actually owning or operating.

But I would just make the point, there has been a huge increase in the number of residential services for people with disability through the NDIS, and there is a very significant increase in new providers that have never run disability residential services before. That's the new market that we have created in NDIS. So the vulnerability is not simply because of the individuals, it's actually that the service system has changed. We work with the NDIS Quality and Safeguards Commission. We work with the NDIA, just as we do work with the New South Wales child protection and out-of-home care systems. So a lot of the matters end up with other regulators, either the Office of the Children's Guardian or, alternatively, with the NDIS Quality and Safeguards Commission.

**The Hon. ADAM SEARLE:** You said the indicative budget was cut from what had been set?

**ROBERT FITZGERALD:** Correct.

**The Hon. ADAM SEARLE:** Mr Tidball, does DCJ control the commission's budget?

**MICHAEL TIDBALL:** The budget is allocated by Treasury directly to the commission, is my understanding.

**ROBERT FITZGERALD:** No, through you.

**MICHAEL TIDBALL:** Sorry?

**ROBERT FITZGERALD:** Through you.

**MICHAEL TIDBALL:** Through me—through DCJ.

**The Hon. ADAM SEARLE:** But it's earmarked, is that what it is?

**MICHAEL TIDBALL:** Yes, absolutely.

**The Hon. ADAM SEARLE:** So you get a line item—

**MICHAEL TIDBALL:** It is earmarked, yes.

**ROBERT FITZGERALD:** If I could just explain. For reasons which I don't completely understand because when I was appointed it was what it was, the Office of the Children's Guardian is able to put in a budget directly to Treasury. Our budget, together with many of the agencies attached to DCJ, put their budget bids through DCJ and it goes through that process. One of the difficulties that I've raised with successive Ministers and

secretaries is that small agencies within a cluster are almost doomed to failure in their bids, because you are competing, in this cluster, with police, corrections, child protection, housing, homelessness and so on. So my own view is—not that I suggest any immediate rectification—I think there is a structural issue that needs to be dealt with for small agencies that exist within clusters. Others have a direct access. I'm not saying they are better or worse off; I'm simply saying there are differences. The difficulty in the cluster arrangements is that small agency bids, particularly just for core activities, will inevitably struggle, and that has been the case in our own case.

**The Hon. ROSE JACKSON:** Sorry, can I ask one more question in relation to vulnerable people who are living in facilities that should, under statutory arrangements, be receiving official visits but aren't because of the resource constraints. What are the alternative options that they might have to raise issues? You've mentioned family or advocates. If they are not available, there is presumably a phone line. But for many of these people, as you say, they are the most vulnerable, they have complex disabilities. Is that a meaningful avenue for them to raise concerns about their treatment?

**ROBERT FITZGERALD:** In relation to people with disability, people with disabilities connect through service providers, largely, and despite the NDIS absolutely recognising a principle of choice and control by individuals, the whole system is designed to that. People with intellectual and cognitive disabilities are always at a disadvantage, for a whole range of reasons which I don't need to explain, whereas people with physical disabilities but high levels of cognition are very different—very different, indeed. The vast majority of people we visit are people with intellectual or cognitive disability. Their main avenue is, hopefully, that if something is happening in the house, one of the frontline workers will actually respond and report the matter. Some do, either to us or to the NDIS Quality and Safeguards Commission. Some will still have family connections, although decreasing over time. And some will be connected into disability advocacy services—those funded by DCJ, which you heard about this morning. But it's just that vulnerability and the ability to be able to speak up, and often they need someone that can assist that.

**The Hon. ROSE JACKSON:** That's why that relationship that you mentioned is important.

**ROBERT FITZGERALD:** The Official Community Visitor scheme I don't think is perfect and I think it needs to be reformed. I believe it needs to be reviewed. But, in the absence of anything better, it is still a very important part of the system to support people with disabilities. Whether it could change, or change into a different form, that's a matter for discussion at the moment. I'm not defending the current scheme. So long as we have the current scheme—and, frankly, whatever alternative there was—it has to be adequately resourced. Comparing States—I'll provide further full figures. New South Wales has a budget of just over \$900,000 for the Community Visitor Scheme, Victoria is \$2 million and Queensland, which has a much broader remit into out-of-home care, is \$11 million. So we are not, by any means, even keeping pace with our two neighbouring States.

**The Hon. ADAM SEARLE:** What do you think about the Government setting up your independent commission but not even funding it to what it was supposed to start out at?

**ROBERT FITZGERALD:** I believe the Government and the Parliament who unanimously supported it were very, very wise in the establishment of the commission. The commission is lauded amongst the rest of the States as being a very good model. Not the perfect model, not necessarily the ultimate model, but a very good model. I have had nothing but support from all sides of Parliament and every Minister that I have dealt with—which are quite a few—in relation to the work. There isn't a single criticism of the commission to date, which is surprising. By about three years in, you start to have your critics, and they are very absent in this space. We have put enormous energy into connecting with the sector, the service providers. We have an expert reference group, we have a disability round table, we have an older person's round table, and of course I have a statutory board headed by Professor Eileen Baldry from the University of New South Wales.

From the very moment, with limited resources, we invested heavily in making sure we were connected. It's the only way, frankly, as a regulatory agency, that you know whether you're doing any good. You delude yourself to think you know, but the others will tell you. My view is that the commission was a very sound public policy intervention. It will grow and develop. The demand is going to far exceed that which we ever anticipated, and that's going to happen across Australia for the reasons I've indicated. The resourcing has been the weak point. I want to make clear that I think DCJ was absolutely right in the indicative budget that they put forward, and the Government was very imprudent to cut it back by 60 per cent before the doors opened.

**Ms ABIGAIL BOYD:** Mr Fitzgerald, this is pretty extraordinary evidence that you are giving. I do take it that this is something that's not new to the secretary or to the Minister. The Ageing and Disability Commission was set up amidst much fanfare as the Government's response to some of the shocking stories we were hearing of abuse and neglect of people with disability, as well as older people. What you are telling us is that you are now unable to perform your statutory duties effectively because of underfunding from this Government. Is that right?

**ROBERT FITZGERALD:** Yes. It's the same message that I conveyed to Minister Gareth Ward on my first week of being appointed as commissioner. I indicated to him, once I was informed of the budget, that we would not be able to fulfil the statutory functions to the level that Parliament required. He responded effectively and, with the support of DCJ, provided that \$3.5 million over four years—\$500,000 the first year, \$1 million thereafter—which finishes this year. Nevertheless, it meant that we did not have all of the capacity that was originally intended. No lawyers, no policy people, a substantially reduced community engagement capacity—all of that went. And it was supplemented, then, by a service agreement which we have with DCJ.

Right from the first moment, the story has been consistent that it needed to be fixed. I'm not sure why the budget was cut. I wasn't privy to it. I wasn't privy to it prior to walking in the door, when I met Paul, I think on the very first day. I don't have any understanding of how that budgetary decision was made. All I know is that for the full three years, it's been the elephant in the room: knowing that the cliff was coming three years out. So that's the story.

**Ms ABIGAIL BOYD:** In order to fix this—in order to allow you to do your job and for the commission to adequately protect people with disability from abuse and neglect in the way that was intended originally in the design of the commission—is your evidence that you really only need what I calculate to be \$9 million over the next three years in addition?

**ROBERT FITZGERALD:** Based on the demand funding model which was agreed between finance and DCJ and Treasury, the shortfall going forward for the next three years is \$6.9 million for the core commission and \$2.1 million for the visitors. That is simply to do what we currently do. It doesn't have any new initiatives in it at all, which, of course, as a commissioner, you would like to be able to do different things and more things. But my whole objective has been simply not to restore the budget to what it was—I'm not trying to do that—but to say what is the most conservative, minimum amount we would need to fulfil the statutory functions we currently have.

**Ms ABIGAIL BOYD:** Let's just get this right. To do the minimum required to fulfil your statutory functions, you are looking for an additional \$9 million over three years?

**ROBERT FITZGERALD:** In respect of the core and the OCV scheme, yes.

**Ms ABIGAIL BOYD:** And this Government, whether it is the Treasurer or the Premier, has determined that \$3 million a year extra for funding the commission to do its job properly was not something that it could do.

**ROBERT FITZGERALD:** All I can say is that the budget bids were not successful.

**Ms ABIGAIL BOYD:** If you were to have that funding provided, how quickly would you be able to get that OCV scheme back up to full speed?

**ROBERT FITZGERALD:** Certainly the funding we are talking about is for the future years, so not this financial year. I've made an undertaking that we will use carryover funds for this year, so it starts next year. We would start to be able to move—there is a slight delay because you have got to engage more community visitors. We currently have 31. We would like to eventually get that to 40, if we can do that. The second thing is you also have some turnover. The long and the short of it is within a year we would start to move well back towards the 80 per cent mark, based on the current growth estimates. Again, to be very clear, a visitable service becomes a visitable service the minute the NDIS actually approves that house, so New South Wales and we don't have any control over that.

**Ms ABIGAIL BOYD:** We talked about what the minimum would be to run your functions properly. What would be better than that, in terms of how much more funding are we talking to do a really superb job here?

**ROBERT FITZGERALD:** As a commissioner, I probably should put in a number, but I won't, because we haven't analysed that. My view has always been to be evidence based. That's why we went through the demand funding model. I was Community Services Commissioner here 25 years ago and I oversighted child protection home care disability services run by the government and non-government organisations. At that time, I believed that we needed a way by which we could fund the department then in a predictable way, based on the anticipated growth in child protection out-of-home care. I was truly shocked to find that that had not been the case—but it was the case in relation to certain aspects of Justice. That's a longwinded way of saying I don't have a number for you. Clearly, if I had any expectations that there was a likelihood or we could be successful in enhancements, we would do that. We have a number of those in mind. But, at this stage, it is really to get the core budgets up.

**Ms ABIGAIL BOYD:** Mr Tidball, does it surprise you that the Government couldn't find in the budget \$3 million to allow the commissioner to do his job, but they could find \$25 million for a flagpole?

**MICHAEL TIDBALL:** I think the best answer I could give to that is that the commissioner and I are engaged in very active dialogue. I am working assiduously to develop a solution, and the commission does need to be able to fulfill its statutory responsibilities. Having said that, the vital point is in terms of core funding—I'm \$150,000 out from you, Commissioner. I thought it was 6.75 for the core, but the core—

**ROBERT FITZGERALD:** It's 6.9.

**MICHAEL TIDBALL:** That's more money. The core for this year, 2022-23, is covered by the carry forward. I acknowledge that one of the issues for the commissioner is about human capital and wanting to have continuity for staff and for them to have a sense of certainty. I am actively working with other elements of government to ensure that we resolve this matter.

**Ms ABIGAIL BOYD:** Three million is really not very much in the grand scheme of things. I hope we can afford that, so that we can look after people with disability.

**Ms SUE HIGGINSON:** Can I just go to public housing? Is that something that—

**The Hon. ROSE JACKSON:** Mr Toomey.

**Ms SUE HIGGINSON:** Thanks, Ms Jackson. Can I just ask some basics? How many people do you currently have on the waiting list for public housing in New South Wales?

**JAMES TOOMEY:** Sorry, the number was given earlier—49,000.

**Ms SUE HIGGINSON:** Sorry?

**JAMES TOOMEY:** The number was given earlier. I am just going to find it again.

**ANNE CAMPBELL:** I think I can answer that. I've got it, Mr Toomey. There's 49,928 applicants on the social housing register, of which 5,801 households were eligible for priority housing. That's across public housing, as well as community housing.

**Ms SUE HIGGINSON:** When you say "priority", how does the "at risk" category come into that? Is that within that?

**ANNE CAMPBELL:** That's within priority housing.

**Ms SUE HIGGINSON:** Is "priority" all "at risk" or are there other categories within "priority"?

**ANNE CAMPBELL:** I might hand to Mr Toomey, but that's pretty correct. They have at-risk issues. Obviously, there's eligibility around age—which I know has been an issue recently—where a person over 80 can access the priority waitlist. But, generally, they're people who have quite a number of vulnerabilities. It could be drug and alcohol or mental health issues. It could be a whole range of things, but there's specific criteria that the housing staff use to make that assessment.

**Ms SUE HIGGINSON:** Is it fair to say the "at risk" is "priority"? It's the same thing?

**ANNE CAMPBELL:** Yes, correct.

**Ms SUE HIGGINSON:** The 49,928 applicants, how does that compare to five years ago?

**ANNE CAMPBELL:** We'll probably need to take that on notice, but I'm pretty sure it has reduced a bit on the general waitlist. What I think you have seen is the increase in the priority waitlist or the at-risk cohort.

**Ms SUE HIGGINSON:** Would it be okay to take that on notice, but also to do five years ago and 10 years ago?

**ANNE CAMPBELL:** I'll take that on notice and see if we've got the data from 10 years ago.

**Ms SUE HIGGINSON:** Thank you.

**ANNE CAMPBELL:** I'm sure we do.

**Ms SUE HIGGINSON:** This is a bunch of questions that go to these people. What's the average wait time at the moment in the "priority" category?

**ANNE CAMPBELL:** The median wait time is two months.

**Ms SUE HIGGINSON:** Do we have a figure on how many children are on the public housing waitlist?

**JAMES TOOMEY:** Only as members of families, so we wouldn't have that. I would imagine we could generate that, but I haven't got it to hand.



**Ms SUE HIGGINSON:** Is that something, please, if you could take—the question goes to how many children are on the public housing waitlist. I accept that is a separate number to how many families. Again, would it be possible to take that on notice and also generate, if you can and you have it to hand, how that compares to five years ago and 10 years ago?

**JAMES TOOMEY:** Yes.

**Ms SUE HIGGINSON:** The other one in this category of inquiry is how many older people are on the waiting list? I'm referring to between 60- to 80-year-olds.

**JAMES TOOMEY:** Again, I'll take that on notice.

**Ms SUE HIGGINSON:** Could we also get, again, the five and 10 years? Could we also get a breakdown on gender as well for 60- to 80-year-olds currently on the waiting list and how that compares to five and 10 years ago?

**JAMES TOOMEY:** Yes.

**Ms SUE HIGGINSON:** Have you got the number of how many people in New South Wales have been evicted based on the three-strikes provision and whether that's still a criteria that causes eviction?

**JAMES TOOMEY:** Again, I'll have to take that—yes, that is still an activity, but I'll have to take that on notice. I don't think I've got that here.

**Ms SUE HIGGINSON:** And, perhaps, if you could give some time frames for that—how many have been evicted, say, in the past 12 months under that mechanism and, again, maybe over a five-year period as well, please? When we've evicted somebody, what do we do? Do we have any way of tracing or tracking? What do we do when someone has been so bad that they get evicted?

**JAMES TOOMEY:** If they are evicted from a social housing property, I'm actually not sure whether they remain on the social housing list or not.

**ANNE CAMPBELL:** I think there are a whole lot of strategies that have been put in place over the past couple of years. There is a program called Sustaining Tenancies in Social Housing to try to get in earlier to prevent evictions, particularly where there's antisocial behaviour. There was an audit done in 2018 by the Audit Office, which acknowledged that the Government's success in managing serious and severe illegal antisocial behaviour was improving the situation. We've subsequently expanded that particular program in the last budget. I think it has either been evaluated or is about to be evaluated in terms of success.

I just noticed there has apparently been 4,572 tenants that have been issued a warning between 22 February 2016 and 31 December 2021. Only 1,384 have gone on to receive a strike one notice, and only 90 have received a strike three notice. There's some other information. Our concierge services in Waterloo, Redfern and in the Northcott building in Surry Hills further prevent antisocial and illegal behaviour. This service is apparently really popular with tenants, who report a much greater sense of security. There are quite a number of initiatives that have been put in place to try to prevent people being evicted from social housing who, obviously, have quite significant needs.

**Ms SUE HIGGINSON:** It's all a bit abstract because we don't have the number of how many. I take those numbers, and perhaps the 90 strike three notices is the most pertinent figure.

**ANNE CAMPBELL:** Yes.

**Ms SUE HIGGINSON:** Thank you. I'm also just wondering how many transfers, if any, may have happened that relate to mould or damp in the last period for people in social housing? Whether you're aware of any or—

**JAMES TOOMEY:** There will have been. In some cases, people might have been moved to temporary accommodation whilst remediation work was being undertaken, and they have returned to their house. Again, I will have to take that on notice in terms of transfers in relation to mould or damp.

**Ms SUE HIGGINSON:** Thank you, if you could, because it is just the mould or damp and what we're doing really in response to that more generally. So naturally social housing and public housing is one element of that. We'd be grateful for that, thank you. How many transfers, if any, have taken place because of the need for accessibility upgrades? And I know this goes, perhaps, to some of the inquiry earlier.

**JAMES TOOMEY:** Again, I'll have to take that question on notice.

**Ms SUE HIGGINSON:** Okay, thank you very much. And can I just finally go back to earlier. I think you were referring to the trials that have been taking place around the bail support, and I'm just wondering, is that

something that you report on? Is that something publicly available? How do we find out about what you're doing and what that investment is and what the monitoring of that is and what the outcome is, particularly given young people are facing more bail refusals?

**BRENDAN THOMAS:** Yes, certainly. There isn't any public reporting on that yet as they're all quite new and it's too early to determine the effect. It's also I think important to note, as Mr O'Reilly mentioned, both sentence and bail numbers have been declining quite significantly until the start of this year and sentence numbers are still declining—I think is right to say, Paul.

**PAUL O'REILLY:** Yes, definitely.

**BRENDAN THOMAS:** The increase is those remand numbers which have started to go up in the last couple of months. We have looked at what's driving that remand, where and when and for what kinds of activity, and we are starting to put in place some initiatives to try and turn that around. Some of those are Aboriginal staff working with police to try and facilitate bail for people and help people to be able to maintain that bail. This year through the Aboriginal Legal Services we are providing funds to the ALS to set up bail support services for children at the Children's Court, again, to try and facilitate bail and hopefully to get young people to maintain that bail once they're on it so that they don't start to breach. There is an enormous amount of work that Mr O'Reilly's team is doing around short-term remand, trying to reduce the flow of people into remand for short periods of time, and we are also doing some work with the Children's Court to try and speed up judicial bail decisions so that we can shorten that period of time that young people are spending on remand.

**Ms SUE HIGGINSON:** I know it's generalising a bit but what are the sort of main factors that the refusal is going to? Yes, the seriousness of the offence, but what is the factor do you think? Is it not having somewhere to go or not having the right ability to report?

**PAUL O'REILLY:** The proportion of cases that are because there is nowhere else to go is extremely small, but the kind of factors that are driving bail refusals appear to be the seriousness of the offence, the vulnerability of the alleged victim and a history of bail breaches. They're three consistent messages that we receive from police and from our staff who are on the ground with them about some of the reasons why. It's certainly not, in my view, a targeted strategy on behalf of police to increase bail refusals; it's about their assessment of the risk in those situations based on those three factors. Our job is to be on the ground as soon as we can be to work alongside the lawyers, to work alongside the social workers, to try and mitigate those three factors or other factors that may be relevant as well. Sometimes the other factor is the absence of family, which is often about more than just accommodation. There's family complexity.

**The Hon. ROSE JACKSON:** I just wanted to follow up on some of Ms Higginson's questions about social housing. We briefly touched on this issue of why the data in relation to waitlists is released so infrequently and ends up being so out of date, and there was a reference to the fact that auditing needs to occur on the data, that the list needs to be checked in a way, and this is consistent with evidence that DCJ provided at the inquiry into older people and homelessness. As a result of the auditing that goes on, how much does the list change or how much does the number change?

**JAMES TOOMEY:** Sorry, I can't answer that question essentially because I haven't been in the role for long enough to see preliminary data then translated into verified data. I don't know if any of my colleagues can assist.

**ANNE CAMPBELL:** I'm happy to take that on notice, Ms Jackson.

**The Hon. ROSE JACKSON:** The number that we get is quite precise, down to the individual one. We are given quite a precise number. At the end of the year, obviously a button is pressed and a figure is popped out. I want to know how different that figure is from the final figure that we receive months afterwards as a result of all of the checking that has occurred.

**ANNE CAMPBELL:** Okay.

**The Hon. ROSE JACKSON:** How many transfer requests were received by DCJ in, say, the last year?

**JAMES TOOMEY:** I would have to take that on notice.

**The Hon. ROSE JACKSON:** I asked that last time. That was taken on notice and the answer was that the information is not publicly available. I just want to obviously flag that I don't consider that an adequate response. Either you don't know or for some reason you're not able to provide that, but that would be useful. Similarly, how much does DCJ spend on contesting matters or defending matters at NCAT? Do you have that figure?

**JAMES TOOMEY:** No, I don't.

**The Hon. ROSE JACKSON:** That would be useful. Again, I asked it last time and was told that figure is not publicly available, so either it doesn't exist or—that would be useful to know. On that, Mr Toomey, you may be aware that tenants' advice services that are funded by the Government through Fair Trading report spending quite a lot of their time in NCAT dealing with matters where the tenant is living in social housing and the landlord is the New South Wales Government. Are there any strategies to try and minimise the amount of time that residents of public housing are spending in NCAT with DCJ?

**JAMES TOOMEY:** As has been mentioned, we have a number of programs which are aimed at identifying potential anti-social behaviour amongst tenants and actually engaging with tenants very early in that process so that we don't have to get to a point where we might need to, for example—

**The Hon. ROSE JACKSON:** I actually think they're taking you to the NCAT for failing to do modification work or remediation work on their properties. I understand what you're saying. The Sustaining Tenancies in Social Housing program is a good program and has very good feedback. Less good feedback has been received about the process of residents who need modifications on their properties or work done because of damage, and we can get to the Ombudsman report in terms of disability modifications in a minute but just in general, an unresponsiveness in terms of whether it be mould, whether it be broken windows, whether it be ceilings falling in, and an escalation needed to NCAT in order to get a response from DCJ. Are there any efforts being made to try and limit the amount of time you are actually in NCAT?

**JAMES TOOMEY:** We work closely with Land and Housing on the maintenance side. As you understand, the distinction between DCJ's responsibility in relation to housing and that of the Land and Housing Corporation and maintenance and the escalation of maintenance requirements and requests is one of the things that we work very closely with Land and Housing on. And obviously if those things were expedited, they may lead to less people seeking recourse at NCAT.

**The CHAIR:** We will break now for afternoon tea for 15 minutes and come back at 3.45 p.m.

**(Robert Fitzgerald withdrew.)**

**(Short adjournment)**

**The Hon. ROSE JACKSON:** We might move on to temporary accommodation. How many temporary accommodation packages were provided in the past year?

**JAMES TOOMEY:** It's distorted by COVID responses, I'm afraid, so I'm just trying to find that number. In the 2021-22 year, 27,550 households were assisted with temporary accommodation.

**The Hon. ROSE JACKSON:** Do you have there a figure for what the peak was at any one time?

**JAMES TOOMEY:** I don't have that level of granularity, but I can—

**The Hon. ROSE JACKSON:** Take that on notice; that would be useful.

**JAMES TOOMEY:** Yes.

**The Hon. ROSE JACKSON:** My colleague Ms Higginson asked a couple of questions earlier about the role of seeker diaries for people who are in temporary accommodation, and I wanted to follow up. There is a substantial amount of feedback that, considering the extremely constrained nature of the private rental market at the moment, those diaries do not serve a useful role. Is that something that you're seeing as well?

**JAMES TOOMEY:** The diaries are part of a range of different evidence points that we use when someone is in temporary accommodation in terms of assessing their engagement with the process of finding a longer-term solution, and their suitability for longer-term solutions as well. It's not the only piece of information that we rely on, but it's a component part. I have heard feedback from both Homelessness NSW and also Legal Aid, since I've been in the role, that that's something which they would like me to take a look at. I've said, "Yes, I will take a look at it", but I haven't had any opportunity to look into it in any detail since I've commenced.

**The Hon. ROSE JACKSON:** But you have indicated you will.

**JAMES TOOMEY:** As has been raised, I've given an undertaking to Homelessness and also—yes, that I will look into seeker diaries. Yes.

**The Hon. ROSE JACKSON:** Considering the issues that we've seen in the private rental market—both the quite substantial rent increases and also the very constrained availability, particularly of low-cost rental—you obviously accept that it's not as though a lot of private rental options are available to people on very low incomes if they were just willing to take advantage of those options. In fact, by and large, they just don't exist. You can see that issue, can't you?

**JAMES TOOMEY:** Certainly the constraints in the rental market are well known. I don't know the weighting, if you like, which is put on seeker diaries by teams on the ground, and that's part of what I wanted to look at and one of the things I've undertaken to look at.

**The Hon. ROSE JACKSON:** That would be useful. Does DCJ collect data on where people are going when they are exiting temporary accommodation?

**JAMES TOOMEY:** Yes, we do have data on that. We have data of what their outcomes are after leaving TA.

**The Hon. ROSE JACKSON:** How people leaving TA enter a form of homelessness?

**JAMES TOOMEY:** Again, I'd have to take that on notice.

**The Hon. ROSE JACKSON:** That would be useful. Particular concerns have been raised about homeless people who do not have permanent residency and their inability to access a number of traditional support services. Has that been raised with you?

**JAMES TOOMEY:** I'm aware of that and went to a symposium—I guess it might be called—jointly put on by Homelessness NSW and End Street Sleeping Collaboration in July, I think it was.

**The Hon. ROSE JACKSON:** So in terms of the fact that the issue has been raised with you that a number of people are unable to access a number of the mainstream support services because they lack permanent residency, is anything being done to ensure that those people don't fall through the cracks? Is there any response from the department to that concern that's been raised with you?

**JAMES TOOMEY:** There's no specific response at the moment in relation to that, but I'm aware of there being an issue of people who are non-resident and certain visa categories being unable to access temporary accommodation and social housing.

**ANNE CAMPBELL:** Can I just add to Mr Toomey's response? Certainly for the specialist homelessness sector, people on temporary visas are able to access those services—programs like Staying Home, Leaving Violence. We've got a "no wrong door" policy in terms of people on temporary visas. I think your issue is more to the temporary accommodation. What we did during COVID—recognising that we had a number of people on temporary visas, particularly in the city—is we introduced, through the SHS funding guidelines, emergency accommodation for people on temporary visas.

**The Hon. ROSE JACKSON:** But that's been removed, hasn't it, Ms Campbell?

**ANNE CAMPBELL:** That's correct.

**The Hon. ROSE JACKSON:** So, yes, they can access specialist homelessness services. But as you would also know, those services are reporting being quite considerably overrun. They are reporting that they're unable to meet the demand, and so the backup, as it were, for people who can't access support at the specialist homelessness services is Link2home and temporary accommodation. That is a particular problem if someone who does not have permanent residency is turned away from specialist homelessness services—because they just don't have capacity—and they call Link2home and they're unable to access temporary accommodation. What is the department's response to those people currently? I appreciate that you're saying there are no plans to change that, but is it just "Find a park bench"? What do we say to these people who we are excluding from the safety net of temporary accommodation via Link2home and who potentially cannot access a specialist homelessness service? The figures from that sector are that there is a reasonably substantial amount of unmet demand.

**JAMES TOOMEY:** They will be given advice when they contact Link2home. As Ms Campbell has said, with domestic violence provisions and things like that, there are particular responses in relation to people fleeing domestic violence. But if people are not eligible for temporary accommodation because of criteria which I'm not aware is under review, then there is no formalised response.

**The Hon. ROSE JACKSON:** You're saying, in a way—if this is the response, it is a valid response—that a review of that nature would come at the request of the Minister. You wouldn't really have capacity to implement a kind of eligibility review like that off your own bat. That would have to come at the request of the Minister if that were to happen? I appreciate it's not happening, but if that were to happen.

**JAMES TOOMEY:** Probably ask the secretary.

**ANNE CAMPBELL:** That's correct.

**JAMES TOOMEY:** I think that's probably right, yes.

**The Hon. ROSE JACKSON:** Yes, that's probably correct.

**MICHAEL TIDBALL:** Potentially me.

**ANNE CAMPBELL:** Yes, it's Government policy.

**The Hon. ROSE JACKSON:** It's Government policy, yes. Just in terms of the advice that those people are given when they do call, you mentioned that they are given advice. What types of advice would they be given?

**JAMES TOOMEY:** Depending on their circumstances, they may be given advice about where it may be possible to gain support—either from non-government organisations or checking out other aspects of their circumstances, which may relate to eligibility from the point of view of if they are eligible for income support or other benefits. They may be able to get advice and guidance about that. It may be that someone has fallen out of accommodation because they've lost their job, and there may be advice and guidance that they're given there in relation to how they might be able to access all the benefits.

**ANNE CAMPBELL:** I can just add to that too. We also provide funding to specialist migrant and settlement services, supporting temporary visa holders. That funding provides temporary visa holders with access to food and supplies, medical support, telecommunications, transport and essential housing during COVID-19, and other services that continue to provide casework and case management support to navigate the different systems.

**The Hon. ROSE JACKSON:** But the housing element was limited—

**ANNE CAMPBELL:** That's correct.

**The Hon. ROSE JACKSON:** —to the COVID period, and that has finished. I'm specifically talking about a number of people who are homeless in our city who are not permanent residents. Thank you for your response. I just might move on to some questions about the flood response. Are there still people who are being supported by DCJ in temporary accommodation?

**JAMES TOOMEY:** Yes, there are.

**The Hon. ROSE JACKSON:** There are? How many?

**JAMES TOOMEY:** More than 1,000. Between 1,000 and 1,100. I don't really—

**The Hon. ROSE JACKSON:** Do those people still have individual case management through DCJ?

**JAMES TOOMEY:** No, they don't, because they are disaster-affected people as opposed to people who are—even people in temporary accommodation don't have individual case management. They are, however, contacted frequently by our outreach team. Last week, for example, 900 outbound calls were made to that group of temporarily accommodated people, assessing, checking on their circumstances and their needs for extensions to accommodation, checking their present circumstances. As you will appreciate, some people's circumstances change; they find other solutions et cetera. They have regular contact but not necessarily from an identified caseworker.

**The Hon. ROSE JACKSON:** My understanding from budget estimates in March, when obviously I talked to Mr Vevers about this, is that there was or would be individual case management. Obviously that was in March, so that was at a particular time. Was it the case that there was individual case management of people by DCJ? Mr Vevers was talking about setting up a particular team, similar to what happened after the bushfires. Did that happen and that has been removed, or was there a misunderstanding and there was never, in fact, individual case management?

**JAMES TOOMEY:** There may be a semantic question about what constitutes individual case management.

**The Hon. ROSE JACKSON:** Yes.

**JAMES TOOMEY:** Certainly, throughout the time of those people being and continuing to be in the accommodation they're in, they have had regular contact from people who are familiar with their circumstances—either telephone contact or personal contact. There is a team on the ground, which is based in Ballina, of staff who have incorporated the engagement with disaster-affected people in that accommodation into their role. In some cases, people require more personal contact than others. For example, I do know that the staff attend the caravan parks, where people are accommodated in caravan parks, and they are familiar with both the staff in the caravan parks and also the residents in the caravan parks.

But our Housing Contact Centre makes regular contact with the disaster-affected people in that accommodation. There isn't a huge staff group in the Housing Contact Centre, so it's very likely that somebody will have repeated contact. With the use of notes and other collection of information in terms of case notes, it

means that people are able to get a continuity of connection with the services that we are able to provide and understanding what their needs are.

**The Hon. ROSE JACKSON:** Mr Vevers said:

After the bushfires, we set up a dedicated team of housing staff who kind of case-managed everybody ...

Then he said:

I am ... in the process of establishing a team which will be a flood recovery housing team, who will be based up north.

I asked:

And they will be offering the individual case management that you mentioned earlier?

Mr Vevers said:

Yes.

To which I said:

That is good.

People do have individual case management. Does that mean one on one? I understand what you're saying, but your sense is that that level of dedicated support for those 1,000 to 1,100 people is ongoing?

**JAMES TOOMEY:** It is ongoing. If I might say, at the time—in March—clearly the immediacy of the events that had occurred would've meant that a much more highly engaged process would've been appropriate and that over time, once people are settled in accommodation, then the need for repeated case management changes. But there is a team, and their responsibility is to be monitoring the needs and requirements of a group of disaster-affected people and assessing their—a person moving into other forms of accommodation. That's part of the work.

**The Hon. ROSE JACKSON:** We know those other forms of accommodation in that part of New South Wales are extremely constrained.

**JAMES TOOMEY:** They are.

**The Hon. ROSE JACKSON:** Which is presumably why, even this far after the floods, there are still over 1,000 people in the circumstances that we're discussing. Will the support that you are offering them cease? Is there a time frame here in which people will no longer be able to access the temporary accommodation and the support that you're providing, or at the moment is that indefinite until their individual housing issues are resolved?

**JAMES TOOMEY:** As far as I'm concerned, it's indefinite until there is a significant situational change in their housing situation. Circumstances and opportunities might be available to people to be rehoused in the Northern Rivers.

**The Hon. ROSE JACKSON:** How many of those individuals are uninsured? Do you have that?

**JAMES TOOMEY:** I don't have that information. I'm not sure that I would have that information. I wouldn't even confidently take it on notice. I think Resilience or Service NSW may have that information, but I think I don't.

**The Hon. ROSE JACKSON:** I suppose I'm interested to know how many of the people in that category have insurance and are waiting, in a way, for the process of their houses to be rebuilt, which takes time—there are labour and supplies shortages—or how many of those people do not have somewhere to go back to and do not have any capacity to access the resources to rebuild their homes and will need a more permanent housing solution to be provided, in a way, directly by the Government.

**JAMES TOOMEY:** Well, I don't know what the eventual outcome may be but, anecdotally, I would say that the majority of those people are not insured.

**The Hon. ROSE JACKSON:** What are the conversations that you are having with the other agencies, either Resilience or the Northern Rivers Reconstruction Corporation, about the permanent solutions? Obviously, we're all keen to see those people in permanent housing. It's good that you're continuing to indefinitely provide the temporary accommodation, but what are the conversations that you're having about the sort of pathways for those people back to permanent housing?

**JAMES TOOMEY:** Well, the longer-term determination—there are some intersecting parts which are outside our control in relation to, essentially, land use in the Northern Rivers and what the resolution to that is going to be in terms of where any other building may be able to take place. The immediate proposal for many of the people is to assess their suitability for moving into a pod or moving into one of the pod villages that are being

established by Resilience NSW and managed by the local CHP—Committee Housing Provider—there. That's the intermediate solution. The longer-term solution at this stage—I mean, we're very focused and I'm very focused on ensuring as much dignity as possible for people who currently are in temporary accommodation and engaging with other agencies in relation to the intermediate solution. The longer-term solution is a longer-term solution and it's not immediately visible to me at the moment what that would be.

**The Hon. ROSE JACKSON:** That makes sense, though. It's not DCJ's job to provide that permanent solution. Other agencies have responsibility and have been funded for that. But in terms of your immediate plans for these people, it is to try and move them into essentially transitional accommodation—more stable transitional accommodation, largely the pod villages. Is that the sort of work that you're trying to do for those people?

**JAMES TOOMEY:** Yes, that's right.

**The Hon. ROSE JACKSON:** That makes sense. I might just ask a couple of questions about Together Home. Obviously, there are a number of people who had packages, who were in accommodation, which was good, but there were 200 people when I last inquired who had a Together Home package but at that point, they had not been housed because a housing solution had not been found for them. Do we have an update on that figure, Ms Campbell?

**ANNE CAMPBELL:** I can take that. Through the budget we got an additional \$18.4 million for extending tenancy support for up to 200 people from the tranche 1; I think I took you through that last time. Plus, in addition to that—I think the Minister mentioned it this morning—\$37 million for new capital for new homes, for 120 homes. Prior to that, in tranche 3, we also got \$35 million in capital for 100 new homes—so, in total, 250 new homes to come online, I think it's this financial year and next financial year. The other bit of information that I can also provide to you is that of the people that have entered the Together Home program, 440 people have been housed in long-term housing and we've continued those wraparound supports. So even though, for a number of them, they may have been in there for a few years, they had quite complex needs and needed a lot of support to ensure that they didn't exit back into homelessness.

**The Hon. ROSE JACKSON:** How many people who have a Together Home package across any of the tranches, really—so they have a package—are not in accommodation now? None?

**ANNE CAMPBELL:** There are a couple, particularly with the sort of latter tranches where they're getting wraparound support.

**The Hon. ROSE JACKSON:** I understand some of them have the package and they're getting the support services, but the accommodation part isn't there.

**ANNE CAMPBELL:** That's correct.

**The Hon. ROSE JACKSON:** So there are still people in that category?

**ANNE CAMPBELL:** There are.

**The Hon. ROSE JACKSON:** How many?

**ANNE CAMPBELL:** I'd need to take that on notice.

**The Hon. ROSE JACKSON:** That would be useful. For the people in the earlier tranches, who have had accommodation and have had it for a longer period of time, have any of them re-entered homelessness?

**ANNE CAMPBELL:** I'd need to take that on notice. I think it's very few, but there have been some circumstances that I'm aware of that people have chosen to leave those particular packages.

**The Hon. ROSE JACKSON:** That would be useful. In the last round of estimates, there was a discussion around what was described as a thousand or so people who were in social housing, who were receiving some NGO support but were not on a Together Home package, because, as we know, they couldn't possibly fund all of the people who might be eligible. Has there been any follow-up on those people? Has there been any tracking on whether they are still settled in social housing or have any of them exited homelessness?

**ANNE CAMPBELL:** I'd need to take that on notice, but I think the Minister mentioned this morning that there was an announcement about the extension of that for another three years. I think you're talking about the STEP program—

**The Hon. ROSE JACKSON:** Yes.

**ANNE CAMPBELL:** —and there are a couple of different STEP programs. There's STEP A, B and C. But I'm happy to take that on notice and come back to you.

**The Hon. ROSE JACKSON:** That would be useful.

**ANNE CAMPBELL:** I know we've done an evaluation as well.

**The Hon. ROSE JACKSON:** That was my next question—the AHURI evaluation report. Where's that up to?

**ANNE CAMPBELL:** I'd need to take that on notice. I know there was an earlier evaluation done of the STEP program, because that's obviously informed what we did in the Together Home program, but happy to take that on notice and come back to you.

**The Hon. ROSE JACKSON:** That's right. I think that you mentioned last time, Ms Campbell, that you were expecting an interim report from AHURI on a Together Home evaluation, so it would be useful to know where that's up to and, if it's completed, whether a copy could be tabled in response to questions that you've taken on notice.

**ANNE CAMPBELL:** It's just come back to me. So I understand that the interim report is coming through later this year and then a final report, I think, in June 2023, next year. And we have also remodified the evaluation, because when we brought on AHURI it was for tranche 1 evaluation, and we've got some lessons learnt from tranche 1, which we've then included in tranches 2 and 3. So we've included tranche 2 and tranche 3 in the AHURI sort of scope of engagement around the evaluation, so we can actually look at the progressive improvement for people. But, certainly, initial information is that there's some really positive outcomes from this approach for people who have previously been sleeping rough.

**The Hon. ROSE JACKSON:** Absolutely. I mean, I would anticipate that that potentially would be the case, but it would be useful to see that evaluation. Just in terms of the street count, Mr Toomey, you mentioned that one of the reasons that the figure had gone up a little bit was that new areas were being included in the 2022 street count. Is there any consideration being given to a further expansion of that? I know that there are other areas in New South Wales that were not included even in 2022, that have indicated that they are experiencing higher levels of rough sleeping. So how were those decisions made in terms of where the outreach occurs for the street count?

**JAMES TOOMEY:** I don't know how those decisions were made in terms of the outreach for the last street count, but certainly, as I mentioned in the previous answer, we continue to work with partners on the ground, SHS providers and other organisations to understand where there may be areas where it is appropriate to carry out a street count, and not just LGAs but also areas in those LGAs. I do know that in the last street count, I think there were three areas where, on the previous street count the recording was zero or had been zero for a couple of street counts, and street counts weren't undertaken, and that was also done in consultation with the local bodies. So there is some flexibility in terms of the way in which we do street counts. We are very keen to make sure we capture the accurate information. That's very important to us.

**The Hon. ROSE JACKSON:** Great. So you're responsive to local SHS providers who are indicating, "Look, we haven't been included because the number was zero for a number of years, but now we are experiencing that." So there is flexibility, as you say, in terms of responsiveness to that.

**JAMES TOOMEY:** Yes. If I could come back to an earlier question, which I took on notice, the peak TA—on 6 September 2021, 2,034 households in temporary accommodation. That was the peak.

**The Hon. ROSE JACKSON:** That's quite high. The previous peak, I understood from the previous reporting year, was 1,184. So we are seeing quite a big jump, then.

**JAMES TOOMEY:** That's true. I don't know the detail that sits behind that number. It's like everything in the last two years. You have to think COVID may have an issue. I think we were in lockdown in September last year. Together Home would've been operating. There would've been numbers in there who would've come through Together Home, where we had very much limited the numbers of people who obviously were sleeping rough and there were larger numbers of people in temporary accommodation. I don't know the detail behind the number but I'd say—

**The Hon. ROSE JACKSON:** To be clear, previously I have received assurances that the sort of budget, as it were, for temporary accommodation is not limited, it is only limited by demand—that if someone is eligible for temporary accommodation, putting aside the people who aren't eligible, they will be accommodated. For example, if we're seeing more and more people who do need temporary accommodation, we are not going to reach a point where the department says, "We've run out of money to fund temporary accommodation." That's an assurance that I've received previously. Is that your understanding as well?



**JAMES TOOMEY:** Currently the circumstances are if somebody presents for temporary accommodation and we can find them accommodation, we will accommodate them and that we won't be—

**The Hon. ROSE JACKSON:** Yes. I appreciate the issues about finding it. But you—

**JAMES TOOMEY:** We're not going to be not accommodating them on the basis of cost, of budget.

**The Hon. TARA MORIARTY:** I just want to follow up with you, Mr O'Reilly. There were some questions that one of my colleagues was asking earlier in terms of programs. The responses were in relation to priorities that were not about programs but about security and the need to deal with and improve security quickly. Can you tell us why that is? What were the issues with security in your facilities?

**PAUL O'REILLY:** Security? Sure. There has been a history of violence in custody across all jurisdictions in Australia, including New South Wales. You'll all be familiar, no doubt, with the Lee Shearer report from late 2019. So our biggest priority in operations has been the implementation of the recommendations of that report, which is now complete—

**The Hon. TARA MORIARTY:** All of the recommendations? There were four left, I think, from last estimates.

**PAUL O'REILLY:** That's right.

**The Hon. TARA MORIARTY:** They're all done?

**PAUL O'REILLY:** All done, yes. That's been our priority. Some of those recommendations, you may recall, were about doing things, concrete things. And some of them were about exploring things and then seeing what happens after that. We're in that process for some of the recommendations. But—

**The Hon. TARA MORIARTY:** Are there time lines on that? Sorry to interrupt you.

**PAUL O'REILLY:** Ongoing.

**The Hon. TARA MORIARTY:** Some were about exploring things. I know some of them had started. What's the reporting time line? How will we be able to track those?

**PAUL O'REILLY:** They are kind of evolving from the recommendation, based on what the frontline staff tell us. There's a number of ways that we track it. We meet with staff representatives through the PSA very regularly to talk about safety. Things like staff assaults are a standing agenda item with that group, the JCC, the joint consultative committee. I also track all incidents personally. I also track all of the restrictive practices data and self-harm data as well. Data is one indication and certainly the welfare of young people and staff is another. Workers compensation data is another way that we track it. Certainly, the number of times where a formal incident response is required has dramatically reduced—another positive indication.

Then there is just the commitment to being on the ground with the staff, talking with them all the time about progress. That means more consultation and more listening and more adjustments. It's a bit of a cycle, which I think was part of the intent of Ms Shearer's report was to make sure that we have a much better culture of consulting and listening to staff and making improvements accordingly.

**The Hon. TARA MORIARTY:** The improvements that you've referred to over, say, the last year or two years, are they mostly in relation to the Shearer report and what happened at Frank Baxter? Or were there other gaps that needed to be addressed?

**PAUL O'REILLY:** Yes. There are a few things. I'll run you through them. From 2018 to 2022, to the end of the financial year that just finished, self-harm was one of the biggest concerns. It didn't feature heavily in the Shearer report, but it has been a big issue, not only because of the harm to young people but the vicarious harm to our staff. That's reduced by 75 per cent in those years from 2018 to now. Staff assaults have reduced by 53 per cent. Young people assaults on other young people has reduced by 45 per cent. The use of confinements in response to bad behaviour is down by 38 per cent in that period. Segregation is down by 67 per cent in that period. Those last two mean that staff are getting much better at managing behaviour more creatively, through engagement with young people, without the need to rely on restrictive practices so much, which leads to better relationships and a safer environment. There's been a lot of investment in training in the way that staff engage with young people during that period.

Use of force is a critically important part of the regulation. It must be done respectfully, of course, but we've seen a reduction of 51 per cent of use of force in that period. I've implemented a monthly panel which reviews every single incident of use of force every month, all of the footage, all of the reports, to check compliance with regulation. If there are any elements of noncompliance, they're referred to the misconduct committee for assessment. The workers comp claims in relation to workplace injury are down by 29 per cent over that period.

They're the changes that respond to both the Shearer report findings and also the other matters of concern that I think were causing harm to staff and young people in custody over this period.

**The Hon. TARA MORIARTY:** Can you give us some details of the specific things that have then been done to improve security since the incident at Frank Baxter and the Shearer review?

**PAUL O'REILLY:** Sure.

**The Hon. TARA MORIARTY:** Can you also give some context? Numbers are down. Over the COVID period, there were more people on community orders. How does that relate to what's happened?

**PAUL O'REILLY:** I've given you those reductions, ranging from 29 per cent up to 75 per cent, in all those harmful areas. In the same period, custody numbers have reduced by 29 per cent. The most encouraging findings, contrasts, I think, are the population has gone down by 29 per cent but self-harm is down by 75 per cent, assaults are down by half, and use of force is down by half. That's the context of the shift. That's the interaction, if you like, between the shift in the population and the shift in violence in custody.

The other part to your question was about the changes. The key changes in relation to safety and security in custody and Ms Shearer's findings are in relation to the way we classify and manage young people while they are high risk. I don't mean high risk of offending in the community; I mean high risk of being violent in custody. We now have a broad panel of experts who make decisions about placement for those young people. That includes the head of forensic, adolescent psychiatry from Justice Health, head of psychology from FACS, Community Services, and a range of staff from Youth Justice, including frontline staff and PSA delegates and Aboriginal staff. The cases where young people are exhibiting signs of escalation and complexity are referred to that panel, who then make recommendations about placement—where they need to go into a high-risk unit for a period of time, where they are somewhat more contained, their routine is different; or where they need to go into an enhanced support unit for a more therapeutic response for a period of time.

**The Hon. TARA MORIARTY:** Some of the people who would be classified as high risk—and I understand this would be sometimes a moving feast.

**PAUL O'REILLY:** It is, yes.

**The Hon. TARA MORIARTY:** But some of them would be classified as that. Is part of the recommendations of this group that they are spread across different facilities? Are they kept in one unit? How does that—

**PAUL O'REILLY:** No. The next part of the response is, in response to Ms Shearer's recommendations, we've established a high-risk specialist unit at Cobham and another one at Frank Baxter. In those units, the ratios of staff to young people is different to the mainstream units. In the mainstream units, we have up to 15 young people with three staff. In these specialist units, we have a cap of six young people with four staff. Using the separation provisions of the legislation, they have a different routine. They still have access to the same facilities but it's different and they are restricted, if you like, during the period that they are exhibiting violence. The goal there is to use the expertise in that panel to work out what interventions are needed during that period and how quickly can we get them out of that unit into the mainstream system.

One of the biggest failings, I think, of the past is that people in that situation were dispersed across the system. One of the biggest lessons that Ms Shearer identified was the need to have a much more deliberate approach and making sure there are safeguards in place so that their rights are not lost during that period. Balancing their rights and balancing everybody's safety is a difficult thing, but I think our staff are doing a good job of that.

**The Hon. TARA MORIARTY:** Body scanners—how many have you got in place so far?

**PAUL O'REILLY:** We have two: one at Reiby and one at Cobham. They are our busiest centres in terms of admissions. Certainly, Reiby has, arguably, our most vulnerable young people. They've been in place since July. In those two centres now, young people—

**The Hon. TARA MORIARTY:** Just July of this year?

**PAUL O'REILLY:** Yes. Since July those young people don't experience a physical body search in those centres. They do the scanner instead. All their clothes are on. The images are not retained. The high-definition image is viewed by a trained and accredited staff member and if they're cleared they step out of the machine and move on. It's far more—

**The Hon. TARA MORIARTY:** Sorry to interrupt you, but that was one of my next lot of questions. So the images, if there is nothing it's just deleted, it's not saved anywhere? What happens with the data?

**PAUL O'REILLY:** We configure the machine so the images can't be stored. It is more dignified for the young person and actually more accurate than a body search. It's a really good development. Feedback has been very positive and the remaining four centres and the Children's Court cells at Surry Hills and Parramatta will have those scanners by the end of the calendar year.

**The Hon. TARA MORIARTY:** Are they just to be used for the young people entering? Obviously, if they're going through court but if they're coming back into the centre or into the centre for the first time—

**PAUL O'REILLY:** They'll be used whenever a partially clothed body search would be used. During admission they are used on a routine basis, but searches shouldn't occur on a routine basis other than during admission. So any situation where a search is required we would now use the scanner rather than a partially clothed body search.

**The Hon. TARA MORIARTY:** Is that a complete change? So, where there is a scanner in place, there will not be body searches conducted?

**PAUL O'REILLY:** Well, there are some scenarios where there may be because the young person may refuse to enter the scanner. That has happened but it's very rare. If that does happen, we don't immediately go to a body search. We ask the young person to sit down and think about it and we get someone to talk to them and try to help them understand why a scanner is a better option and they will come around or they may not. The regulation still includes provision for a body search in the event that it's needed. There is another potential scenario where there may be a failure of the machine or a power failure or something like that where it may be needed, but the default setting and almost every single search in those centres where there is a scanner will be a scanner rather than a body search. I could probably talk for about four hours about the changes that we've made but you may not want me to do that.

**The Hon. TARA MORIARTY:** I'm good. I've got what I need.

**The Hon. ADAM SEARLE:** It's reported that Wentworth Shire Council and NSW Health are giving locals in that area the contact details for the Sunraysia Mallee Ethnic Communities Council to access food relief, which is funded through the Victorian Government. Are you aware of that and is there any New South Wales Government funded food relief in that area?

**MICHAEL TIDBALL:** I'm not aware of it.

**The Hon. ADAM SEARLE:** Is anybody at the table aware of that?

**ANNE CAMPBELL:** I know we have through COVID provided food relief. I would just need to take it on notice—that specific location.

**The Hon. ADAM SEARLE:** That'd be fine. Children's contact centres—are they entirely funded through the Federal Government or is there any State funding that goes to those services?

**SIMONE CZECH:** My understanding is it's Commonwealth funding but we can double-check that.

**The Hon. ADAM SEARLE:** Okay, I'll come back to that.

**The Hon. ROSE JACKSON:** I did want to ask about the Ombudsman's report into disability modifications. My recollection was that the Minister mentioned a task force that had been established to deal with the response to that. Are you familiar with that?

**JAMES TOOMEY:** I am. The sequencing was that the investigation commenced in 2019 and the first provisional findings were issued to DCJ and LAHC in April 2021. In response to those provisional findings, a task force was set up and it ran until September to address the provisional findings and the work associated with the provisional findings. Although the task force is no longer in place, the work that it generated continues in terms of addressing the various recommendations that came out of the report. So a task force was put together at that time, which involved LAHC staff—Land and Housing staff—and DCJ staff et cetera. It completed a range of deliverable outputs, implementation of the statewide disability modification tracking register; enhanced reporting with a purpose-built monthly report on the status of modifications by location; updated the Land and Housing and DCJ exchange guidelines with supporting resources, which outlined the communication process and responsibilities between agencies and clients; updated various occupational documents et cetera—so there was that—and revised the complaint-handling process. So it got to work on the provisional recommendations at that stage, yes.

**The Hon. ROSE JACKSON:** Obviously, we've subsequently then had the final report—not that that was that different from the interim one. So the task force is no longer operational. Is it your view that all of the recommendations have now been implemented? Is that how you would describe the status of that?

**JAMES TOOMEY:** The status is there were 27 recommendations, some of which—nine of which were joint between DCJ and LAHC, and 10 for DCJ alone, eight for LAHC alone. The majority have been accepted and either have been acted on or are being acted on. There are some where we will be going back to the Ombudsman with an alternative proposal in relation to a recommendation. One in particular which is proving a bit difficult to follow up, which is a particular apology, because we are unable at this stage to contact the person—to make contact through the person's occupational therapist, who doesn't know where the person is. We're struggling a bit with that one—which is the first one, in fact. But the others are all either in train, have already been processed through the task force, or we will be making an alternative recommendation to the Ombudsman.

**The Hon. ROSE JACKSON:** Is that being monitored or managed through an action plan?

**JAMES TOOMEY:** Yes.

**The Hon. ROSE JACKSON:** Who's responsible for—

**JAMES TOOMEY:** Me.

**The Hon. ROSE JACKSON:** Is there a document that you're able to table which outlines the status of those recommendations, whether they're complete, whether they're in train, where they're up to? Is that something that you have or—

**JAMES TOOMEY:** Yes, I do have that document.

**The Hon. ROSE JACKSON:** Would you table that document?

**JAMES TOOMEY:** I'll take on notice—

**The Hon. ROSE JACKSON:** Take on notice whether you'll table the document, but it'd be useful to have it. Thank you. A couple more questions—in the budget papers, *Budget Paper No. 2*, page 8-17, which is the key performance insight. They were also done by cluster here. We're in the Stronger Communities cluster, obviously. It goes across all of the different bits. There are all the bits about police and all of that. Anyway, "People have a safe and affordable place to live" is outcome 4. On page 8-17, we've got the outcome indicators. This is where we get the good numbers. The 2022-2023 forecast on a number of—key number of homeless persons, people successfully transitioning from social housing to private rental. Median wait time for newly housed priority applicants—an important one. We know it's 2.2 months at the moment. "N/A" for all the 2022-23 forecasts—and then the note, "Forecast data not currently available." What's happened there? Why isn't that forecast data available?

**ANNE CAMPBELL:** We'd need to take that on notice. It could've been timing—unless, Secretary, you've got further information?

**MICHAEL TIDBALL:** I don't know.

**The Hon. ROSE JACKSON:** A lot of the other ones, including in the Stronger Communities cluster, have—we managed to get a forecast on the number of veterans gaining employment in the public service, which is good. But, yes, nothing there? Okay. We're taking that on notice. Alright. That would be useful. We can see there, even though we don't have a forecast for it, on chart 8.10, which is on page 8-16, that the number of people successfully transitioning out of social housing is falling, unfortunately. Our target on that—well, actually, there is no target on that. Sometimes they have a target. This one they don't have a target. It's just falling. Unfortunately, it's now close to 10 per cent of people who are actually successfully transitioning out of social housing. It is being recorded and measured in the budget and it's going in the wrong direction. What are we doing to try to support people who are in social housing to successfully transition out of social housing?

**JAMES TOOMEY:** Well, as the note indicates, there are some macro-economic challenges in relation to price of rentals, for example. So the usual exits, successful exits, from social housing would be into the private rental market. In rare occasions it may be actually into the housing market itself, but that's extremely unlikely in current circumstances. There are supports which are available to people to transition out of social housing, but if there isn't affordable rental stuff available, then it's very, very difficult to—it's something which is out of our control in terms of the destination.

**The Hon. ROSE JACKSON:** No, I accept that. It's obvious that a major reason for that is that the private rental market for people who are on low incomes is extremely challenging, and as you said you don't control that. But the consequence of that is that fewer and fewer people are able to successfully exit social housing, which obviously means there is more overall pressure on the stock, because there are still thousands and thousands of people waiting and fewer and fewer people who are successfully leaving. So whilst the problem is not of your making, the consequences are felt in terms of yet more pressure. Is there a conversation about the consequences

of that, accepting, "Okay, well, we can't fix the entire private rental market, but this is the outcome for us"? What are the conversations about how DCJ is going to respond to the fact that that number is falling?

**JAMES TOOMEY:** All we're able to do from a DCJ perspective is to work with people prior to entering social housing or maybe to divert them away from social housing. People could present as homeless or concerned that they may become homeless, due to change of circumstances, and it may be possible to divert them away from social housing into other private rental products through rental support. So that's at one end of the process. This reflects the exits from the process. We have finite housing stock, which is increasing slightly, and we're able to continue to support people in the housing which is available. We do take headleases for people and look at other ways of managing that. But ultimately, it's a reflection of circumstance. There are many levers over which we have very little control, as you have recognised.

**The Hon. ROSE JACKSON:** Just in terms of, say, for example, the headleasing option, I know that in the last budget estimates there had been some concern about the fact that DCJ's capacity to even do that was constrained because of the rent increases in the private rental market, but that there had been some additional support provided by Treasury. I think that the aim of the additional resources that were provided to allow more headleasing was to—I think the number was 339 additional properties. Has that happened, or are we on track for that, or were we able to get any additional headleasing because of that additional money from Treasury?

**ANNE CAMPBELL:** We did get—I think it was—\$7.5 million through the budget. That was not for DCJ; that was for the Community Housing Leasing Program, which is operated by community housing providers, and their concerns at the time were, because of the price increases, they then couldn't maintain the same amount. So, certainly, for this year, we've got that additional \$7.5 million which I think is rolling out to CHPs as we speak.

**The Hon. ROSE JACKSON:** Was there any dialogue with the CHPs in terms of how many additional properties they were hoping to secure with that money?

**ANNE CAMPBELL:** I know the team that works really closely with the community housing providers and they meet really regularly. The CHPs have been raising this, particularly in the last 12 to 18 months. We've also given an undertaking to have a look at that whole program because, obviously, the \$7.5 million is to maintain the current stock.

**The Hon. ROSE JACKSON:** Right. So that wasn't even necessarily for additional properties.

**ANNE CAMPBELL:** Correct.

**The Hon. ROSE JACKSON:** That was to stop the—

**ANNE CAMPBELL:** Stop them from losing them and to be able to pay the difference, particularly in regional New South Wales with the price increases.

**The Hon. ROSE JACKSON:** Okay. And just in terms of the suite, as you said, Mr Toomey, of rent support programs or rental subsidy programs that are available—and I know there are many different targeted ones—do you have any sense of whether or not they are becoming less utilised or effective because of the increases that we have seen in the private rental market?

**JAMES TOOMEY:** I think there is some evidence—we talked about headleasing—that headleasing is harder to achieve. Also bond loans, for example, are applicable only when someone can actually afford it. If someone can service a rent, we may be able to give them a bond loan. With rents going up, it's harder for people to service rents, so there may be a reduction in bond loan allocations. There are those indications that some of those products are getting—the utilisation isn't what it has been in the past and that's really a product of the price of private rentals.

**The Hon. ROSE JACKSON:** One of the rental subsidy programs—I might get the name slightly wrong here. Start Safely. Again, there is feedback that it's a good program if you can find a private rental. The subsidy makes up the difference between what the woman fleeing domestic violence can afford and the market rent. But, unfortunately, that gap is now too big. Even with the subsidy, many of the service providers that I've been talking to have reported it's just too hard. Is that something, Ms Campbell or Mr Toomey, that you have identified and are trying to ensure that the money that's allocated for those products is actually utilised?

**ANNE CAMPBELL:** I haven't received that information. I had a look because I thought there may be an issue there, given we were looking at the Community Housing Leasing Program and there has been an increase in pick-up of the Start Safely product compared to this time last year. But I'm happy to take that on notice to see if there is an issue being experienced.

**The Hon. ROSE JACKSON:** It's positive if you've heard that. As I said, I've just heard from some service providers that the rental subsidies are particularly useful for some people who don't necessarily experience

chronic homelessness but need a subsidy, but that the gap is becoming too large. If you would, take it on notice. But it's useful to hear that it's not something that's come up strongly for you.

**The Hon. ADAM SEARLE:** To be clear, in terms of the question you just took on notice a little moment ago, I want to know whether the Government is funding food relief in the Wentworth area and, if so, which local providers are responsible for rolling it out.

**ANNE CAMPBELL:** Happy to take that on notice.

**The Hon. ADAM SEARLE:** That would be good. Thank you. Mr Tidball, the State Government has a Premier's Priority target for disability employment in the public sector of 5.6 per cent. A decade ago, it was 3.8 per cent and there's been this sort of inexorable decline to about 2.5 per cent. It's essentially been stuck at 2.5 per cent or thereabouts for about four years. Is the target going to be met and, if so, how is the public sector going to get there?

**MICHAEL TIDBALL:** I do have an answer to this. I just need to find it.

**ANNE CAMPBELL:** Do you want me to start? I'm happy to. You create the Premier's Priority, which is a priority that's managed by the Public Service Commission. It is the 5.6 per cent. If we just look at DCJ, where we have a lot more influence on, our current rate from the 2020-21 PMES survey identifies that 5 per cent of the respondents in our department—sorry, the PMES results for the whole of the public service identify that 5 per cent of the respondents across the public sector identify as being a person with a disability and 77 per cent of respondents identified that their personal background, including their disability, is not a barrier to participation within their organisation.

For DCJ, the results are actually slightly better. It's at 6 per cent of respondents identify as being a person with a disability and that 80 per cent of respondents identify that their personal background, including their disability, is not a barrier to participation in DCJ. I think it's just useful to also identify that DCJ has participated in what's called the Australian Network on Disability Access and Inclusion Index, which is a national benchmarking index for the maturity of an organisation's access and inclusion policies. In 2021 we improved and were placed fifth of the 26 organisations. Back in 2019, we were tenth of 24. We were the only organisation to top the index in three different areas: commitment, career development and workplace adjustments. Our DCJ Disability Employee Network, which we fund, won the inaugural Disability Employee Network of the Year at AND's Disability Confidence Awards earlier this year.

**MICHAEL TIDBALL:** And it is indeed a very active network, Mr Searle. I have met with them on, I believe, two occasions. The focus really is on trying to encourage and cultivate an environment where people are happy to prepare to disclose their disability and then articulate the range of responses that we can make corporately to improving workplaces and making them more inclusive and practically accessible.

**The Hon. ADAM SEARLE:** Okay. There's another Premier's priority which is to decrease the proportion of children and young people who are re-reported as being at risk of significant harm by 20 per cent by 2023. I think the target re-report rate is about 32.3. But over the last few years the rate has actually gone up from 35.8 per cent to nearly 42 per cent in 2020-21. Can you tell the Committee the most recent re-report rate in 2021-22?

**MICHAEL TIDBALL:** We can indeed do that. I will refer that question to Ms Czech.

**SIMONE CZECH:** Thanks, Mr Searle. You're absolutely right. The re-report rate for protecting our most vulnerable children had been increasing. Approximately 12 months ago—and I think I gave evidence at the most recent budget estimates committee—we revised what we call our intervention strategies against the Premier's priority. That focused on three areas. One was improving the quality of information coming into the Child Protection Helpline; secondly, an improvement in the quality of our casework, because this is a measure about the effectiveness of our child protection intervention; and, thirdly, when we close cases that we make sure we close appropriately in that the risks have been mitigated and children have a network of support around them. The most recent figure—it's coming down—is 37.7. I'll just have to find it in the note. I think that's May, from memory.

**MICHAEL TIDBALL:** It's the June 2022 quarter.

**SIMONE CZECH:** The June quarter, sorry. I know the most recent data, while it still needs to be cleansed or verified, is down to 36.6. Our forecast at the moment remains one of optimism in that we'll meet the target of—you were right—32.3 per cent by 30 June 2023.

**The Hon. ADAM SEARLE:** What additional measures have you put in place over the last 12 months to achieve that, if any?

**SIMONE CZECH:** Like I said, there were three focus areas that—we revised our strategies. On the first point, which was better information coming through the Child Protection Helpline, we provided some greater and improved guidance for mandatory reporters, particularly in terms of what types of things they needed to report when they were concerned about a child. Secondly, we made some enhancements—what we call the e-report template. It's the facility for mandatory reporters to make an electronic report through to the helpline. Training for our staff, both of the helpline in assessment of information but also assessment when caseworkers actually go out and interview children—a heavy focus on making sure that when we go out, we identify risk appropriately. And then we mitigate that risk through what we call a Family Action Plan for Change on the notion that if you mitigate a risk, whether it be in child protection or anywhere else, it shouldn't then be re-reported in 12 months' time.

The other focus has been locally, in our community services centres—our local staff working with mandatory reporters to really promote a culture of responding to concerns about families rather than just reporting to the Child Protection Helpline. Now I'm not implying, by any stretch of the imagination, that when people are concerned about children they shouldn't make a report to the helpline. But sometimes mandatory reporters were seeking advice and how they got that advice about what to do next was actually to have relationships locally—for example, a local principal knowing who the local manager of the community services centre is so that they could talk through concerns about children. The outcome of those conversations and that relationship building has been incredibly positive. Certainly I've had feedback from mandatory reporters around the State about the effectiveness of that strategy. Now it may mean that we still say to the mandatory reporter, "No, no, you need to ring the helpline," but there may be some other advice or some joint work we can do with that mandatory reporter.

**The Hon. ADAM SEARLE:** Just to be clear, all of these measures that you've enumerated are new in the past 12 months?

**SIMONE CZECH:** Yes, correct. Finally, as I said, Mr Searle, we have focused on being very careful and considered in the closing of child protection reports—so only closing in instances where either risk has been mitigated or case plan goals have been achieved and/or families have been referred on for support services. As the secretary alluded to earlier, we are enhancing our ChildStory data system to better capture what actually happens not only to that cohort of children but to all children that are reported into the statutory system.

**The Hon. ADAM SEARLE:** Thank you for that. What is the average number of risk of significant harm reports for a child before they enter out-of-home care? Do you keep those stats?

**MICHAEL TIDBALL:** Honestly, I have never come across that figure before. There'll be a question of—do we have it?

**SIMONE CZECH:** I think we can take that on notice, Mr Searle.

**The Hon. ADAM SEARLE:** I'm happy for you to take it on notice. You either keep the information or you don't.

**SIMONE CZECH:** I'll have to consult with our good folk in the data area. Can I just quickly mention that an average doesn't necessarily dictate a trigger point for removal. You can get one report, and the risk assessment or safety assessment will determine a decision that a child is unsafe and lead to a removal.

**The Hon. ADAM SEARLE:** Sure. It's just an interesting snapshot.

**SIMONE CZECH:** Yes, it's a good question.

**MICHAEL TIDBALL:** And it is a data match which we may or may not be able to do. It may be one that we need to develop.

**The Hon. ADAM SEARLE:** That's okay. For children who entered out-of-home care in the past 12 months, what is the largest number of risk of significant harm reports received prior to the child being removed? That's information you would keep?

**SIMONE CZECH:** Again, we'd have to take that on notice, Mr Searle.

**The Hon. ADAM SEARLE:** That's okay. Will the department reach the Premier's Priority target of 5,250 permanent outcomes by June 2023? What is the most recent figure?

**MICHAEL TIDBALL:** That is going to be—

**ANNE CAMPBELL:** That would be me, yes. As of 30 June 2021, 2,199 children have exited out-of-home care to a permanent outcome since the priority began on 1 July 2019. Of those children, 802 were Aboriginal and Torres Strait Islander children, and 1,393 were non-Aboriginal. Restoration accounted for the highest overall permanency exit, with 1,074 children in total during this period. In 2021, 1,030 children achieved a permanency outcome, which is actually lower. It is a 9.2 per cent decrease on 2019-20. Of these, 488 children

were restored, which was an 11.8 per cent decrease compared to the previous year, and 451 exited through a guardianship order, which is a 7.6 per cent increase compared to 2019-20. Ninety-one exited through an adoption order, which is a 43.8 per cent decrease compared to 2019-20.

Obviously, there have been some impacts during COVID, particularly in terms of restoration and the activities you would be working with parents to engage and access support services. But we've also put in, in case you go down this next—what are we doing to address that? We are currently reviewing that priority with the Premier's Implementation Unit, given it is unlikely to reach its target by June 2023. There was the investment of the \$12 million over four years to establish a permanency task force, which essentially is a group of caseworkers and legal officers to look at case plans that have a goal of guardianship. That work has commenced this year. I think, to date—and I could be wrong—there are about 70 current matters. A number of those have resulted in guardianship orders. I don't have the current numbers on that at the moment.

We have also done a review of the end-to-end adoption for accredited adoption providers, and we've provided additional resources so that accredited adoption service providers can progress contested adoption proceedings. We've also provided a range of support and training for new and existing carers wanting to be guardians. We have also done a whole lot of work, particularly working with the NGO sector in terms of restoration assessments and family-led family action plans, to increase implementation and timeliness.

We've also done work around the case plan goal reviews of all children entering care, or in care, in the last 24 months without a permanency goal to identify potential opportunities for progression of permanency outcomes. We've also implemented a permanency dashboard to drive outcomes and we've provided that out to the sector, so that's something that's public, and we're doing a targeted program of permanency promotion, including practice forums for the non-government sector, strategic alignment of business resources and practices, and promotion of best practice examples. I'll probably stop there, because I'm taking up a bit of time.

**The Hon. ADAM SEARLE:** That's okay. Now, I may have missed it, but how many restorations from out-of-home care were achieved in the 2021-22 financial year?

**ANNE CAMPBELL:** I've only got 2020-21, so I'm happy to take that on notice, if we've got that data.

**The Hon. ADAM SEARLE:** Thank you, but tell us the 2020-21 figure.

**ANNE CAMPBELL:** For restoration, 488 children were restored, which was a decrease of 11.8 per cent from the previous year.

**The Hon. ADAM SEARLE:** And you'll take the 2021-22 on notice?

**ANNE CAMPBELL:** Yes.

**SIMONE CZECH:** Mr Searle, could I just add something on the restoration, because I think it would be helpful for the Committee.

**The Hon. ADAM SEARLE:** Of course.

**SIMONE CZECH:** There are approximately a thousand Aboriginal children who have currently got a case plan goal of restoration. Within my division I have a unit called the Office of the Senior Practitioner, which is a clinical unit that supports our casework staff. Just in the last few weeks, in collaboration with Brendan Thomas, I've asked that team to work with every caseworker who might have a child on their case load who fits that bill and really to understand what some of the barriers might be and what we can do to get those children home because we are all concerned about the drop-off in the restoration numbers, in particular for Aboriginal children but certainly all children. So that'll progress over the next few weeks and months and hopefully produce some results with kids being safe at home.

**The Hon. ADAM SEARLE:** Thank you for that. How many children who were restored since the Permanency Support Program began—I think it was in 2017—have subsequently re-entered out-of-home care? Do you have those figures?

**ANNE CAMPBELL:** I need to take that on notice.

**The Hon. ADAM SEARLE:** No, that's fine.

**SIMONE CZECH:** Mr Searle, I can comment on that. I was only looking at some national data in the last few weeks and we will take that on notice, but New South Wales, in comparison to other States and Territories, actually has a very high rate of success as it relates to restorations. From memory, I think the figure is around 80 per cent successful restorations, so children not returning in the subsequent 12 months. Other States and Territories fare much, much worse than that. I think the issue for us is actually doing more of the restorations and getting more kids home, but we do have very good success rates currently.



**The Hon. ADAM SEARLE:** Okay. What is the current number of children in statutory care with an approved restoration case plan goal?

**ANNE CAMPBELL:** I think we'd need to take that on notice.

**The Hon. ADAM SEARLE:** Of course. How many of those children have been in the restoration process for more than two years? I assume that will be on notice?

**ANNE CAMPBELL:** I will take that on notice, yes.

**The Hon. ADAM SEARLE:** What is the average length of time from removal by DCJ to the Children's Court making a final order with a case plan goal of restoration? You may need to take that on notice also.

**ANNE CAMPBELL:** I think we do.

**SIMONE CZECH:** Yeah. You may need to clarify that question as well, Mr Searle. Just quickly, the Children's Court or the magistrate will make a determination whether there is a realistic possibility of restoration to either parent—or both, for that matter. Until that determination is made, the department can't initiate in full a restoration case plan goal, but from the time we get that decision we can certainly provide that information.

**The Hon. ADAM SEARLE:** Maybe we could step it out. You could do average length of time from removal to that determination you spoke of, and then from that determination to there being an approved restoration case plan.

**SIMONE CZECH:** Yes. We can certainly take it on notice.

**The Hon. ADAM SEARLE:** Thank you. That would be very useful. What is the average length of time from entering into care to being restored, for those who are restored? Is that a metric you keep as well?

**SIMONE CZECH:** We do have that metric. I don't have it at hand.

**The Hon. ADAM SEARLE:** On notice?

**SIMONE CZECH:** We can take it on notice. I do know—and Ms Campbell touched on it—the time has increased and I think in the main that has been because of the COVID impact, and particularly, as Ms Campbell alluded to, families having access to the services that they need to either resolve the issues as to why children came into care or, indeed, to get kids home safely with support. But we can provide that information.

**ANNE CAMPBELL:** Yes.

**The Hon. ADAM SEARLE:** Okay, that would be good. How many guardianship orders were achieved in 2021-22?

**ANNE CAMPBELL:** Again, I would need to take that on notice. I talked to the 2021 data earlier.

**The Hon. ADAM SEARLE:** Can you tell us the 2021 data and then take the other on notice?

**ANNE CAMPBELL:** Yes, I will go back to that. Sorry, this folder is very big.

**The Hon. ADAM SEARLE:** We're a long way from the paperless office, or hearing rumours the case may be.

**ANNE CAMPBELL:** I did have it a second ago. I'm happy to take—

**The Hon. ADAM SEARLE:** I'm happy for you to take that on notice as well.

**ANNE CAMPBELL:** Yes.

**The Hon. ADAM SEARLE:** What's the current number of children in statutory care with an approved guardianship case plan goal?

**ANNE CAMPBELL:** Again, I'd need to take that one on notice.

**The Hon. ADAM SEARLE:** That's okay. How many of these children have been in the guardianship process for more than two years?

**ANNE CAMPBELL:** I'll take that one on notice.

**The Hon. ADAM SEARLE:** That's okay. And, again, similar to my earlier question, what's the average length of time from removal by DCJ to the Children's Court making a final order with a case plan goal of guardianship? You might have to do it at two stages: removal to determination, about whether such a thing is viable; and then from that point to when the case plan is made. That would be very useful. What's the average length of time from entry into care to a guardianship order being made?

**ANNE CAMPBELL:** Again, I'd need to take that on notice.

**The Hon. ADAM SEARLE:** Please do. How many adoption orders were achieved in 2021-22?

**ANNE CAMPBELL:** Again, I don't have the 2021-22 data because that's not available yet, but I do have the 2021. I think I did say it earlier in my answer. I've just lost the note here. If you can just hang on a tick, I can have a little look. Yes, I do have it, so I can answer both those questions. In terms of guardianship orders, 451 exited through a guardianship order in 2021, which was a 7.6 per cent increase compared to the previous year; and for adoptions, 91 exited through an adoption order, which obviously is a decrease from the number in 2019-20.

**The Hon. ADAM SEARLE:** How many children were in out-of-home care as at 30 June 2022?

**ANNE CAMPBELL:** I have that: 15,895 children and young people in out-of-home care, which is actually the lowest in a decade.

**The Hon. ADAM SEARLE:** How many short-term Children's Court orders were made in 2021-22?

**ANNE CAMPBELL:** I need to take that on notice.

**The Hon. ADAM SEARLE:** Please do. How many long-term Children's Court orders to age 18 were made in 2021-22?

**ANNE CAMPBELL:** I will take that on notice.

**The Hon. ADAM SEARLE:** What's the average length of time from removal by the department to the Children's Court making a final order? You might need to take—

**ANNE CAMPBELL:** I think that goes to Simone's—

**The Hon. ADAM SEARLE:** Yes, that may do.

**SIMONE CZECH:** Yes.

**The Hon. ADAM SEARLE:** I think it's more the end-to-end point which might be a slightly different measure.

**ANNE CAMPBELL:** Okay.

**SIMONE CZECH:** We can certainly take that on notice as well.

**The Hon. ADAM SEARLE:** What is the average length of stay from first entry into care for children currently in out-of-home care? You might need to take that on notice.

**ANNE CAMPBELL:** I'll take that on notice.

**The Hon. ADAM SEARLE:** What is the minimum and maximum duration in care for children who are currently in out-of-home care?

**ANNE CAMPBELL:** Again, I'd need to take that on notice.

**The Hon. ADAM SEARLE:** That's okay. The number of children in residential care I think has increased over the past year. What is the increase in expenditure on residential care as a dollar figure and as a percentage?

**ANNE CAMPBELL:** I'd need to take that on notice.

**The Hon. ADAM SEARLE:** Okay, that's fine. In addition to residential care providers funded under the Permanency Support Program, I think that it's also providers under pre-2017 contracted arrangements. How many of those arrangements remain in place and how many children are in their care?

**ANNE CAMPBELL:** Are you talking about how long the children that entered when the Permanency Support Program—

**The Hon. ADAM SEARLE:** How many of the pre-2017 contracted arrangements are in place and how many children are in the care of those organisations?

**ANNE CAMPBELL:** I can take that on notice.

**The Hon. ADAM SEARLE:** Please do. I think there are now four additional out-of-home care residential care models in addition to the two original models. That's the intensive therapeutic care and intensive therapeutic temporary care. How many children are currently in each of the six placement types that you currently operate?

**ANNE CAMPBELL:** I might have that here.

**The Hon. ADAM SEARLE:** I think there's alternative care arrangements, individual placement arrangements, short-term emergency placements and the interim care model as well as the first two.

**ANNE CAMPBELL:** Yes, and there's one for children with disability, significant disability. Look, I'll take that on notice.

**The Hon. ADAM SEARLE:** If you could, again, break it down by each care type.

**ANNE CAMPBELL:** Yes, we can do that.

**The Hon. ADAM SEARLE:** Mr Chair, I could go on for quite some time.

**The CHAIR:** Why don't you put them on notice.

**The Hon. ADAM SEARLE:** Given that we are on such a good streak of responsive answers from the department, I'm happy to take a punt and put the rest as supplementaries.

**ANNE CAMPBELL:** Mr Searle, I can actually answer a question from earlier in the day to save a question on notice coming to us.

**The Hon. ADAM SEARLE:** Please. Tell me.

**ANNE CAMPBELL:** You were asking about the top 10 out-of-home care providers.

**The Hon. ADAM SEARLE:** I was.

**ANNE CAMPBELL:** By both funding and by number of children. I should say in the first instance we do have that; it's on the DCJ website—all out-of-home care providers. But the top 10, in no particular order: Life Without Barriers—which is actually the largest provider of out-of-home care—Wesley, Lifestyle Solutions, Allambi Care Limited, Mackillop Family Services, Marist Youth Care, Challenge Community Services, Anglicare NSW South NSW & ACT, KARI Limited and Barnardo's Australia. Then for numbers of children and young people, it does change a little bit: Life Without Barriers, Wesley, Challenge Community Services, KARI, Barnardo's Australia, Care South, Mackillop Family Services, The Uniting Church in Australia Property Trust, Anglicare NSW South NSW & ACT, and the tenth is Burrun Dalai the Aboriginal Corporation.

**The Hon. ADAM SEARLE:** Thank you, that is very, very useful. As I said, Mr Chair, I will put the rest of my questions through as supplementaries. Given we have had such a productive and friendly exchange, it would be remiss of me, Mr Tidball, if I didn't mention I think the DCJ has recently won an award for being a top sector employer in Australia. Is that correct?

**MICHAEL TIDBALL:** The Randstad Award, Mr Searle, yes.

**The Hon. ADAM SEARLE:** Congratulations to the agency.

**MICHAEL TIDBALL:** Can I just say, congratulations to the remarkable staff who we have right through the organisation. They are an extraordinary workforce, they really are.

**The CHAIR:** On that juncture, are there any questions from the Government?

**The Hon. TAYLOR MARTIN:** No, only if the witnesses wish to elaborate on anything that was drawn out earlier? No? That's it from us.

**The CHAIR:** Thank you very much. We will bring questioning to an end. I note you have taken a number of questions on notice. The secretariat will be in contact with you within 21 days for the answers. Thank you very much for coming. That closes the hearing.

**(The witnesses withdrew.)**

**The Committee proceeded to deliberate.**