

# **PORTFOLIO COMMITTEE NO. 5 - JUSTICE AND COMMUNITIES**

**Tuesday 3 September 2024**

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

## **FAMILIES AND COMMUNITIES, DISABILITY INCLUSION**

**CORRECTED**

**The Committee met at 9:15.**

### **MEMBERS**

The Hon. Robert Borsak (Chair)

Ms Abigail Boyd

The Hon. Mark Buttigieg

The Hon. Greg Donnelly

Ms Sue Higginson (Deputy Chair)

The Hon. Natasha Maclaren-Jones

The Hon. Rachel Merton

The Hon. Emily Suvaal

### **PRESENT**

**The Hon. Kate Washington**, *Minister for Families and Communities, and Minister for Disability Inclusion*

---

**The CHAIR:** Welcome to the second hearing of the Portfolio Committee No. 5 - Justice and Communities inquiry into budget estimates 2024-2025. 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 and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respect to any Aboriginal and Torres Strait Islander people joining us today. My name is Robert Borsak, and I am the Chair of the Committee. I welcome Minister Washington and accompanying officials to the hearing. Today the Committee will examine the proposed expenditure for the portfolios of Families and Communities, and Disability Inclusion. I ask everyone in the room to please turn their mobile phones to silent.

Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. Thank you for making time to give evidence today. All witnesses will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

**Ms ZOE DENDLE**, Executive Director, Early Intervention, Disability and Inclusion Strategy, Department of Communities and Justice, affirmed and examined

**Mr PAUL O'REILLY**, Deputy Secretary, System Reform, Department of Communities and Justice, affirmed and examined

**Mr MICHAEL TIDBALL**, Secretary, Department of Communities and Justice, sworn and examined

**Ms ANNE CAMPBELL**, Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice, sworn and examined

**Ms SIMONE CZECH**, Deputy Secretary, Child Protection and Permanency, Department of Communities and Justice, affirmed and examined

**The CHAIR:** Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Minister for the morning session from 9.15 a.m. to 1.00 p.m., with a 15-minute break at 11.00 a.m. In the afternoon we will hear from the departmental witnesses from 2.00 p.m. to 5.30 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, and then 15 minutes allocated for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. We'll begin with questions from the crossbench.

**Ms SUE HIGGINSON:** Good morning, Minister, and all the team. Minister, this morning, your press release—I just want to refer to that, if I can. You quote a 72 per cent reduction in the use of alternative care arrangements since November. Firstly, I should say we are welcoming of the reforms that you've announced and we know how much has gone into this, but I just want to know is that 72 per cent reduction since November a stable number?

**Ms KATE WASHINGTON:** Good morning, Ms Higginson, and good morning to everyone on the Committee. The announcement this morning is to give effect to a ban on unaccredited alternative care arrangements. Since I became Minister I've made it really clear that vulnerable children don't belong in hotels, motels and caravan parks with 24/7 shift workers, and that we want to be making sure children coming into the system are placed in safe and loving homes with people who care about them, not being supervised by numerous shift workers who are moving them from hotels and motels. The work we've been doing to reduce that cohort has been significant, and in the past seven months we've seen a 72 per cent reduction from 139 children in alternative care arrangements to just 39 children now. For each one of those 39 children that remain, we have got a transition plan in place. We know where we want to see them go, but we are allowing us six months to make sure that those placements are safe and stable and that those kids land in appropriate placements.

**Ms SUE HIGGINSON:** Where are those children now? They are still in the—

**Ms KATE WASHINGTON:** Correct. If we can do it sooner than six months, we will be absolutely doing it as quickly as we can, but there's been an enormous amount of work in terms of recruiting emergency foster carers. We've recruited more than—almost 200 emergency foster carers as a government. We have reduced the number of vacancies in Intensive Therapeutic Care placements just to ensure that children coming into the system have somewhere else to go, or children that we are seeking to find suitable placements for, who are already in these alternative care arrangements, have suitable places as well.

**Ms SUE HIGGINSON:** I'm just curious about the 16 August date. What were the numbers on either side of that date? I'm happy if you need to take that on notice, but I would like to know what the numbers were either side of the 16 August date that you've provided.

**Ms KATE WASHINGTON:** We've provided that date because it's the latest capture of data that we could get. I will say that it's been consistently trending down since we stood up our high-cost emergency arrangement taskforce, which has been focused on reducing the number of children entering these types of placements and trying to increase the exits. Those exits have increased. That date is just a snapshot of where we're at and the latest information that we could provide to the Committee today.

**Ms SUE HIGGINSON:** So the plan, ultimately, is to phase out ACAs entirely? That's the plan?

**Ms KATE WASHINGTON:** The plan is to ban. The announcement is to ban unaccredited alternative care arrangements.

**Ms SUE HIGGINSON:** In terms of the accredited, there will still be accredited—

**Ms KATE WASHINGTON:** Correct.

**Ms SUE HIGGINSON:** But the plan is to rely on that as minimally as possible. Is that the intention?

**Ms KATE WASHINGTON:** The intention is to ban, and the announcement is to ban unaccredited providers of emergency accommodation. So yes, there will be a reliance continuing on accredited providers, but what we wanted to do was to go to the part of the system where the placements are the least preferred option, where we've got a large number of for-profit providers. They're labour hire companies where kids can't make any connections with the people that are meant to be keeping them safe. It's a significant step. Stepping back for a moment, the problem that we were trying to solve was this increasing reliance on emergency accommodation in the broken child protection system that we inherited. The placement of vulnerable children in these high-cost emergency arrangements was one of the most significant symptoms of that broken child protection system that we inherited. My priority from the start has been to reduce our reliance and start turning that around, and to create a system where children are going into safe and loving homes instead.

**Ms SUE HIGGINSON:** We are obviously incredibly welcoming of the banning of the unaccredited, but in terms of the accredited, is it your intention as the Minister that even those accredited alternative care arrangements, our intention is to use those as minimally as required—as emergency-only provisions—but there is no intent or perverse outcome that the use of accredited ones may start to grow?

**Ms KATE WASHINGTON:** Absolutely. The remaining accredited high-cost emergency arrangement providers, we want to be relying on them less and less. That's why we are recruiting emergency foster carers. We'll be expanding our recruitment of emergency foster carers to longer term foster carers. We will be starting to step into the market as a government to deliver residential care where there are gaps, to deliver foster care where there are gaps and to start having some more control of the system, so that where previously there were no other options, we want to make sure, as a government, there are those stable, safe and secure options for them in the future.

**Ms SUE HIGGINSON:** The *Newcastle Herald* reported yesterday that in a speech to Department of Communities and Justice leadership you said you would be implementing harsher penalties for third-party providers that failed to meet reporting requirements and child welfare outcomes. What standards will they be held to now, and how will you be enforcing them?

**Ms KATE WASHINGTON:** When we came into government, as the Committee would be well aware, the broken child protection system was spiralling out of control, largely because it had become a mostly outsourced system where we as the Government have very few levers to control what's happening yet we have a statutory obligation to these vulnerable children. I, as Minister, have legal parental responsibility for more than 13,000 of these children. That is not a responsibility that you can outsource. It's a responsibility we have. We have a statutory obligation—I find it a significant moral obligation—to ensure that we have full accountability for those responsibilities. That's not to say that we can't be working in partnership with our NGO partners. There are a lot of them doing a lot of good work. But what we must make sure is that in the future system there are greater accountabilities and oversight mechanisms. We want to make sure we have a system that is responsive to the needs of children and families.

**Ms SUE HIGGINSON:** If a third-party provider fails to meet a standard that you expect, what will be the consequences? How are we going to be dealing with that so we don't just keep rolling into similar traps of dysfunction?

**Ms KATE WASHINGTON:** That's something that is going to be a part of our reform. Mr O'Reilly here is heading up our new system reform division that the department has stood up to drive that reform and to design it as well. What I made clear to the senior executive of the department is that going forward, there is going to be increased accountability not just for our NGO partners but for the department as well. It's really important that we are fit for reform as a department. We will have similar expectations on us that we will on our NGO partners as well.

**Ms SUE HIGGINSON:** I'll come to Mr O'Reilly later about some of the details about that, perhaps this afternoon. Since last estimates we've had the four reports published by independent government agencies that clearly and consistently identify the failures of the system. In May you responded with the announcement of a systems review of out-of-home care in New South Wales, which will report in October. Why, after so many ignored reviews, should the public trust that this review is going to change anything?

**Ms KATE WASHINGTON:** Yes, you're right, there have been many reports that have landed since we came into government. They are on the back of many reports and hundreds of recommendations that were made prior to us coming into government. Those reports that we've received since coming into government have laid bare the broken child protection system and all the problems in it. They say everything that we have been saying since we came into government. We are focused on being responsive to the recommendations in those reports.

So that there is an absolute dedication, we've stood up this system review itself, which was explicitly, in its terms of reference, designed to not overlap on any of the other areas in the terms of reference of the previous reports that have landed. This is a review that's designed to focus on where dollars are being spent in the system, to ensure that every dollar is being spent and the system is going towards improving outcomes for vulnerable children. It's also looking at what are the drivers that are placing these kids in these high-cost emergency arrangements. It is really a systems review that—we didn't have that visibility from previous reports. They are going to complement all the other recommendations and reports, and that will work will sit with that. The other reports are being collated and considered, and will help design the reform.

**Ms SUE HIGGINSON:** Is that report still on track for October?

**Ms KATE WASHINGTON:** Yes.

**Ms SUE HIGGINSON:** Will the final report be made public?

**Ms KATE WASHINGTON:** Yes, but with a caveat: In case there are privacy issues in it, there may be some redactions, but only to address any privacy issues.

**Ms SUE HIGGINSON:** Do you have the political support from the Premier and Cabinet to pursue reform on the scale that we can all see the crisis demands?

**Ms KATE WASHINGTON:** Right across the Minns Labor Government there is a deep commitment to improving outcomes for vulnerable children and families. That's not just in the child protection system; it's about improving public essential services across the State that support all families and all children. Whether it's in public education, public health or public housing, we have a deep commitment across our Government to providing the supports that every community and every family needs in the State. We are unashamedly focused on supporting our public servants in the delivery of public services.

**Ms SUE HIGGINSON:** I think it's fair to say that today's announcement has really demonstrated that the Government has got power, and can exercise power to reform this system and take some bold, big, meaningful steps. Briefly, what are your next priority reforms? I'm interested in whether you're planning to discontinue the use of PSPs?

**Ms KATE WASHINGTON:** We have got a number of actions that we are already taking whilst we are determining the future reform path. We are already looking to re-enter the market as a foster care provider, so that's expanding the emergency foster care recruitment that we've already done to longer term foster care recruitment as well as becoming a foster care provider ourselves. Again, for over a decade the government hasn't been a provider of foster care. We are also introducing government-run intensive and professional foster care models. We're going to also enter the residential care market, and they'll be supported by highly qualified caseworkers.

We're also stepping into other areas that were outsourced that we believe will be better served by the public service, which is a family time workforce as well as carer assessments being done by the Government again. Those were elements of the system that we provided to external providers. These are all measures that we can have some control of and take action on now whilst there are these long-term contracts in place, like the PSP contract. The PSP contract was only recommissioned just before we came into government. There are limitations in terms of contracts that are already in place, which I'm sure the Committee would understand.

**Ms SUE HIGGINSON:** I'll come back to that in terms of the details with Mr O'Reilly, perhaps after the lunchbreak.

**Ms ABIGAIL BOYD:** Good morning to you, Minister, and to all of your officials. I wanted to start with something I raised with you at the last budget estimates, a report of the Committee on Children and Young People regarding children falling through the gaps when it comes to kids who have been identified as being at risk then being put with the person who they are at risk from by the Family Court when they go through the family law system. This was an incredibly emotional and important inquiry that we held at the end of 2022. There were some really important recommendations. It has been 18 months that you've now been the Minister. As far as I know, we're a year late in responding to that report. I asked you about it during the last estimates. Where is it?

**Ms KATE WASHINGTON:** I can feel the secretary wanting to jump in here. But before I ask Mr Tidball to let you know where that's at, I will say that I recall the meeting that we all had before the committee held its hearing, hearing directly from families affected by the issues that were then addressed by the committee. I appreciate the importance of the work that was done by the committee. As I recall, the committee's report landed prior to us coming into government. It fell into this unusual situation where, as a new government, there was no actual legal obligation to respond. In saying that, we are committed to responding and, as I understand it, a response is imminent. I'll let the secretary update the Committee on that as well.

**MICHAEL TIDBALL:** Ms Boyd, if this is unhelpful, please stop me, but specifically in relation to the Family Court and, from memory, the section 91 mechanism, there have been discussions with Chief Justice Alstergren and his deputy Justice McClelland in relation to where the court makes referrals and seeks a response by the State to care issues. There is effectively a protocol in place for that now. Part of our interest is where those referrals are made, hence they are copied to my office and they are reviewed and examined.<sup>1</sup> We're ensuring that those referrals land in a place where we are satisfied that the response is appropriate. That is being overseen by my office.

**Ms ABIGAIL BOYD:** I'm very grateful to you, Mr Tidball, for the information but also for being a strong advocate in relation to this and trying to solve these issues. But the report did go further than that in terms of the recommendations. I think Ms Campbell and Ms Czech were both at the inquiry. We heard and know that there are hundreds of children who are currently in the custody of people who are sexually abusing them or people who are physically abusing them. They were identified as being at risk by the department but were then placed with those people, mainly because, it seems, there is a lack of information going across from DCJ and an inability or unwillingness to step into appeals. I am very interested in those two aspects in particular. Has there been any movement on that to try to keep these kids safe and put them back with their parents, who are very, very upset?

**Ms KATE WASHINGTON:** It is always the department's focus to keep kids safe. We will always be acting on any reports of the nature that you've just described. In terms of the work of the committee and the formal response, that is imminent. As the secretary has already let the Committee know, there is work being done on the Family Court interaction side.

**MICHAEL TIDBALL:** The response to referrals, to be very frank, was a very low level. That has been not only recalibrated but is also being closely monitored. I think in the next couple of weeks I have a further meeting with the Chief Justice to discuss how it is going from the court's perspective.

**Ms ABIGAIL BOYD:** I appreciate that, but given just how upsetting it is, every hour that these kids are with people who they should never have been placed with and that DCJ knew about, I don't understand why the response has taken so long. It's been six months since I asked last time. Is this a priority? Are we going to get a response soon, and are we going to get real action to solve this?

**Ms KATE WASHINGTON:** Protecting kids and keeping them safe is always a priority for our Government and for the department. In terms of a response, it is imminent. As I said, it wasn't necessarily something that we as a government had to do, but we wanted to ensure that the important findings and the work done by the committee inform our work as a government and as a department. We don't want to lose those learnings at all. As the secretary has already elucidated, there's already work being done on that front.

**MICHAEL TIDBALL:** Can I supplement that response, Minister, and give the Committee an undertaking in terms of the response to the report? A written response will be very imminent. In terms of the workings of what I recall is the section 91 mechanism, I'm very happy to provide the Committee with some depth in the description of how that is actually working.

**The Hon. NATASHA MACLAREN-JONES:** Thank you very much, Minister, and everyone for attending today. Minister, what is the latest data on the number of HCEAs, and for the same point a year ago?

**Ms KATE WASHINGTON:** Are we talking about the number of actual HCEAs themselves or the number of children in HCEAs?

**The Hon. NATASHA MACLAREN-JONES:** The number of children as compared to last year.

**Ms KATE WASHINGTON:** This time last year—thank you to the secretary for having the data at his fingertips—there were 484. As of 31 July, there were 373.

**The Hon. NATASHA MACLAREN-JONES:** So, you said 884—

**Ms KATE WASHINGTON:** There were 484 this time last year and now there are 373. There was a high of 506 in November that we've now reduced by 25 per cent.

**The Hon. NATASHA MACLAREN-JONES:** Do you have the latest data on the number of children in placement type of residential care and the comparison to the same date last year?

---

<sup>1</sup> In [correspondence](#) to the committee received 1 October 2024, Mr Michael Tidball, Secretary, Department of Communities and Justice, provided a clarification to his evidence.

**Ms KATE WASHINGTON:** In terms of residential care? Sorry, Ms Maclaren-Jones, before we start going to a whole lot of data, can I just let the Committee know that we are going to be providing data today that is the most current that we can. It is going to be prefaced as being pretty much preliminary data, in that it may change. As you would well know as the former Minister, it takes some time for data to age. Normally the timing for us to provide data is three months from the end of financial year.

**The Hon. NATASHA MACLAREN-JONES:** That's fine. Maybe we will stick with what is publicly available. The last date we have is 31 March of this year. Is it easier to stick with that date to be able to do comparisons?

**Ms KATE WASHINGTON:** On the number of children in residential care?

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

**Ms KATE WASHINGTON:** I will ask Ms Czech if she's got those figures. But I will say that we are doing a lot of work, as has already been said, in terms of trying to ensure that kids are in much safer, more stable placements, including residential care, and that the number of Intensive Therapeutic Care vacancies has dropped significantly as well under our watch.

**SIMONE CZECH:** Thank you, Minister. It is in the folder. We'll just see if we can find it and then come back to you.

**MICHAEL TIDBALL:** We're talking about out-of-home care?

**The Hon. NATASHA MACLAREN-JONES:** Residential care.

**SIMONE CZECH:** Intensive Therapeutic Care—

**The Hon. NATASHA MACLAREN-JONES:** No, residential care.

**MICHAEL TIDBALL:** Total out-of-home care?

**The Hon. NATASHA MACLAREN-JONES:** No, residential care. I first of all asked about high-cost emergency accommodation and the number for this year compared to last year. Now I'm asking for the number of young people in residential care.

**ANNE CAMPBELL:** There are 908 children and young people.

**The Hon. NATASHA MACLAREN-JONES:** Is that the March date?

**ANNE CAMPBELL:** I'd need to double-check that. I think that was the June 2023 date, but I can double-check for you.<sup>2</sup>

**The Hon. NATASHA MACLAREN-JONES:** That's fine. Do you have the total cost of HCEAs for 2023-2024, the financial cost?

**Ms KATE WASHINGTON:** Sorry, can you repeat the question, Ms Maclaren-Jones?

**The Hon. NATASHA MACLAREN-JONES:** The financial cost of HCEAs for 2023-2024.

**Ms KATE WASHINGTON:** We will be able to provide that. What I can say is that the cost of high-cost emergency arrangements is exactly what they are—they are high cost. In the past six years they have cost more than—

**The Hon. NATASHA MACLAREN-JONES:** I'm asking for the last financial year, the 2023-24 figure.

**Ms KATE WASHINGTON:** If I can continue, the cost in the last six years alone has been half a billion dollars.

**The Hon. NATASHA MACLAREN-JONES:** Minister, this is budget estimates. It's expected that you would have some of these basic figures. I'm asking for the financial year 2023-24.

**Ms KATE WASHINGTON:** And I am just expressing my concern at how much of an impost they have been on the system that we inherited, and it is a—

---

<sup>2</sup> In [correspondence](#) to the committee received 1 October 2024, Ms Anne Campbell, Deputy Secretary Strategy, Policy and Commissioning, Department of Communities and Justice, provided a clarification to her evidence.

**The Hon. NATASHA MACLAREN-JONES:** Minister, if you don't have the figure—

**The Hon. EMILY SUVAAL:** Point of order—

**Ms KATE WASHINGTON:** And I have the figure here if you would allow me to provide it.

**The CHAIR:** A point of order has been taken.

**The Hon. NATASHA MACLAREN-JONES:** The Minister has the figure.

**The Hon. EMILY SUVAAL:** The Hon. Natasha Maclaren-Jones continues to interrupt and interject over the top of the Minister as she is part way through a response. I'd ask you to draw her to order and show the witness some procedural fairness.

**The Hon. NATASHA MACLAREN-JONES:** She's got the answer.

**Ms KATE WASHINGTON:** For the period that you've asked, for 2023-24, the cost of high-cost emergency arrangements was \$357.8 million. I must apologise; the reference before of \$500 million over the past six years is not accurate. It's much more than that.

**The Hon. NATASHA MACLAREN-JONES:** For the benefit of the Committee, could you name the subtypes for the HCEAs?

**Ms KATE WASHINGTON:** Yes, I can. The first, and the worst, type of HCEAs are the alternative care arrangements, which we have announced today that we will be banning because they are provided—

**The Hon. NATASHA MACLAREN-JONES:** I'll get to that in more detail later on.

**Ms KATE WASHINGTON:** But I'm answering your questions, Ms Maclaren-Jones.

**The Hon. NATASHA MACLAREN-JONES:** I'm just asking for the names of the subtypes.

**Ms KATE WASHINGTON:** Yes, and alternative care arrangements are one of those subtypes. I'm just saying that's the announcement we've made today because they are the unaccredited end of the high-cost emergency arrangements.

**The Hon. NATASHA MACLAREN-JONES:** Minister, I have limited time, and that was covered. I'm interested, for the benefit of the Committee, in the subtypes.

**Ms KATE WASHINGTON:** And I'm trying to provide those to you now. Alongside the ACAs, then we've got the ICMs, which is the Interim Care Model; we've got individual placement arrangements, which are IPAs; we've got short-term emergency placements, called STEP; and then we've got special out-of-home care—all of which were named and put in place under the former Government. In many ways, the only way I can describe it is trying to rebadge things so that it couldn't be calculated properly.

**The Hon. NATASHA MACLAREN-JONES:** In relation to the special out-of-home care, that number is not reported publicly along with the other placement types. Do you have a figure of the number of young people currently in special out-of-home care placement?

**Ms KATE WASHINGTON:** The latest figure I've got for children in the special out-of-home care—and it's a really discrete area, as you would be well aware, often involving vulnerable children with significant disabilities—is currently, as of July this year, there were only 11 children in those types of placements.

**The Hon. NATASHA MACLAREN-JONES:** Are there any subtypes under the residential care category?

**Ms KATE WASHINGTON:** I don't understand your question, I'm sorry.

**The Hon. NATASHA MACLAREN-JONES:** With the HCEAs, there are subtypes. Are there any subtypes of residential care?

**Ms KATE WASHINGTON:** All of the types of high-cost emergency arrangements that I've mentioned are types of residential care. Then there's broader residential care, so I don't think—I'll ask Mr O'Reilly if he's got more information he could provide on that for you.

**PAUL O'REILLY:** Are you talking about residential care outside of the high-cost arrangements?

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

**PAUL O'REILLY:** Yes, so it's referred to as Intensive Therapeutic Care, ITC. There are 728 kids in ITC. The main categories there are 398 in ITC homes and a further 144 in ITC for special disability. They're the



main two categories. Then there are a further 133 in therapeutic supported independent living outside of those properties but in other arrangements.

**The Hon. NATASHA MACLAREN-JONES:** Are they reported publicly in the quarterly data?

**PAUL O'REILLY:** I am not sure, but we can check that.

**The Hon. NATASHA MACLAREN-JONES:** If not, why isn't it reported?

**PAUL O'REILLY:** I'd have to check that.

**Ms KATE WASHINGTON:** Can I just say that under the former Government there was no data published about high-cost emergency arrangements. The only time—

**The Hon. NATASHA MACLAREN-JONES:** Minister, I wasn't asking about the high cost. I was asking about residential care placements and specific numbers.

**Ms KATE WASHINGTON:** It's part of the residential care system, and under the former Government, there was no commitment to transparency. The only time we found out about anything was in a forum like this.

**The Hon. NATASHA MACLAREN-JONES:** Minister, I might move on. I've got limited time. Are HCEA placements like the ICM and STEP temporary placements?

**Ms KATE WASHINGTON:** They are part of the high-cost emergency arrangements. As I've already said to the Committee this morning, under the system that we inherited—the broken child protection system that we inherited—there became an over-reliance on emergency accommodation.

**The Hon. NATASHA MACLAREN-JONES:** Minister, the question is: Are those temporary placements?

**Ms KATE WASHINGTON:** Ideally, they are temporary. They are under the naming of the high-cost emergency arrangements, so by their very nature they should be emergency. Unfortunately, in the system that we inherited, they became a longer term reliance on these types of arrangements.

**The Hon. NATASHA MACLAREN-JONES:** So they are meant to be temporary. What is the maximum time frame that a young person is supposed to stay in an ICM or a STEP placement?

**Ms KATE WASHINGTON:** There is no maximum time that a child is meant to be staying in any of these arrangements. What we would hope to be doing is minimising the time in these arrangements so children are in safe and stable placements. But, with the system that we inherited, which has been set out by the Auditor-General, the Ombudsman, the Advocate for Children and Young People and the Office of the Children's Guardian, which laid bare all the problems—

**The Hon. NATASHA MACLAREN-JONES:** Thank you, Minister. I might bring you back to questions. They are meant to be temporary placements but there is actually no time frame of how long a young person should be staying. They could be staying three days, six months, 12 months?

**Ms KATE WASHINGTON:** As they were when you were the Minister. That's the arrangements that we inherited. We have been laser focused on reducing the number of children with unaccredited providers. But our reliance on high-cost emergency arrangements across the system, we are hoping to reduce over time by all the measures that we are putting in place now.

**The Hon. NATASHA MACLAREN-JONES:** What I'm trying to ascertain, Minister—you've announced today that ACAs will be banned. That is for unaccredited carers, but they will still operate with accredited carers. Is that correct?

**Ms KATE WASHINGTON:** In amongst the high-cost emergency arrangements, outside of the unaccredited providers, yes, there will be accredited providers continuing to provide placements for children. We will be seeking over time to reduce those numbers as well, and we have been focused—not only have we been finding more suitable placements for children in alternative care arrangements, but we've been trying to find more suitable placements for children in all types of high-cost emergency arrangements. We've seen a 25 per cent reduction of children in high-cost emergency arrangements since November last year, when we set up the high-cost emergency arrangement taskforce to focus on finding suitable placements for these kids.

**The Hon. NATASHA MACLAREN-JONES:** But, Minister, aren't these young people going from the high-cost placement into residential care?

**Ms KATE WASHINGTON:** There are some children that are going into Intensive Therapeutic Care arrangements, which are far, far more suitable arrangements than with an unaccredited, often for profit, often

untrained, often labour-hire companies in hotels and motels. And not only that, moving from hotels to motels within the time that they're there.

**The Hon. NATASHA MACLAREN-JONES:** Minister, you've just said that the hotels and motels will still operate but with accredited carers—

**Ms KATE WASHINGTON:** Correct.

**The Hon. NATASHA MACLAREN-JONES:** —for emergency placements. So you're not actually getting rid of ACAs; they will still exist for emergency placements.

**Ms KATE WASHINGTON:** We are banning unaccredited alternative care arrangements.

**The Hon. NATASHA MACLAREN-JONES:** But they will still operate for accredited?

**Ms KATE WASHINGTON:** There is no such thing as an accredited ACA. There is no such thing.

**The Hon. NATASHA MACLAREN-JONES:** Minister, in the event that there is an emergency placement and no residential care option is available, where would this young person go?

**Ms KATE WASHINGTON:** There is always going to be a safe place for children to go in the system that we operate.

**The Hon. NATASHA MACLAREN-JONES:** But where is that placement?

**Ms KATE WASHINGTON:** I think you somehow have a misunderstanding of the system that you yourself were responsible for, for some time.

**The Hon. NATASHA MACLAREN-JONES:** No, Minister. I'm asking: In the event of an emergency, where would a young person be placed?

**Ms KATE WASHINGTON:** There will be a number of options. That's why we've been recruiting emergency foster carers. We'll be recruiting long-term foster carers. We've reduced the number of Intensive Therapeutic Care vacancies by almost half. When we came into government, some of our funded placements for these residential care settings had vacancies of 47 per cent, so that was driving kids into these hotels and motels. We have been working with our non-government providers and seen an almost—

**The Hon. NATASHA MACLAREN-JONES:** Minister, to move forward—

**Ms KATE WASHINGTON:** If I can finish, because this is very important. It has allowed us to be able to make the announcement we have today by reducing the vacancy rates of Intensive Therapeutic Care, which means there are more places now filled in our residential care funded places than before. We've reduced that by almost half. Our providers are reporting about now a 20 per cent, sometimes lower, vacancy rate.

**The Hon. NATASHA MACLAREN-JONES:** Minister, will you be reporting the number of young people in residential care and by category?

**Ms KATE WASHINGTON:** I find the question really interesting, given under your Government—

**The Hon. NATASHA MACLAREN-JONES:** But, Minister, you've made an announcement today—

**Ms KATE WASHINGTON:** —you did everything you could to hide the number of kids that you were placing in high-cost emergency arrangements.

**The Hon. NATASHA MACLAREN-JONES:** Minister, you've been asked a question. You currently report on a number of other specific placement types. I'm asking whether or not, moving forward, particularly in light of the announcement today, will you be reporting the number of young people in residential care and by type?

**Ms KATE WASHINGTON:** If what you are implying is that these kids are being moved from one residential place to another—

**The Hon. NATASHA MACLAREN-JONES:** I'm not implying anything. Minister, I'm asking a question. It's quite a straightforward question: Do you intend to report?

**Ms KATE WASHINGTON:** I can say that the majority of the kids that have been transferred and placed elsewhere from these high-cost emergency arrangements from the unaccredited ACAs have gone into foster care arrangements. The suggestion that we are just shuffling kids from high-cost emergency arrangement to another is not accurate. We are providing and ensuring that these kids have safe, stable and loving homes.

**The Hon. NATASHA MACLAREN-JONES:** Minister, I've just asked will you be providing that—

**Ms KATE WASHINGTON:** We are happy—

**The Hon. NATASHA MACLAREN-JONES:** You've said you're committed to transparency. Will you commit to releasing publicly, on a quarterly basis, along with other data, the number of young people in residential care and by category?

**Ms KATE WASHINGTON:** Apparently we're already reporting on it. We are committed to transparency.

**The Hon. NATASHA MACLAREN-JONES:** A total amount but not by sub-type of residential care?

**Ms KATE WASHINGTON:** We provide high-cost emergency arrangement data, which your Government never did. It's on the dashboard. We report on the number of children in residential care as well. We are being as transparent as we possibly can. Since we came in, I've been open and honest about all the problems that we inherited, because unless you talk about the problems, you can't find solutions, and we are acting on those solutions when your Government never did.

**The Hon. NATASHA MACLAREN-JONES:** Minister, we've got limited time. I might move on to the budget announcement of the \$224 million. How much of that will go towards continuing existing programs, and how much of it is for new programs?

**Ms KATE WASHINGTON:** Having inherited an \$800 million black hole from your Government, we have been doing everything we can to start fixing the mess that was left. So—

**The Hon. NATASHA MACLAREN-JONES:** Minister, it's a simple question: How much of it is going towards continuing existing programs, and how much of it is for new programs?

**Ms KATE WASHINGTON:** The \$224 million is helping us continue to provide child protection and out-of-home care for vulnerable children and families. It is also allowing us to re-enter the market as a foster care provider. It is allowing us to fill gaps in the system that exist now.

**The Hon. NATASHA MACLAREN-JONES:** Minister, I've asked specifically—this is your only announcement in the budget. How much is being allocated, of that money, to new programs? How much of it is to continue existing programs?

**Ms KATE WASHINGTON:** What we are doing is fixing the mess you left, where there was an \$800 million black hole, and we have—

**The Hon. NATASHA MACLAREN-JONES:** Minister, it's a simple question. Clearly, you would have put forward a proposal to ask Treasury for the funding.

**Ms KATE WASHINGTON:** Indeed.

**The Hon. NATASHA MACLAREN-JONES:** How much of that is for new programs?

**Ms KATE WASHINGTON:** I'm saying these are the programs that this funding is allowing us to do. It is allowing us to start fixing the mess that you left. It is allowing us to step into the gaps in the market.

**The Hon. NATASHA MACLAREN-JONES:** Minister, that's not a program.

**Ms KATE WASHINGTON:** That is what the \$224 million is allowing us to do.

**The Hon. NATASHA MACLAREN-JONES:** Specifically, how is that money going to be spent? Do you have a breakdown of how much of it is to continue existing programs and how much of it is for new programs?

**Ms KATE WASHINGTON:** It is allowing us to do the difficult work of turning the enormous ship around to start—

**The Hon. NATASHA MACLAREN-JONES:** So, Minister, your announcement is actually not for anything new, based on your answer. There are no new programs.

**Ms KATE WASHINGTON:** Ms Maclaren-Jones, I don't think you're listening to my answer.

**The Hon. NATASHA MACLAREN-JONES:** I am. You're not actually—I've asked you—

**Ms KATE WASHINGTON:** There are a number of new programs. We are doing things that weren't done for a decade.

**The Hon. NATASHA MACLAREN-JONES:** Could you name one program, Minister?

**Ms KATE WASHINGTON:** We are starting to provide foster care for the first time—

**The Hon. NATASHA MACLAREN-JONES:** Minister, just one program.

**Ms KATE WASHINGTON:** —and we are re-entering the market as a residential care provider. This is the answer I provided to Ms Higginson just before. We are also recruiting family-time workers. We are also undertaking carer authorisation assessments. We are doing a number of new programs.

**The Hon. NATASHA MACLAREN-JONES:** Minister, of that \$200 million, is any of that money going to NGOs?

**Ms KATE WASHINGTON:** This is allowing us to operate the system and to start stepping into the gaps in the system so we can fix the mess that you left us.

**The Hon. NATASHA MACLAREN-JONES:** Minister, as I asked before, has any of that money been allocated to go towards NGOs or to support foster carers?

**Ms KATE WASHINGTON:** It is allowing us to continue to operate the system to overcome the \$800 million black hole that you left us and to start filling the gaps in the market to ensure that when vulnerable kids are coming into—

**The Hon. NATASHA MACLAREN-JONES:** Minister, could you give a figure on how much will actually be spent to recruit new foster carers for the department?

**Ms KATE WASHINGTON:** Sorry, I didn't hear the question because I was still trying to complete my answer from the last question.

**The Hon. NATASHA MACLAREN-JONES:** But, Minister, you're not actually saying anything new. The question is of that \$200 million that you announced in the budget, how much has been allocated to recruit new foster carers?

**Ms KATE WASHINGTON:** It's going to be part of the resources—

**The Hon. NATASHA MACLAREN-JONES:** So you don't have a figure?

**Ms KATE WASHINGTON:** —that we are using to recruit foster carers and long-term foster carers. We've already been using—

**The Hon. NATASHA MACLAREN-JONES:** This is your only announcement in the budget, and you have no detail?

**Ms KATE WASHINGTON:** We have already been utilising funding that we have to recruit emergency foster carers so that kids aren't placed in hotels, motels and caravan parks—

**The Hon. NATASHA MACLAREN-JONES:** So it's not a new announcement?

**Ms KATE WASHINGTON:** —like they were under your Government.

**The Hon. NATASHA MACLAREN-JONES:** Not a new announcement?

**Ms KATE WASHINGTON:** Now we have got emergency foster carer recruitment, longer term foster carer recruitment and a number of new initiatives. That is all being funded by the \$224 million investment that was in this year's budget.

**Ms ABIGAIL BOYD:** Minister, can you explain why only nine of the 131 recommendations directed at States from the disability royal commission were accepted or supported by your Government?

**Ms KATE WASHINGTON:** I appreciate your ongoing and enduring engagement and interest in not only people with disabilities but ensuring that their rights are fully realised in our State. As you know well, the disability royal commission was a seminal piece of work: 4½ years; 222 recommendations were made; 131 of those recommendations were relevant to us as a State. Since those recommendations were made late last year, we've been doing an enormous amount of work across other States and Territories and with the Commonwealth but, more importantly, with disability stakeholders to hold forums with them. We've held three targeted forums with our disability stakeholders to help inform our response to the disability royal commission recommendations. Based on those forums and a survey also that we issued to the sector, we delivered our initial response to those recommendations. Ninety-five of the 131 recommendations that are relevant to us as a State were either supported in principle, in part or in full. I say that—

**Ms ABIGAIL BOYD:** Sorry. On those ones that were supported in principle, though, this seems to be a thing that we see in a lot of responses to recommendations. "Supported in principle" means "Yes, sure, we like the vibe, but we're not going to do the thing," or "Maybe we'll do this one day in the future." It's not the same as

supporting it outright and saying very clearly, "We are going to do this thing." Why were so many only supported in principle?

**Ms KATE WASHINGTON:** I accept that appearance, but it's certainly not the intent. As I said, our response is only an initial response, and we're going to be working closely with disability stakeholders on the way forward, on implementation. I want to be really clear that even those recommendations that are noted as being under consideration, that's not a no by any stretch. In fact, in our implementation plan that was issued with our response, one of those items is to hold another stakeholder forum to work through those items that were still under consideration. As you know, the royal commission covered a whole lot of policies, legislation and systems across multiple agencies. Our disability taskforce that has been responsible for responding has engaged across 16 different agencies across government, as well as all States and Territories.

**Ms ABIGAIL BOYD:** From the disability sector's perspective or from people with disability's perspective, what I'm hearing in the community is there is a lot of pain because they saw the disability royal commission as doing that work. They turned up. They gave their stories. They spent hours on submissions. We had a royal commission with commissioners who came together and deliberated for a long period of time. They've done the work of saying what needs to happen. That's already happened. Then they've delivered these recommendations and then both Federal and State governments have said, "Yeah, okay, we'll think about that, and maybe we'll consult with people with disability." And they're saying, "But we were consulted. That's what the disability royal commission was." They're really frustrated that they're being told, "Oh, no, you can't have that yet." What is your response to that? Because people are really disappointed and I think we've moved through anger to being just really sad about it.

**Ms KATE WASHINGTON:** I acknowledge that there is a lot of anxiety and concern in the community at the moment, particularly with the complexities involved with not only the disability royal commission recommendations landing but also the NDIS Review.

**Ms ABIGAIL BOYD:** I'm glad you mentioned that.

**Ms KATE WASHINGTON:** Those two can't be unpicked.

**Ms ABIGAIL BOYD:** No, but people with disability are feeling under attack by the Labor Government at a Federal level. They're looking to the State to actually help out and, with the recently passed NDIS legislation, there is more focus than before on the States providing support. They're looking to the States for leadership and they're not getting it.

**Ms KATE WASHINGTON:** I don't accept the categorisation, and I haven't heard from people with disability saying that they feel under attack by the Federal Government.

**Ms ABIGAIL BOYD:** You just have to read the releases from People with Disability Australia. They are very clear. All of the organisations, all of the disability orgs, all of those peaks, all of the advocates have been opposed to the NDIS reform. They are very upset by the response from the Federal and the State governments to the disability royal commission. They're feeling under attack and unsupported by a Labor government. Now is the chance to stand up and show some leadership.

**Ms KATE WASHINGTON:** We are working very closely with the Commonwealth and the NDIS Review is important work to ensure that the NDIS is sustainable into the future not only for participants now—

**Ms ABIGAIL BOYD:** Yes, which means cutting money for people with disability.

**Ms KATE WASHINGTON:** To suggest that all disability stakeholders are opposed to the reform that the Commonwealth is undertaking, I think, is a mischaracterisation—

**Ms ABIGAIL BOYD:** You just need to read the press releases.

**Ms KATE WASHINGTON:** —because it is important work that we are working hand in hand with the Commonwealth on to ensure that the NDIS remains available to support people and realise their opportunities. And, unless we get it—

**Ms ABIGAIL BOYD:** Can we talk about the most obvious one that really annoys people and one that becomes even more relevant now that we've got fewer supports through the NDIS, and that is New South Wales' failure to sign up to the minimum accessibility standards under the National Construction Code. As you know, New South Wales is only one of two States not to do that. If we had this bare minimum level of accessibility in all new builds, that would make a humungous difference to people. It's never been explained to me by your Government or the Government before why we can't do something so simple that the rest of the country can do and that would make such a significant difference. Why can't we implement that?

**Ms KATE WASHINGTON:** I will say that we as a government are committed to ensuring that people with disability have greater access to homes that are safe, suitable and connected to community. In this budget we have made a significant investment of \$5.1 billion into delivering 8,400 social homes—

**Ms ABIGAIL BOYD:** And I keep hearing that as a response to all of the things.

**Ms KATE WASHINGTON:** —and we are responding—

**Ms ABIGAIL BOYD:** We can—

**Ms KATE WASHINGTON:** If I can finish, we are responding in that way because it will be the greatest investment of accessible housing in this State's history—

**Ms ABIGAIL BOYD:** Yes, if it happens that would be great.

**Ms KATE WASHINGTON:** —because all of those houses will be at the silver standard.

**Ms ABIGAIL BOYD:** But why not mandate it for all new builds when everyone else can—every other State can except us and WA? This is something not just for people with disability but for anyone who has a friend with disability, who wants them to be able to access their home. It's for anyone who wants to age in place. This will save the Government money in the long run. There is no doubt about that. Retrofitting is so much more expensive. Why? What is the hold up? Why won't New South Wales just say, "Of course we'll sign up to it like everyone else has"?

**Ms KATE WASHINGTON:** As I said, all new social homes—

**Ms ABIGAIL BOYD:** No, not social homes. New builds across the board.

**Ms KATE WASHINGTON:** But they're the ones the Government will be responsible for retrofitting. If they weren't—

**Ms ABIGAIL BOYD:** But you have the power, like every other State does, to say, "All new builds have to have these minimum standards." Why?

**Ms KATE WASHINGTON:** The other work that we are doing—and I've been having conversations with the planning Minister—

**Ms ABIGAIL BOYD:** Minister, why?

**Ms KATE WASHINGTON:** —and with the New South Wales architect about the pattern book program as well.

**Ms ABIGAIL BOYD:** With respect, you're not responding to my question. Why will New South Wales not sign up to the minimum accessibility standards that every other State except New South Wales and WA have signed up to? Why?

**Ms KATE WASHINGTON:** And what we are doing is looking also—

**Ms ABIGAIL BOYD:** Why? Give me a reason why we can't do it and everyone else can. What is wrong with New South Wales that we can't do it?

**Ms KATE WASHINGTON:** What I will say—

**The Hon. GREG DONNELLY:** Point of order: The Minister is answering the question posed.

**Ms ABIGAIL BOYD:** With respect, she's not. She's answering a different question.

**The Hon. GREG DONNELLY:** The member may not like the answer.

**Ms ABIGAIL BOYD:** It's not an answer to the question.

**The Hon. EMILY SUVAAL:** She's directly relevant.

**The Hon. GREG DONNELLY:** She is directly relevant on point and I ask that she be allowed to complete the answer to the question posed.

**The CHAIR:** I uphold the point of order.

**Ms KATE WASHINGTON:** To your question, Ms Boyd—and it is an important question. I understand.

**Ms ABIGAIL BOYD:** I just want to know why. It does my head in. I don't understand.

**Ms KATE WASHINGTON:** Your commentary around other States and Territories having signed up—the issue that we are seeing across those other States and Territories is the difficulty that they are having actually implementing it. We are in a housing crisis.

**Ms ABIGAIL BOYD:** At least they're trying.

**Ms KATE WASHINGTON:** Every government across the country is trying to work out and—no-one wants to be implementing any measures that are going to increase any cost of any housing whilst we are in a cost-of-living crisis. This is the difficulty—

**Ms ABIGAIL BOYD:** But it doesn't. There's no evidence showing it does.

**Ms KATE WASHINGTON:** —that all States and Territories, whether they've signed up or not, are having in terms of implementation.

**Ms ABIGAIL BOYD:** There is no evidence for that.

**Ms KATE WASHINGTON:** What we want to be able to do is actually be able to implement anything that we are signing up to, and we are looking to see how other States and Territories are doing that.

**Ms ABIGAIL BOYD:** Are you aware of any evidence at all that it will increase the cost of housing?

**Ms KATE WASHINGTON:** Absolutely.

**Ms ABIGAIL BOYD:** Where's your evidence? Where is it? Where's the study?

**Ms KATE WASHINGTON:** Are you suggesting that changing or ensuring that there are silver standards in housing—if you're suggesting that that is not going to increase the cost of housing, I think that that isn't accurate.

**Ms ABIGAIL BOYD:** I encourage you to go and look at what the Property Council or whoever has provided as any evidence to show that there will be any—the most I've ever heard, even from the industry, is that it would be a 1 per cent increase in housing cost.

**Ms KATE WASHINGTON:** Well, that's an increase in itself, but the industry—

**Ms ABIGAIL BOYD:** But most of the evidence shows that there wouldn't be an increase because it gets built in as opposed to doing it retrospectively, which is incredibly expensive.

**Ms KATE WASHINGTON:** Certainly the industry representatives that I have spoken to have talked to me about the increase in cost as well.

**Ms SUE HIGGINSON:** Minister, I want to go back to your commitment to improving pay and conditions for frontline child protection workers. Will you increase the wages of caseworkers by 15 per cent in line with the PSA's demands?

**Ms KATE WASHINGTON:** I'd love to be making announcements today, Ms Higginson, but I'm not going to be. What I will say is that caseworkers are essential frontline workers that our child protection and out-of-home care system relies on to keep children safe. They do such important work, and I've met with more than a thousand of them since I became Minister.

**Ms SUE HIGGINSON:** Can we expect an announcement soon?

**Ms KATE WASHINGTON:** What I have said really clearly is that not only have we lifted the unfair wages cap imposed by the former Government and delivered the largest increase in pay to caseworkers for more than a decade but there is more to be done. I'm also really clear that this is not just a pay and conditions issue; it is a systems issue. That's why we are undertaking significant systemic reform and it's why a critical element of our reform will be about attraction and retention of caseworkers. In order to do that, we must support our caseworkers better. We are not just waiting for the reform because I heard that loudly and clearly from so many overburdened and stressed caseworkers that they can't wait for the reform.

We've been responsive to what we've heard, and we are now putting specialist caseworkers that previously had no case loads back onto the front line. To lighten the burden of our frontline caseworkers, we're going to have these specialist caseworkers working alongside them, mentoring them, as well as relieving some of their load. That's the first initiative. We've also got a mentoring and leadership program that's going to be rolled out from the top of the department to all of our caseworkers on the ground. There's a lot more that we are working on with our workforce strategy, in addition to pay and conditions, so that we can start looking after our caseworkers a lot better.

**Ms SUE HIGGINSON:** The NSW Ombudsman has commenced a maladministration investigation into the conduct of DCJ in responding to reports of children at risk of serious harm. What do you know about this investigation?

**Ms KATE WASHINGTON:** I know the Ombudsman's latest report has been released. The commentary around the maladministration—obviously I'm aware of it and it's really concerning. Everything in his report that he has already released is concerning, and I'm well aware that there are other reports and investigations being done by a number of different oversight bodies. I've got to say, since coming into government, we have been open and honest and transparent about the problems. Those problems have been laid bare in the reports that we've already seen. I have no doubt they will continue to be laid bare in reports to come.

**Ms SUE HIGGINSON:** If findings of maladministration are made, will you, as the Minister, do whatever is recommended to deal with that?

**Ms KATE WASHINGTON:** In the event of maladministration, of course, we won't be waiting for reform. But in light of the reports that have already landed and in consideration of those that are yet to come, I did bring together, as you've already raised today, 100 of the Department of Communities and Justice executives to talk about what we need to be doing to make sure we are a fit and healthy organisation ourselves, ready for reform and ready to embrace the opportunities that we've got to ensure children and families are safe together—and, when they can't be safe together, that vulnerable children who come into the system are in safe and loving homes. A really important part of the work that we must do as a department is—and it's something I have said is low-hanging fruit—we must support our caseworkers and our foster carers better, because unless we are looking after our foster carers and our caseworkers, we can't truly be doing the work that we need to be doing to look after vulnerable kids as well.

**Ms SUE HIGGINSON:** You've provided some promising results, in terms of the department, about children existing in certain forms of emergency care. How many of those children are First Nations children?

**Ms KATE WASHINGTON:** I can provide that data to you. Ms Higginson, as you are well aware and as the Committee's well aware, there is a significant over-representation of Aboriginal children in the out-of-home care system. That's reflected in the children in high-cost emergency arrangements as well. Whilst I think we're still sitting at around 45 per cent of children in the out-of-home care system who are Aboriginal or Torres Strait Islander children—we'll be able to provide that figure to you in a moment, I'm sure.

**Ms SUE HIGGINSON:** In terms of that 45 per cent, what is your view on when New South Wales will actually reduce that rate of over-representation in accordance with the Closing the Gap targets? What are we looking at? When can you and I or someone else sit in this room and talk about something that is different from the catastrophic numbers that we are seeing now?

**Ms KATE WASHINGTON:** We are committed to Closing the Gap, and our commitment is particularly to target 12 under Closing the Gap. To your previous question, the secretary has just advised me that the figure is—

**MICHAEL TIDBALL:** It's 47.5 per cent.

**Ms KATE WASHINGTON:** It's 47.5 per cent of children in high-cost emergency arrangements who are Aboriginal and Torres Strait Islander children. In terms of the percentage of children and over-representation, I can inform the Committee that, in raw numbers, the number of Aboriginal children entering the system has been gradually reducing. That's not necessarily represented in the percentage because they're not reducing at the same rate as the overall cohort. So whilst there is obviously so much more work that we need to be doing to support Aboriginal children and families—firstly, to support them so that they don't enter into the system in the first place—there is, at least, data to show that we are starting to head in a better direction in terms of entries into care for Aboriginal children and young people.

**Ms SUE HIGGINSON:** How many times has the Ministerial Aboriginal Partnership Group met?

**Ms KATE WASHINGTON:** I think four times. I might be corrected on that. They've also held a workshop and are about to hold another workshop. It's an important group that we have stood up on the back of the—

**Ms SUE HIGGINSON:** Are priorities being set from that group? Is that group telling you what the priorities are? Have you got a plan to take on those priorities and communicate them to the ACCOs?

**Ms KATE WASHINGTON:** Absolutely. They are talking to me of their priorities at every single meeting. I'm advised that there were actually five meetings of the Ministerial Aboriginal Partnership Group already, and obviously there are more to come. The work that we are doing together is really, really complex.



They are tasked with helping me and advising the Government on the implementation of the nine urgent action items that we took out of the Aboriginal Child Safety and Wellbeing Reform Forum that I held in August last year. Of those nine action items, the department is working to progress every single one of those, and we are reporting that back to the MAP Group. But they themselves are determining their own path, as they should. I'm working collaboratively and in partnership with them, firstly, to determine what their priorities are so that they can play a pivotal role in our reform.

**The Hon. NATASHA MACLAREN-JONES:** Minister, the OCG Carers Register shows the number of authorised carers as of June 2023 was 17,121. In June 2024 the number was 15,871. That's a loss of around 1,250 carers, and the majority of those have come from DCJ. Why has your department lost close to 800 carers in 12 months?

**Ms KATE WASHINGTON:** That's an important question about foster carers and the shortage of foster carers in the system. I will say that that trend of foster carers leaving the system was well and truly in play when we came into government. It speaks to a system that is broken and a system where foster carers haven't felt supported or valued for years. So when we have seen a decline in the number of foster carers, it reflects the same that we're seeing in caseworkers. It's a lack of value.

**The Hon. NATASHA MACLAREN-JONES:** Minister, I'm focusing on foster carers. What have you done to reverse that trend? You've seen 800 from your own department leave in the past 12 months. What have you done about that?

**Ms KATE WASHINGTON:** As I have let the Committee know already this morning, we are already recruiting our own emergency foster carers. We've recruited almost 200 emergency foster carers. We're now also—

**The Hon. NATASHA MACLAREN-JONES:** Minister, this is about foster carers who are leaving. What are you doing to prevent foster carers from leaving—800 in 12 months?

**Ms KATE WASHINGTON:** There is a lot of work that we are doing, including a reform of the entire system, where foster carers themselves, in the future, will feel safe and supported by the system. At the moment, there is a real sense amongst foster carers—I have met with them—that those that have stayed in the system are only there despite the system. So we are doing everything we can to create a system into the future where we will be able to attract and retain and recruit foster carers, and we are going to be doing that ourselves as a government for the first time in more than a decade.

**The Hon. NATASHA MACLAREN-JONES:** Minister, of the \$200 million that you announced in the budget this year, how much, specifically—a dollar figure—is actually going to provide additional supports or incentives to attract new foster carers?

**Ms KATE WASHINGTON:** I think there is a—

**The Hon. NATASHA MACLAREN-JONES:** Just a dollar figure.

**Ms KATE WASHINGTON:** It is a proposition that's interesting because—

**The Hon. NATASHA MACLAREN-JONES:** It's not interesting, Minister. It's quite a simple, straightforward—

**Ms KATE WASHINGTON:** —unless we fix the system, we're not going to be able to attract more foster carers.

**The Hon. NATASHA MACLAREN-JONES:** That is my question, Minister. Of the \$200 million that you announced as your major announcement in the budget, how much of that money is actually going to initiatives or programs to attract foster carers?

**Ms KATE WASHINGTON:** As I've already said, of the \$224 million that was in the budget, part of that has gone to towards recruiting emergency foster carers.

**The Hon. NATASHA MACLAREN-JONES:** How much, Minister? Obviously you put this proposal together. Do you know how much you actually asked for?

**Ms KATE WASHINGTON:** This is work that is being done across the department, in many ways, to start fixing the mess that you left.

**The Hon. NATASHA MACLAREN-JONES:** What I'm gathering from you, Minister, is that no money has actually been allocated to new initiatives to attract foster carers. No new money.

**Ms KATE WASHINGTON:** That's just false and completely—

**The Hon. NATASHA MACLAREN-JONES:** But you can't tell me how much has been allocated.

**Ms KATE WASHINGTON:** In light of the evidence that I've already given, we are undertaking emergency foster care recruitment. I don't understand how you believe that that's happening without any resources.

**The Hon. NATASHA MACLAREN-JONES:** I'm asking you, Minister, how much has actually been allocated to new programs or initiatives.

**Ms KATE WASHINGTON:** I'm just going to ask, are you suggesting that we are undertaking work without resources?

**The Hon. NATASHA MACLAREN-JONES:** No, Minister. I'm asking you how much has been allocated, and you don't seem to know.

**Ms KATE WASHINGTON:** The work that I've already set out is work that we are using our resources for.

**The Hon. NATASHA MACLAREN-JONES:** Minister, last estimates, you were asked about the cost of a recruitment campaign, which you said you had undertaken. At the time you took that question on notice. The answer that was given:

In February 2023, DCJ commissioned an independent review of its foster care recruitment and authorisation process ...

You paid the Department of Customer Service \$140,000. Minister, to clarify, was that a review or a campaign?

**Ms KATE WASHINGTON:** I am uncertain as to what you are talking about in terms of—

**The Hon. NATASHA MACLAREN-JONES:** I'm referring—

**Ms KATE WASHINGTON:** You said there was a recruitment campaign. A recruitment for what, Ms Maclaren-Jones?

**The Hon. NATASHA MACLAREN-JONES:** Minister, at the last estimates, you advised us that a campaign was underway to recruit more foster carers. When asked about the details and the cost, your answer that came back in writing was that you had commissioned an independent review, where you paid the Department of Customer Service \$140,000. I'm just asking, was that the review or was it a campaign?

**Ms KATE WASHINGTON:** That was a review. There was also funding that goes to My Forever Family to recruit foster carers. Every single PSP provider in the system also recruits foster carers from funding from our Government. We also have a campaign of our own, which I understand is valued at \$1.3 million, to recruit foster carers.

**The Hon. NATASHA MACLAREN-JONES:** That's just to the department or to NGO as well?

**Ms KATE WASHINGTON:** That's just the department's. That \$1.3 million is the department's investment in recruiting more foster carers. We also, obviously, invest in PSP programs and providers to do foster care recruitment—

**The Hon. NATASHA MACLAREN-JONES:** I'm familiar with that.

**Ms KATE WASHINGTON:** —as well as investing in My Forever Family to recruit and support foster carers across the State.

**The Hon. NATASHA MACLAREN-JONES:** Thanks very much, Minister.

**Ms KATE WASHINGTON:** So there's a significant amount of work.

**The Hon. NATASHA MACLAREN-JONES:** Minister, I'll draw you back to that \$140,000 that was spent on a review of the foster care recruitment authorisation process. What was the outcome of that review? Was a report produced?

**Ms KATE WASHINGTON:** I'm going to ask Mr Tidball to provide you with more detail on that.

**MICHAEL TIDBALL:** There were a number of recommendations that came out of that review, which have been implemented. I'll just quickly, if I may, go through them: reordered and streamlined the eligibility screening and application process; centralised the early administrative components of the authorisation process; delivered the proposed emergency care support and retention strategy, with a lot of detail as a part of that; implemented a communication strategy, including establishing a contemporary DCJ emergency care, foster care webpage and information resources. Since that time, 90 per cent or over 90 per cent of inquirers are contacted within two working days of submitting an inquiry. Finally, if I can just say, the average time frame for an applicant to return their application form in centralised districts is three working days, reduced down from 20 days.

**The Hon. NATASHA MACLAREN-JONES:** Thank you very much.

**Ms KATE WASHINGTON:** So it was, if I might add—

**The Hon. NATASHA MACLAREN-JONES:** No, I might move on.

**Ms KATE WASHINGTON:** —that review was undertaken in response to concerns that we heard from foster carers how complex it was to become a foster carer.

**The Hon. NATASHA MACLAREN-JONES:** That actually allows me to move to my next question, Minister. The Audit Office report actually recommends surveying foster carers annually. I'm interested to know when you'll commence that.

**Ms KATE WASHINGTON:** We've already done that, and we are doing it regularly.

**The Hon. NATASHA MACLAREN-JONES:** Will you release those figures? Will you release that information?

**Ms KATE WASHINGTON:** I've created a newsletter for foster carers and, as part of that, sought their response to a survey as well, which we heard loud and clear how many—

**The Hon. NATASHA MACLAREN-JONES:** When did you commence this survey?

**Ms KATE WASHINGTON:** I think that was in February, I'm going to say. But I'll stand to be corrected on that.

**The Hon. NATASHA MACLAREN-JONES:** Will you be doing those annually?

**Ms KATE WASHINGTON:** The intention is to be doing those annually. The intention is to be providing a newsletter with additional resources and information and support to foster carers across the system, which we have instituted since I became Minister.

**The Hon. NATASHA MACLAREN-JONES:** The results of the survey, will you release those publicly?

**Ms KATE WASHINGTON:** They haven't been issued to foster carers on that basis. So I will have to have a look at that. Obviously, we're open to being transparent as we can about the system that we've got, in the constraints of the privacy issues. But, yes, we are open to that. I've met with a number of foster carers, both individually and as a group, to hear from them directly, as well as surveying foster carers. I hear from them regularly. I hear how difficult they are finding their jobs, and we are determined to help them more.

**The Hon. NATASHA MACLAREN-JONES:** Another recommendation that came out of that same report stated the need to train foster carers to support children with complex needs. Is there anything in your budget announcement that will specifically go to support foster carers looking after young people with complex needs? Again, I'm just asking for the dollar figure. If you don't have one, I'd prefer you to say that than—

**Ms KATE WASHINGTON:** What I will say is that the \$224 million is also going towards us, as a Government, standing up professional foster caring, which will be for the first time, and they will be—

**The Hon. NATASHA MACLAREN-JONES:** But nothing to support current foster carers?

**Ms KATE WASHINGTON:** —to support children with really complex needs.

**The Hon. NATASHA MACLAREN-JONES:** To clarify, this is only for foster carers within the department? Is there allocated money from that \$200 million that is going to support existing foster carers that are caring for young people with complex needs, as per the recommendation?

**Ms KATE WASHINGTON:** The way that we operate, and the department has a system for supporting foster carers with children with complex needs—

**The Hon. NATASHA MACLAREN-JONES:** But there's no new money?

**Ms KATE WASHINGTON:** —so the funding that we have got in the budget goes towards supporting foster carers to do their jobs.

**The Hon. NATASHA MACLAREN-JONES:** Minister, the question is, from that announcement, which is the only announcement you made in relation to your portfolio, of that money, of the \$200 million, does any of it go to support current foster carers who are caring for young people with complex needs? Is there any new money to help them? And how much?

**Ms KATE WASHINGTON:** What I will say is that you keep saying \$200 million, and it's \$224 million.

**The Hon. NATASHA MACLAREN-JONES:** Okay, 224.

**Ms KATE WASHINGTON:** And that's a significant difference.

**The Hon. NATASHA MACLAREN-JONES:** It is significant, Minister.

**Ms KATE WASHINGTON:** And there's also—

**The Hon. NATASHA MACLAREN-JONES:** And so is supporting foster carers who are looking after young people with complex needs. How much money of that has been allocated—new money—to support foster carers caring for these young people?

**Ms KATE WASHINGTON:** What we do is operate a system where PSP providers already support carers as their packages, and they have—

**The Hon. NATASHA MACLAREN-JONES:** Minister, I'm not talking about what has previously been supported. I'm actually asking you, in that \$224 million that you announced, is there any new money going to support foster carers who are currently caring for children with complex needs? The fact you're refusing to answer the question shows that there's no new money to support them. So I'll move on to my—

**Ms KATE WASHINGTON:** I'm not refusing to answer any question at all, Ms Maclaren-Jones. I am saying that the system, as is, ensures that children who have complex needs are getting the support that they need.

**The Hon. NATASHA MACLAREN-JONES:** Minister, from the announcement you've made, all that money is going back into your department. What evidence has there been, or what recommendations from the various reports that have been undertaken since you've become a Minister recommend that more money should be spent on the department, as opposed to supporting foster carers that are with NGOs?

**Ms KATE WASHINGTON:** It's entirely an inaccurate portrayal of what's going on, and it is a \$224 million injection into a broken child protection system—

**The Hon. NATASHA MACLAREN-JONES:** But none of it is actually going to help current foster carers.

**Ms KATE WASHINGTON:** —to ensure that we can run a system, which includes foster carers.

**The Hon. NATASHA MACLAREN-JONES:** Minister, I might move on to another area. The time is limited. Minister, what is the latest quarterly caseworker vacancy rate?

**Ms KATE WASHINGTON:** This goes to my point earlier in terms of the preliminary data and the fact—

**The Hon. NATASHA MACLAREN-JONES:** I'm happy for you to go with what's publicly available.

**Ms KATE WASHINGTON:** I'm just flagging for the Committee's benefit, and to be completely transparent, that these figures may change once they've had the opportunity to be fully aged, as they always are. So what we are seeing at the moment appears to be promising results that the—

**The Hon. NATASHA MACLAREN-JONES:** Minister, the question was quite simple. Your public data is 10 per cent.

**Ms KATE WASHINGTON:** Could I answer the question? Because it's a really important one.

**The Hon. NATASHA MACLAREN-JONES:** I know, Minister, but you're not answering it.

**The Hon. EMILY SUVAAL:** Point of order—

**The Hon. NATASHA MACLAREN-JONES:** The question was, specifically, what is the latest quarterly data?

**The CHAIR:** Order!

**The Hon. NATASHA MACLAREN-JONES:** That's 10 per cent. That is what's publicly available.

**Ms KATE WASHINGTON:** Yes, and what I'm trying to get to, if you'll allow me to answer—

**The CHAIR:** Excuse me, there's a point of order.

**The Hon. NATASHA MACLAREN-JONES:** I'm moving on to the next question.

**The Hon. EMILY SUVAAL:** I've raised a point of order.

**The CHAIR:** I will hear the point of order.

**Ms KATE WASHINGTON:** Ms Maclaren-Jones, you asked me an important—

**The Hon. NATASHA MACLAREN-JONES:** This is time-wasting.

**The Hon. EMILY SUVAAL:** It's your choice to waste the time. The Hon. Natasha Maclaren-Jones continues to interject and talk over the top of the Minister as she is about two seconds into her answer. I ask you to draw her to order and remind her of procedural fairness resolution paragraph 19, which is to treat witnesses with courtesy at all times.

**The CHAIR:** You've done that for me, so I uphold the point of order.

**The Hon. NATASHA MACLAREN-JONES:** I might move on.

**Ms KATE WASHINGTON:** Ms Maclaren-Jones, I would really like to answer the question that you asked—

**The Hon. NATASHA MACLAREN-JONES:** No, Minister, I'm actually moving on to another—

**Ms KATE WASHINGTON:** —and I haven't had an opportunity yet, because it's a really important question. You were talking about caseworker vacancies.

**The Hon. NATASHA MACLAREN-JONES:** Minister, I'm asking you a question. I've already provided the answer to you, which was 10 per cent based on your last quarterly data.

**Ms KATE WASHINGTON:** And, Ms Maclaren-Jones, I would like to offer you—

**The Hon. NATASHA MACLAREN-JONES:** Minister, please—

**The Hon. MARK BUTTIGIEG:** Point of order: This is preposterous. The Minister gets asked a question—

**The Hon. NATASHA MACLAREN-JONES:** That's because she's not answering.

**The CHAIR:** This is indeed preposterous.

**The Hon. MARK BUTTIGIEG:** The Opposition purports to give the answer that suits them. The Minister tries to correct the answer and then she is spoken over and told, "I don't want the answer." The Minister has a right to answer the question as she sees fit.

**The Hon. NATASHA MACLAREN-JONES:** It's a simple question, but she doesn't seem to be able to do it.

**The CHAIR:** Order! I uphold the point of order. Can we have some orderly questioning, and the Minister can answer the way she likes. It doesn't really matter to me, but it matters to her.

**Ms KATE WASHINGTON:** Thank you, Chair—

**The Hon. NATASHA MACLAREN-JONES:** I'm actually moving on to another question.

**Ms KATE WASHINGTON:** —and if I can answer the question that was asked?

**The Hon. NATASHA MACLAREN-JONES:** Point of order: I'm actually asking the questions. It's not the Minister's chance to ask questions or comment when she feels free. I've moved on to another—

**The Hon. EMILY SUVAAL:** To the point of order: The previous question was asked and then the honourable member interrupted as the Minister was attempting to answer. In your previous ruling you upheld that she was being treated with discourtesy. I ask that the Minister be given the opportunity to answer the question which she was previously asked.

**The Hon. NATASHA MACLAREN-JONES:** But she's already answered it.

**The Hon. EMILY SUVAAL:** No, which she was previously asked.

**The CHAIR:** Order! I uphold the point of order, but I also understand that it's your role, Minister, to answer questions, not ask them. So, as far as that's concerned, can we move on; otherwise we're just wasting time.

**The Hon. NATASHA MACLAREN-JONES:** Thank you. I'm moving on to another question.

**Ms KATE WASHINGTON:** I'm not being allowed to answer the questions anyway, Chair, so—

**The Hon. NATASHA MACLAREN-JONES:** Minister, in January to March 2024, the quarterly dashboard showed that the Nepean Blue Mountains, Western Sydney district vacancy rate was 15 per cent, while other areas in the Sydney district were around 5 to 8 per cent. In the Mid North Coast, New England, Northern

New South Wales district, the vacancy rate was 17 per cent. In the Far West, Murrumbidgee, Western New South Wales district, the vacancy rate had gone from zero 12 months ago to a staggering 10 per cent. Obviously, you would have seen these reports quarterly, when they came out. What did you do when you saw that particularly Nepean, Blue Mountains, Western Sydney had gone up and also the Far West, Murrumbidgee and Western New South Wales district had gone up?

**Ms KATE WASHINGTON:** This is a really serious issue and I would appreciate the opportunity to answer the question, if I could. The caseworkers on the ground are really struggling, as you've said. There are enormous caseworker shortages and they reflect the system that we inherited, where they are struggling to work in a system that is broken, and they have told me directly that they haven't felt valued for years. I am not just saying that because it's something that we want people—that's good for a headline.

**The Hon. NATASHA MACLAREN-JONES:** Minister, I'm asking you what action you took.

**Ms KATE WASHINGTON:** We are taking a lot of action to recruit more caseworkers to these areas.

**The Hon. NATASHA MACLAREN-JONES:** No, no, there are over 30 people that left in 12 months from the Far West. Did you ask for exit surveys? Did you ask why they'd left?

**Ms KATE WASHINGTON:** We do a lot of work to support our current caseworkers. We do a lot of work to understand who is leaving and why.

**The Hon. NATASHA MACLAREN-JONES:** I'm asking about the people that left. It's gone to a 10 per cent vacancy rate. What did you do?

**Ms KATE WASHINGTON:** We are recruiting specifically for areas across the State that have more acute shortages than others and we are doing targeted recruitment for those areas. But I will say this, and it goes to the question you asked before around the percentage of caseworker vacancies: Across the State it was at a rate that was really difficult and—

**The Hon. NATASHA MACLAREN-JONES:** Minister, I've established you've done nothing. When you found out that over 30 staff left the Far West, you've done nothing.

**Ms KATE WASHINGTON:** The current statewide rate of vacancies is looking like it's reduced to 8 per cent now, so we are starting to see a turnaround. What I am hoping is that there is, across our workforce, the glimmer of hope that they are starting to see with the announcements that we are making to provide them with more support.

**The Hon. NATASHA MACLAREN-JONES:** Minister, I've got very limited time. Soon after the audit report came out, your department announced a new workplace surveillance policy that included child protection caseworkers. Which recommendation from the various reviews recommended that you implement a workplace surveillance policy?

**Ms KATE WASHINGTON:** What I will say is that we are, as a department, and—as a government, we expect the department to be accountable, like we ask all of our NGO partners to be accountable, and transparent as well. That is us being fit for purpose for reform. It is about ensuring that there is accountability across the system and we're doing the work that we need to do to ensure—

**The Hon. NATASHA MACLAREN-JONES:** So you think strengthening surveillance policy is going to increase morale? Minister, are you confident—

**Ms KATE WASHINGTON:** I will ask the secretary to respond to this because it was something issued by them. But we are ensuring across the department, across all of our private providers, that there are accountabilities in everything that we do, and taxpayers would expect nothing less. Vulnerable children and families would expect nothing less of us to be accountable for the decisions that we make. But I'll ask the secretary to provide more information to you.

**The Hon. NATASHA MACLAREN-JONES:** Minister, are you concerned your department can't retain caseworkers?

**Ms KATE WASHINGTON:** Of course I'm concerned.

**The Hon. NATASHA MACLAREN-JONES:** Then what are you doing about it?

**Ms KATE WASHINGTON:** I'm concerned. I hear the struggles that caseworkers are facing. I hear from them directly.

**The Hon. NATASHA MACLAREN-JONES:** I know you do a lot of listening, but I'm asking what you're actually doing.

**Ms KATE WASHINGTON:** What I've already—

**The Hon. NATASHA MACLAREN-JONES:** What are you doing, as Minister?

**Ms KATE WASHINGTON:** What I've already informed the Committee, and I'm happy to elucidate on what I've already said: We are now standing up specialist caseworkers on the front line to ensure that our best and our brightest are supporting—

**The Hon. NATASHA MACLAREN-JONES:** I'll come to those this afternoon.

**Ms KATE WASHINGTON:** —and reducing the load on our caseworkers who are struggling so much on the front line at the moment.

**Ms SUE HIGGINSON:** Minister, there are just a few minutes left in this session. I'm going to ask you about data. Six months ago, you told us that 100 per cent of data from major providers failed to meet reporting requirements. Are you receiving better data from NGOs yet?

**Ms KATE WASHINGTON:** Ms Higginson, recalling the last budget estimates and the questions you asked there, that was in relation to the information that we were seeking from representations made to my office—not so much data, but the accuracy of information. I've got to say that there has been an improvement both in terms of the timeliness of response and the accuracy of the information that my office is receiving. As you'd appreciate, a large part of my work involves responding to a lot of representations and ensuring that people who the representations are being made on behalf of are receiving responses to their concerns, and so the accuracy of that information is obviously key, that we're getting from the providers. We've had fairly robust conversations with our NGO partners and everyone wants to ensure that the information they are providing to us is accurate and we have seen improvements.

**Ms SUE HIGGINSON:** So you're satisfied things are improving?

**Ms KATE WASHINGTON:** They are improving. There's always more room for improvement, though, Ms Higginson.

**Ms SUE HIGGINSON:** The new dashboards are okay. They're quite hard to navigate and a bit hard to look at in some ways, and the data is on a six-month delay. We get that. As you keep telling us, it's necessary to properly age the data. I'm just curious—the press release this morning cites a figure from a fortnight ago. So how does that work? Did you use inaccurate data, fast data for a press release? How did that actually work?

**Ms KATE WASHINGTON:** When it comes to numbers in our high-cost emergency arrangements, it's much more easy to be granular because we are talking about much smaller numbers. It is something that we are keeping track of every single day in terms of the number of children in these arrangements.

**Ms SUE HIGGINSON:** Does that mean we can improve on other data, in terms of time framing? Is that something that is in your purview—that you have an intention on better improving the data, and the accessibility, and making it readily available?

**Ms KATE WASHINGTON:** We are always open to being as transparent as we can, but when you are operating a system that is the largest child protection system in the Southern Hemisphere, involving more than 14,000 kids, there is difficulty when we are talking about data that is capturing more numbers, in it being available sooner.

**Ms SUE HIGGINSON:** So when will the data for March/June be available? When does that come up on the dashboard?

**Ms KATE WASHINGTON:** End of September, as I understand.

**Ms SUE HIGGINSON:** Is there work? Maybe this is something for Mr O'Reilly after the session with you, Minister, but I'm really interested—and so are many people. We're interested in if there is further work planned for the dashboards to improve them. Is there work happening?

**Ms KATE WASHINGTON:** As part of the reform process we want to ensure that there is that accountability and transparency and integrity in the systems. So that will invariably be an element of it as well, Ms Higginson.

**Ms SUE HIGGINSON:** It's our understanding that in the last financial year, the department changed the way it measures face-to-face assessments of children at risk harm or in State care. Is that correct? Was there a change to the assessment?

**Ms KATE WASHINGTON:** I'm sorry, I'm just trying to understand the question.

**Ms SUE HIGGINSON:** In relation to face-to-face assessments and the way that you measure those assessments in terms of children at risk of harm.

**Ms KATE WASHINGTON:** I don't believe there's been any change in the way they are being assessed and how that data is being captured. I don't think there have been any changes on that front.

**SIMONE CZECH:** I can confirm there has been no change. A face-to-face assessment is where a child protection caseworker physically goes out and sees a child. There has been no change in that. What we are doing differently now—and maybe we can talk about this this afternoon if it is helpful—is capturing where other services might be working with children that have been reported at ROSH as well as any intervention the department is providing.

**The CHAIR:** Are there any Government questions?

**The Hon. EMILY SUVAAL:** No questions.

**The CHAIR:** We will take a short break and resume at 11.15 a.m.

**(Short adjournment)**

**The CHAIR:** We will start with questions from the crossbench.

**Ms ABIGAIL BOYD:** Coming back to finish off on this National Construction Code, are you familiar with the Australian Building Codes Board?

**Ms KATE WASHINGTON:** Yes.

**Ms ABIGAIL BOYD:** This is a board which is an initiative of the States and Territories and the Federal Government, and it's comprised of representatives from all of the different governments across Australia as well as industry and others. They, as of April this year, estimate that the cost of implementing minimal accessible standards, depending on the type of dwelling, is between \$2,900 and \$4,400. They say that if you are instead to retrofit to meet those standards, you are looking at anywhere between, I think, they say around \$27,500—but it could be as high as 22 times that much. Given that they are the amounts we are talking about here, why won't the New South Wales Government implement the mandatory requirements for minimal accessibility?

**Ms KATE WASHINGTON:** The issue is something that we are still considering, and I'm working closely with the Minister responsible, which is Minister Anoulack Chanthivong, alongside Minister Rose Jackson and myself. The conversations are continuing when it comes to the NCC, and the silver standards. The costs that you've just outlined show that there is an additional cost that comes with building to accessible standards—albeit obviously less than a retrofit—which is why we have the \$5.1 billion investment in social housing, which is the largest investment in accessible housing in our State.

**Ms ABIGAIL BOYD:** That doesn't answer the question, though. That is just another thing that is happening.

**Ms KATE WASHINGTON:** So when we come to the cost of retrofitting, it won't be the Government that is paying for the retrofit, because our social housing will be at the silver standard already.

**Ms ABIGAIL BOYD:** You mentioned before that perhaps part of the reluctance is to do with the housing affordability crisis, and not wanting to impose additional costs on new houses. Is that correct?

**Ms KATE WASHINGTON:** Absolutely. Improving and increasing housing across our State is a clear priority of our Government, and anything that puts additional costs on the way we deliver houses is an issue.

**Ms ABIGAIL BOYD:** So when you are thinking about the new buyer of a house who wants to come along and have a house that's affordable, are you only thinking of the people without disability? Or are you also thinking about the people who then have to add on an additional \$30,000, or even more, to retrofit a house to become acceptable for them?

**Ms KATE WASHINGTON:** We are looking at everything we can do to ensure the rights of people with disability are realised in this State. In terms of the additional cost to providers, when I've met with some, they've also shared with me the additional cost of redoing all the plans that they have for their existing houses. As you know, when people go to buy a new house, they look at all of the different styles of houses that they could get.

**Ms ABIGAIL BOYD:** But this isn't new. We've had this in the construction code now as something to be accepted for four or five years. It's just that New South Wales hasn't got up to speed with that because the



previous Government was very concerned about the impact on the property industry and what the property industry was saying. But now that you know that what the property industry is saying about the cost is not correct and that we're looking at an additional 4,000, why wouldn't you implement the minimum accessibility standards with a lead time to allow people—you could even exempt if you've already got a plan. But they're able to do this in the ACT, Victoria and Queensland. Why are developers struggling so much in New South Wales?

**Ms KATE WASHINGTON:** As you said, the former Government did not sign up the State to the NCC silver standard. We are doing what we can to look at what is happening in all other States and Territories to determine how they are going on their implementations. I've got to say, they are really struggling with their own implementations. A lot have been delayed.

**Ms ABIGAIL BOYD:** This isn't a new issue. In Opposition, Labor was also opposed to implementing the National Construction Code because it didn't want to upset the developers either. We're talking about accessible, affordable housing for the huge percentage of people with mobility issues and people who are going to age in place. All you need to do—it doesn't cost the Government anything—is pass a law that implements the National Construction Code. People have been asking for it for so long. I don't understand. I'm honestly asking you to tell me the real, genuine reason why you will not implement the minimum accessibility standards for new housing in this State?

**Ms KATE WASHINGTON:** I have been really clear that we put people with disability first and their access to housing is an issue that is ongoing and the discussions are ongoing.

**Ms ABIGAIL BOYD:** How does that statement vibe with—

**Ms KATE WASHINGTON:** There is no way that the suggestion that you are making—that we are putting developers or the building industry first—is the case. What we are wary of and what we are weighing up is the issue that does involve, invariably, additional cost of housing when we are in a housing crisis.

**Ms ABIGAIL BOYD:** For people with disability—why don't they matter when you are talking about affordable housing? Why are we only ever talking about able-bodied people when we are talking about affordable housing? It's got to be affordable for everybody except people with disability. For them, we don't care. They can spend an extra \$30,000 retrofitting a place.

**Ms KATE WASHINGTON:** As I have already said earlier today, we're also having really good conversations with the planning Minister around the program involving the Government Architect NSW and the pattern book competition and program that is also going to see—

**Ms ABIGAIL BOYD:** But that's not the same thing. This is an indefensible position, isn't it, Minister? It is indefensible to say on the one hand that you care about people with disability and on the other hand not make this very, very simple change that the rest of Australia has made except for New South Wales and WA.

**Ms KATE WASHINGTON:** Whenever we make any decisions we want to make sure that they are implementable and that the impacts on the ground are what they ought to be.

**Ms ABIGAIL BOYD:** But if you prioritise people with disability—

**Ms KATE WASHINGTON:** In a housing crisis, putting additional cost onto that at this point means that these decisions have to be made very carefully. We are continuing to have the conversations with my other colleagues, with people with disability and with the industry about how we can best deliver more accessible housing for people with disability in this State.

**Ms ABIGAIL BOYD:** But I think that's the key here, right? You know very clearly that people are asking for this, that stakeholders are asking for it, that it's doable and that it's been done in other jurisdictions. But what you are saying to me, I believe—and correct me if I'm wrong—is that the consultation is into how you do it. If you were to give the community your guarantee that you will be implementing them but there will be a staged implementation because you need to look at things, that would be very different to just saying, "Oh, no, we're not doing it right now. We're considering it." Would you do the former? Would you say, "We're going to do this"?

**Ms KATE WASHINGTON:** What I'm saying clearly is that we are considering it. But I'm also saying that we are making the biggest investment in accessible housing that this State has ever seen.

**Ms ABIGAIL BOYD:** That is all forward looking, but today—

**Ms KATE WASHINGTON:** That is something that our Government is very proud of—a \$5.1 billion investment.

**Ms ABIGAIL BOYD:** I know, and it keeps rolling it out as an excuse for not doing all the other things we require. If you're looking at a person with disability today who is looking to the Labor Government and saying,

"I really want to buy a house but I can hardly find any that are actually accessible, and if I do find one I have to pay \$30,000 plus to retrofit it", what are you saying to those people about what the New South Wales Government thinks about people with disability.

**Ms KATE WASHINGTON:** People with disability—

**Ms ABIGAIL BOYD:** It's indefensible, isn't it?

**The Hon. GREG DONNELLY:** Point of order. Ms Boyd just jumped straight on the Minister, who got barely two words out of her mouth, by saying "indefensible". That is not providing sufficient opportunity for the Minister to answer the question. You might not like the answer you are getting—

**Ms ABIGAIL BOYD:** I don't think anyone likes the answer, Mr Donnelly.

**The CHAIR:** Order!

**The Hon. GREG DONNELLY:** You're lecturing the Minister.

**Ms ABIGAIL BOYD:** Someone has to.

**The Hon. GREG DONNELLY:** You're entitled to ask the question—this is budget estimates—and receive an answer. This is not an opportunity for The Greens to grandstand.

**Ms ABIGAIL BOYD:** No, it's an opportunity for people with disability to be represented for once.

**The Hon. GREG DONNELLY:** No, it's not an opportunity for The Greens to grandstand.

**The CHAIR:** Order! Do you want to speak to the point of order?

**Ms ABIGAIL BOYD:** No, it's fine.

**The CHAIR:** I uphold the point of order. The Minister barely got two words out and you were asking another question.

**Ms ABIGAIL BOYD:** I know, because it was the same answer over and over. I will hand back to my colleague.

**Ms SUE HIGGINSON:** Minister, I would like to talk now in a little bit more detail about First Nations outcomes and children. You said that the ministerial advisory partnership group has met five times. Firstly, is there any intention to provide the public with a communiqué of any sort? I recognise that this is a First Nations-led group—that was your intention. But just from your understanding, is it the intention that there will be a communiqué of some sort to communicate what is happening in there. I suppose I am referring to groups like COAG and others, or the council of Attorneys-General, where we have clear communications so we can understand what is happening. I say this noting the commitment to transparency in Closing the Gap.

**Ms KATE WASHINGTON:** It's a good question, Ms Higginson, and it is a question that the partnership group itself has spoken about. The group is designed to be an advisory group to me as the Minister. It's a group whose membership was all selected by others and not by me as Minister or the Government. I think that's the first time that's happened in government before, where the people on the panel have all been selected by Aboriginal organisations—AbSec and SNAICC. In terms of the work that we are doing, it's, by design, a conversation and advice. Where there are issues that we want to take to community and they want to take to community, we are going to be having conversations with community.

If there is a particular issue that they want to get more voices involved in the decision-making for, that will happen as part of this group as well. By nature of the conversations, there is no secrecy around the projects that we are discussing there. But just the conversations themselves, we are seeking to keep it in terms of an advisory group. My door is open to any Aboriginal stakeholder at any time. I meet with a lot of different ACCOs individually and collectively. I meet with a lot of Aboriginal families and groups as well. At any time I am happy to have a conversation with any of these while the MAP Group does its works.

**Ms SUE HIGGINSON:** If the MAP Group would like some form of communiqué coming out of the arrangement and partnership, is that something that you're open to delivering?

**Ms KATE WASHINGTON:** I want to be clear, I'm not trying to hide anything at all, and no-one in the MAP Group is either.

**Ms SUE HIGGINSON:** I'm not suggesting that.

**Ms KATE WASHINGTON:** We're just trying to work out—shared decision-making is what we're trying to achieve. I suppose we are in the process of working out how to work together differently, in genuine

partnership. What that like is still a matter for conversation regularly. My fear is that, frankly, if we were to have a communiqué, we might spend a long time, in the short time that we have, working out what is in the communiqué, instead of actually focusing on the work that we want to be doing.

**Ms SUE HIGGINSON:** But if that was something that the stakeholder organisations in that group would like, is that something you would be open to facilitating?

**Ms KATE WASHINGTON:** Absolutely.

**Ms SUE HIGGINSON:** In terms of the number of First Nations children that have been transitioned from providers to ACCOs, so non-ACCO providers to ACCOs, how much does this vary region by region and provider?

**Ms KATE WASHINGTON:** That's an interesting question. The transition issue itself is a really frustrating issue for us in government; that it's been so slow to see the transition of Aboriginal children who are placed with non-Aboriginal providers transitioning to ACCOs. The numbers of children generally is not nearly where we need it to be. In terms of the regional aspects, we'll have to come back to you on that.

**Ms SUE HIGGINSON:** Are there any particular factors, Minister, that you've been made aware of or that are being discussed—particular factors, tactics or circumstances—where we're actually seeing the successful transition for children out of the high-cost emergency arrangements, particularly First Nations children? Are there things that we now can see and that we're learning, and they're the things that we'll repeat and replicate in terms of those successful outcomes?

**Ms KATE WASHINGTON:** Certainly the high-cost emergency arrangement team have been learning lessons from the moment they stood up. We centralised the placement of children in these arrangements for the first time. We did that in November. The difficult work that's been done by that team has seen the turnaround and the decline in the overall number of kids in the high-cost emergency arrangements, which has allowed us to announce today that we're banning the unaccredited Alternative Care Arrangements, for example. Through that process there have been a lot of lessons learned, particularly when it comes to ensuring there are placements that are stable coming from this. Safe, stable placements for these children is what we've been achieving, as opposed to the hotels and motels. I'm not sure that that's answered your question, Ms Higginson.

**Ms SUE HIGGINSON:** Sort of. Again, I'll dive in a bit after—I know there's probably more to the granular components of what's working and how we've managed to do it. I can come to the department after the lunch break. Can you tell me, Minister, what percentage of total funding for ACCOs and NGOs is currently going into targeted early intervention?

**Ms KATE WASHINGTON:** What I heard loud and clear at the Aboriginal children and families wellbeing forum that I hosted in August was the clear importance to all stakeholders to increase the amount of support Aboriginal children and families and communities have to stay connected to community, country and culture. The targeted early intervention program is really critical in terms of ensuring that families have the support they need, where they need it. What we have seen, and we have been trying to do in a program that's already contracted, any opportunity that we have had, we have been ensuring that there's been a return to a transfer of resources to Aboriginal community-controlled organisations. Despite contracts being in place that we inherited, we've already seen a slight increase in the resources now from Targeted Earlier Intervention going to ACCOs. I think it's gone from 7 per cent to about 10 per cent now. It was 7.2 per cent and it's now sitting at 10 per cent. It's not nearly where we need to be, so we are heading towards a recommissioning of Targeted Earlier Intervention programs. We are, as part of that, working on a significant uplift in the resources that are going to the Aboriginal community-controlled organisations.

**Ms SUE HIGGINSON:** Have you got a forecast in your line of sight in terms of when contracts will end?

**Ms KATE WASHINGTON:** Definitely, Ms Higginson. The department certainly does, because there's an enormous amount of work that goes into recommissioning these large contracts. They're not rolling; they all come about at the same time. The different programs come to an end at the same time. Targeted Earlier Intervention is a program and the contracts will end mid next year. That's what we are working on, and the department is doing an enormous amount of work in terms of that recommissioning process now—speaking with currently funded organisations and working out how we can significantly increase the amount of investment going into Aboriginal community-controlled organisations.

**Ms SUE HIGGINSON:** Can you tell me a little bit about the new system reform diversion at DCJ and how will it be working with the Transforming Aboriginal Outcomes division? It might be something for later on but, Minister, do you have a view around that new system reform division?

**Ms KATE WASHINGTON:** The system review is underway. The system reform decision that's been stood up by the department, and led very capably by Mr O'Reilly, is doing a very large piece of work. It's been stood up to drive our significant systemic reform and create the path forward for us, being informed by the reports that have landed on us since we came into government and reports that were made and recommendations ignored in the past under the former Government.

**Ms SUE HIGGINSON:** I'll obviously come back to Mr O'Reilly and get some updates later.

**The Hon. RACHEL MERTON:** Minister, if I could just pick up the issue of cost of living. The Audit Office report revealed that foster carers are under pressure and carers do not receive the financial or practical support they need. We know with increased cost-of-living pressures, there's increased pressure on both partners to work full-time. Added to that is the unaffordability and also unavailability of housing, meaning fewer households have spare bedrooms. Minister, what steps have you taken to ensure there is adequate financial and practical support for all foster, kinship and relative carers who are struggling amidst the rising cost-of-living pressures?

**Ms KATE WASHINGTON:** Ms Merton, you are spot on in terms of the pressures being felt across the State by all communities but particularly by families. Those that are putting their hands up to be foster carers will no doubt be the same. What we have done, in terms of understanding the drivers and the costs that we've got in the system that we inherited, is we've referred pricing to the Independent Pricing and Regulatory Tribunal. We're expecting a report from them early next year. Part of the work that they are doing involves the review of the supports provided to foster carers, so I don't want to pre-empt anything that's going to be in that report.

**The Hon. RACHEL MERTON:** I recognise the review, but in terms of immediate relief and support—we're trying to keep foster carers in the system—what are we doing now that's not just another review?

**Ms KATE WASHINGTON:** What we inherited when we came into government was a system—there were immense pressures on all families in the system. We have been ensuring that our partners—the NGO partners are the ones that are funded by the Government to support foster carers. We have been asking them to do everything they can, as they are contractually required, to support foster carers in the important work that they do. Carer allowances have also increased by approximately 9½ per cent in the past 16 months to help them in the cost-of-living crisis as well.

**The Hon. RACHEL MERTON:** Minister, we know there has been an increased cost of travel which impacts families, particularly getting children to appointments, which is a major barrier to foster caring in rural and remote areas. What are you doing to support foster carers in rural and regional areas?

**Ms KATE WASHINGTON:** Like all families across the State, yes, cost-of-living pressures are affecting them, cost of travel included. On a daily basis I've got matters that are on my desk that we are reviewing and ensuring that where families are feeling particular pressures, we are doing everything we can as a department to help them deal with those pressures.

**The Hon. RACHEL MERTON:** What would some of those examples be?

**Ms KATE WASHINGTON:** Unfortunately, I can't go into individual examples.

**The Hon. RACHEL MERTON:** We've got the review happening.

**Ms KATE WASHINGTON:** But I can say that when there is a family that is struggling because they don't have a fridge or they don't have a washing machine, and if they had those things it might mean that they could keep their kids with them, we will work with our NGO partners to ensure that that family has what it needs to help support them in the important work that they do.

**The Hon. RACHEL MERTON:** Minister, NCOSS research highlights that across New South Wales low-income households and those below the poverty line are at breaking point. It gives an indication of the distress that the rapid increase in everyday living costs is causing and the extreme steps households are taking. In response to this, are you aware of the critical work local community services play, in the form of neighbourhood and community centres, in helping support families at this time?

**Ms KATE WASHINGTON:** Ms Merton, it is a great question. The neighbourhood and community services play such an important role in communities across the State. They are critical infrastructure across the State that delivers support to families in need. As the Minister, and as a local member, I see it regularly. I recently opened the conference for LCSA, which is the peak organisation for neighbourhood and community centres, and shared with them how valued they are by our Government and how much the work that they do is appreciated by us.

**The Hon. RACHEL MERTON:** Minister, I join with you in also recognising the enormous volunteer commitment that goes in to back these services and the value to the community. Minister, what assistance are you providing the neighbourhood and community centres in New South Wales to provide this service?

**Ms KATE WASHINGTON:** You mentioned volunteers. Neighbourhood centres are all sorts of shapes and sizes, as you'd be well aware and the Committee would be well aware. Across the State, they look quite different—and this is why they are so valuable—because they have designed their services to meet their specific community's needs. That's the true value of neighbourhood and community centres. Some have some volunteers; some have larger programs. Those larger programs are usually funded by the department in the form of targeted early intervention programs. It helps them run supported playgroups in certain environments. It helps them run classes to help people parent. They run an array of services under the Targeted Earlier Intervention program, funded by our department, to help strengthen communities and keep families together.

**The Hon. RACHEL MERTON:** Minister, have you considered a formal partnership with the Local Community Services Association, being the peak body, as you mentioned, for neighbourhood and community centres in New South Wales?

**Ms KATE WASHINGTON:** We have a partnership in the sense that we fund LCSA, as the peak body, to provide support to neighbourhood and community centres. I recently attended a round table that they hosted as well as the conference that I went to, where I got to hear from different community centres and neighbourhood centres from across the State about programs that they're delivering that we are funding and what's working on the ground. I feel like there's a lot more—

**The Hon. RACHEL MERTON:** If I could just direct—

**Ms KATE WASHINGTON:** I will say that I feel like there is more opportunity to be harnessed with neighbourhood and community centres. The department is having good conversations with LCSA to determine what that might look like going forward.

**The Hon. RACHEL MERTON:** They cite partnerships that are in place, like in Queensland. The Queensland Government reports the social value being \$4.81 for every dollar they're investing. What's the time frame on New South Wales's discussions with them in terms of a similar partnership?

**Ms KATE WASHINGTON:** As I said, we already have a significant partnership not only with LCSA but with neighbourhood and community centres across the State because we fund many of the services that they provide. That's an ongoing arrangement. We are having continuing conversations about how we best support them in the really important work they do supporting families in need.

**The Hon. RACHEL MERTON:** Minister, if I could touch on disability, the research shows that Australians with disability are twice as likely to be unemployed than their peers without disability, and the unemployment rate for people with disability is rising. As the Minister for disability, I am just checking what you might be doing in this space.

**Ms KATE WASHINGTON:** A great question again, Ms Merton. It's an area of great passion to me and, particularly, I've got to mention the Parliamentary Secretary for Disability Inclusion, Liesl Tesch. We are working within government to try to improve the employment of people with disability in public service. We've got a number of programs being led by different agencies. We've got a lot of work to do when it comes to improving our employment of people with disability, but it's one of our priorities to increase employment. We've got a Government commitment that we're delivering on and a partnership with Get Skilled Access, which is a disability-owned and -operated organisation founded by Paralympian Dylan Alcott. They are assisting us in terms of changing the culture that's needed within public service so more people feel more comfortable both applying for positions and also identifying as having a disability within different government agencies. We're also looking—

**The Hon. RACHEL MERTON:** Minister, are there any outcomes? Are we on track? Are we getting results we want?

**Ms KATE WASHINGTON:** As the former Government also found, it's a difficult ship to turn around. But we are also introducing and developing a passport for reasonable supports so that when a person with disability moves sections or moves agencies or departments, they don't then have to go through and describe their particular needs in a different employment setting.

**The Hon. RACHEL MERTON:** That's encouraging.

**Ms KATE WASHINGTON:** Across government, we've been doing an enormous amount of work to try to improve our culture to attract and retain people with disability in the public service.

**The Hon. RACHEL MERTON:** Minister, if I could look at the out-of-home care and homelessness, at the last estimates you were asked about the close to 2½ thousand young people, some as young as 12, who are homeless, sleeping rough or couch surfing. You said:

We are working closely with the Minister for Housing and Minister for Homelessness on that particular cohort.

Minister, what have you done since the last estimates to address this issue?

**Ms KATE WASHINGTON:** Again, the safety of children and the protection of vulnerable children is the priority for our Government. One element that we are doing now that wasn't done before—and Ms Czech touched on it earlier—is that when children are considered at risk of significant harm, we are now tracking where they are referred to other agencies, both tracking that referral and then what happens with that referral. This is a key element in understanding, when kids aren't in the system yet, where they are going and what supports they have. That's something that we haven't before had visibility on. It's really important, in terms of that particular cohort that you're speaking of, to understand what's in place to ensure that they are safe in their communities.

**The Hon. RACHEL MERTON:** Minister, at the last estimates you said you were working on capturing the data in terms of exiting out-of-home care to homelessness services. How much has been allocated in the budget to that work?

**Ms KATE WASHINGTON:** Ms Merton, we have a very, very large budget for child protection and out-of-home care. We allocate that budget according to need. In terms of supporting children and making them safe, that is where the bulk of our budget is invested and our resources go towards ensuring that children and young people are safe and we know where they are and ensuring that they are safe.

**The Hon. RACHEL MERTON:** When will the data be made public?

**Ms KATE WASHINGTON:** Which particular data?

**The Hon. RACHEL MERTON:** The data specific to my question about capturing the exit of the out-of-home to the homelessness—of this cohort? In terms of tracking them, where are they in that transition?

**Ms KATE WASHINGTON:** This is now treading well into the territory of my colleague Minister Jackson. She funds youth homelessness services and there is different data that is captured by her. It might be a question that you can put to her as well.

**The Hon. RACHEL MERTON:** According to the Australian Institute of Health and Welfare, 7,900 children on a care and protection order required assistance for specialist homelessness services. Of these, 226 who required the assistance—Minister, I'm just wanting to ask you again, what are we doing to give these people a safe place to stay?

**Ms KATE WASHINGTON:** Sorry, Ms Merton, I'm not clear of the question yet.

**The Hon. RACHEL MERTON:** It was capturing young children in the cohort on a care and protection order requiring assistance for a specialist homelessness service. In terms of those young children at risk—and I make reference to your colleague and homelessness services. But just in terms of immediately today, how are we providing a safe place for these young people?

**Ms KATE WASHINGTON:** Again, in terms of youth homelessness it's very much in the remit of the Minister for Homelessness, Rose Jackson. But, obviously, she and I work closely together to ensure that, where there are intersections between children in out-of-home care and homelessness services, we have an understanding of where they are to ensure that they are safe.

**The Hon. NATASHA MACLAREN-JONES:** Minister, to clarify, we are talking about—from this report—2,262 young people who were in out-of-home care who are accessing homelessness services because they've left the place that they were at for whatever reason. What exactly are you doing to ensure that these people aren't leaving out-of-home care and going into homelessness services? These are kids that are in your responsibility.

**Ms KATE WASHINGTON:** What we are doing is ensuring that we know where these kids are so that, if they are going between one of the services that we have to another service, we know that they are safe.

**The Hon. NATASHA MACLAREN-JONES:** They're going to refuges or sleeping on the streets or couch surfing. How is that keeping them safe when they should be in—whether it's foster care, residential care, whatever.

**Ms KATE WASHINGTON:** If they are accessing the services as captured in that report, that means that they're accessing homelessness services that are helping keep them safe. The secretary is able to—

**The Hon. NATASHA MACLAREN-JONES:** You are responsible for ensuring that they have a safe place. They are leaving that place and seeking refuge at a homeless service. These are kids as young as 12 in your responsibility and you're saying, "We're just capturing the data. We're just watching them go."

**Ms KATE WASHINGTON:** That is absolutely not what I'm saying. I'm saying that we are ensuring that these kids are safe. The secretary can provide further—

**The Hon. NATASHA MACLAREN-JONES:** But how are you doing that? Some 2,262 in 12 months—

**Ms KATE WASHINGTON:** If it is important enough to ask the question, it is important enough to hear the answer. The secretary has some information that he can provide to you.

**The Hon. NATASHA MACLAREN-JONES:** But, Minister, I'm asking if you know where these young people are. At the last estimates I asked about those that had left care that couldn't be necessarily identified where they were living. I'm asking you, of the 2,262 that are leaving your care and going to homeless services or couch surfing—what are you doing? What have you done? Have you asked the question?

**Ms KATE WASHINGTON:** Mrs Maclaren-Jones, as I said, if it's important enough to ask the question, it's important enough to hear the answer.

**The Hon. NATASHA MACLAREN-JONES:** I'm asking if you know, Minister.

**Ms KATE WASHINGTON:** We are ensuring that these children are safe and the secretary can provide more information about that.

**The Hon. NATASHA MACLAREN-JONES:** I'm happy to examine that in more detail this afternoon. But I'm interested to know that you actually are unaware that there are 2,262 young people who are in your care that left in the last 12 months.

**Ms KATE WASHINGTON:** It is absolutely not the case that I am unaware.

**The Hon. NATASHA MACLAREN-JONES:** And you're saying it is somebody else's job. That's effectively what you are saying.

**Ms KATE WASHINGTON:** I am absolutely not.

**MICHAEL TIDBALL:** There is a dashboard being developed which came out of the Ombudsman's interrogation in the More Than Shelter report. Various processes—the place of capture and measurement is currently being developed through dashboards. We're working with the Ombudsman's office, as I understand it, in order to allow more precise capture to ensure that we have connectivity between the statutory system and the homelessness supports, which should be made available.

**The Hon. NATASHA MACLAREN-JONES:** Will that be managed through this portfolio or the portfolio of Homelessness?

**MICHAEL TIDBALL:** Both Minister Jackson and Minister Washington met last year on this and it was agreed that, because you've got the statutory child protection system and the homelessness system, the two systems need to speak to each other.

**SIMONE CZECH:** Mrs Maclaren-Jones, I know we might be out of time and I'm happy to take this up this afternoon but, just in addition to the Minister's and the secretary's comments, we do have a protocol in place between the department and the youth homelessness sector. That outlines all of the cohorts you just mentioned—so children by age, children by care status, children who might be at risk of significant harm but not in out-of-home care. That protocol outlines our response and our mutual obligations to make sure that those children or care leavers are safe. We can provide a copy to the Committee if it's helpful. But there is also an escalation process in there. If any of the homelessness services feel like they're not getting a response from the department in a way that they should, there is an escalation that comes to me and providers have reached out to me and I've been able to make sure that that young person or that child is looked after.

**Ms ABIGAIL BOYD:** Turning to what I hope will be a more positive discussion, I saw there was a \$7.1 million funding included in the budget for a cross-agency disability reform taskforce. Can you tell us what that is and what it will do?

**Ms KATE WASHINGTON:** Thank you for the question, Ms Boyd. It's something that is critical to driving our ambitious disability reform. The taskforce has been stood up, being led by the Cabinet Office and the Department of Communities and Justice, to drive our ambitious disability reform agenda. It's necessary because, as you would be very well aware, under the previous Government there was virtually a complete privatisation of

the sector. With that, we lost a lot of capacity within the department when it comes to disability. We, in a way, are ensuring that we have the capacity within the department to be able to design and implement the reforms that are before us, both in terms of the disability royal commission recommendations and the NDIS Review. Particularly in the NDIS Review, I'm going to mention the f-word: foundational supports, which I imagine that you are heading towards in terms of questions.

**Ms ABIGAIL BOYD:** Very interested in, yes. If we have, then, this \$7.1 million—so this isn't for implementation of the recommendations; this is for coordinating and getting to work out what we do next?

**Ms KATE WASHINGTON:** It's everything you said. Why it's really key to have the Cabinet Office involved is because we need reach into all of the different agencies and departments that the disability royal commission recommendations go to. This has to be a whole-of-government piece of work when it comes to acting on and implementing the reforms and recommendations from the disability royal commission. But, similarly, it's inextricably linked with what's happening on the NDIS Review and our ongoing conversations across States, Territories and the Commonwealth about our shared responsibilities when it comes to the NDIS Review reform as well.

**Ms ABIGAIL BOYD:** Is that \$7.1 million for one year or is that across four?

**Ms KATE WASHINGTON:** It's across two years.

**Ms ABIGAIL BOYD:** What does it actually pay for?

**Ms KATE WASHINGTON:** It's paying for a team that is doing the work needed to ensure we have all the stakeholder engagement that we need on implementation. I know you mentioned that the disability community feel that they have already been consulted in terms of the disability royal commission. I agree, 100 per cent. But there is also an enormous appetite for and importance to ensuring that our disability stakeholder community is part of the implementation.

**Ms ABIGAIL BOYD:** I absolutely 100 per cent agree. When I was talking, I was saying they were frustrated with the question of whether or not you will implement the reforms. But if you are implementing the reform, then they absolutely need to be co-designed with people with disability. If that's the salaries expectation over two years, how many people are going to be working on that?

**Ms KATE WASHINGTON:** I will ask Ms Campbell to respond to that question.

**ANNE CAMPBELL:** In terms of the Cabinet Office it is 10 FTE, and for DCJ it is nine FTE over two years.

**Ms ABIGAIL BOYD:** Are they new positions?

**ANNE CAMPBELL:** They are new positions.

**Ms ABIGAIL BOYD:** Brand-new people?

**ANNE CAMPBELL:** Maybe not brand-new people, but public servants.

**Ms ABIGAIL BOYD:** They're not babies.

**Ms KATE WASHINGTON:** Whilst I have the opportunity, I want to say that the work that has been done by both the DCJ team and the Cabinet Office team when it comes to responding to the disability royal commission recommendations, and the enormously complex and difficult work involved in the NDIS Review—it has been a really impressive group that are leading really important work. Ms Campbell and her team, with her leadership, but also everyone in there—New South Wales have been playing a significant leadership role when it comes to coordinating the States and Territories and our responses, so much so that we are now also going to be the State that's coordinating the six-monthly updates on reporting on our implementation of the disability royal commission recommendations. So we are coordinating all of the States and Territories' work on that.

**Ms ABIGAIL BOYD:** I'm glad you mentioned that because when I was talking about the criticisms from some of the stakeholders in relation to your response to the royal commission recommendations—I'm sure you will have seen the Physical Disability Council of NSW's response to your response to the disability royal commission. Of the majority of the ones that were noted or said to be supported in principle, the PDCN said, "Obviously New South Wales has a real opportunity for leadership here. Given your position, why aren't you advocating more strongly?" Instead of saying "noted", you could have said, "New South Wales will be pushing for this at a national level," or something along those lines, but you didn't. What was the decision-making behind that?



**Ms KATE WASHINGTON:** I would say that, of the 131 recommendations that were relevant to New South Wales, only two were noted, and those two were the recommendations that relate to education and the commissioners with their different views. They were the only two that were noted. All the rest that we've got are under consideration, and 95 are supported in principle, in part or in full. As I said earlier, we want to be really clear that this is our initial response. This is going to be an iterative process whereby we continue to understand what the priorities are of the disability community in order to know how best to implement the recommendations. For example, there are some that just have to be in principle because there are other processes already in place, like the referral of the Anti-Discrimination Act to the New South Wales Law Reform Commission. We can't pre-empt the outcome of that.

**Ms ABIGAIL BOYD:** Sure, but it was your decision.

**Ms KATE WASHINGTON:** We can't accept a recommendation when we have got other process in train in our State.

**Ms ABIGAIL BOYD:** But yet we do see a lot of examples where we're still making changes to things even though they have been referred off. It is within your power to say, for example, "Actually, no, we will introduce a positive obligation on people to not be discriminatory against people with disability." It is within your power, for example, to not exclude private schools from anti-discrimination legislation when it comes to people with disability. You don't need to have referred that off; you have chosen to refer that off. But in the face of a very clear recommendation from the disability royal commission, do you think it's a good enough response to just say, "We support this in principle, subject to some process we've initiated"?

**Ms KATE WASHINGTON:** Because it's a really complex piece of work that needs to be done in terms of the review of that Act.

**Ms ABIGAIL BOYD:** But yet we've been making ad hoc changes to it in all sorts of places.

**Ms KATE WASHINGTON:** Yes, exactly.

**Ms ABIGAIL BOYD:** Your Government has been, but it's picking and choosing which ones it wants.

**Ms KATE WASHINGTON:** Obviously I'm now stepping well into the territory of the Attorney General, but it is an Act that we know needs review, and it has been referred for review. It's an important piece of work. It's really complex. It's in the right place to get a better outcome for people with disability.

**Ms ABIGAIL BOYD:** But what about something like the anti-vilification provisions that appear for every other protected characteristic in the Crimes Act but not for people with disability? That's something within your power; that's not something that has been referred across.

**Ms KATE WASHINGTON:** It has been, as part of the Law Reform Commission referral.

**Ms ABIGAIL BOYD:** That's not to do with the Anti-Discrimination Act; that's to do with the Crimes Act—another piece of legislation we keep changing, ad hoc, whenever the right-wing media tells us to. These changes are being made to both the Anti-Discrimination Act and the Crimes Act despite the referral, so it is within your power. Will you change that one?

**Ms KATE WASHINGTON:** This is now well and truly into the remit of the Attorney General.

**MICHAEL TIDBALL:** He'll be here tomorrow.

**Ms KATE WASHINGTON:** He will be here tomorrow and you can ask him similar questions. Obviously we have a very close working relationship with the Attorney General where these matters affect—

**Ms ABIGAIL BOYD:** But you have to advocate for people with disability.

**Ms KATE WASHINGTON:** And I'm doing so on a daily basis, amongst all of my colleagues, on many fronts.

**Ms ABIGAIL BOYD:** Maybe they're just not listening.

**Ms SUE HIGGINSON:** Minister, I want to turn to some of the detail around the over-representation of First Nations children. I want to know about the Structured Decision Making tools. I'm obviously referring to the Ombudsman's report. I think that identified that we haven't really addressed the issues yet. Are you aware of the biases presented in the Structured Decision Making tools?

**Ms KATE WASHINGTON:** Ms Higginson, yes, I'm well aware. Again, this was something that came out of the reform forum that I held in August last year with more than 100 Aboriginal stakeholders. Their deep concerns about the risk assessment tools were made very clear to me. On receiving advice, I've made a decision

in terms of the future use of those tools. Where we are at right now—we have wanted to walk this path with our Aboriginal stakeholders and communities to ensure that in any decisions we are making, we are working with them—is we are about to formalise a partnership with AbSec and with the ALS to review those tools for their future use so that they are much better suited and address the concerns that have been raised by Aboriginal stakeholders with us. In the interim, whilst that review is undertaken—of a future state of those tools—there will be an interim decision-making process put in place to ensure that, whilst we are looking at the longer term situation, in partnership, we aren't continuing to work in a system where those biases are present.

**Ms SUE HIGGINSON:** When will the interim approach commence?

**Ms KATE WASHINGTON:** I understand that is imminent—this month.

**Ms SUE HIGGINSON:** With that, then, how or will caseworkers be trained in this new approach? What's the plan there?

**Ms KATE WASHINGTON:** I will ask Ms Czech to respond to that. But I know that there has been a lot of work undertaken with our caseworkers and also recognising that they are doing already a lot of work in a really high-pressure system. But, when I have spoken to caseworkers, they've said that they will feel relief when these tools are turned off. And I just want to clarify that the work that we are doing with AbSec and ALS is not to review the current tools but to redesign the tools that we will be using. So I might ask Ms Czech just to explain.

**SIMONE CZECH:** Of course, and we can go into more detail this afternoon. There's a range of activities underway. We've just launched the e-learning modules for the new risk assessment, which is a professional judgement. It removes actuarial components of the risk assessment. E-learning—that's compulsory for all casework staff, and that's underway. There's a range of what we call "lunch and learn" sessions, which are opportunities for caseworkers to come in their lunch and ask any questions, do some additional training. And, in addition to that, there's a range of guidance material review or updating of policies and procedures that caseworkers can lean on as part of that.

**Ms SUE HIGGINSON:** Are there safety nets built into this in terms of the cultural loads that Aboriginal caseworkers will have to carry? I think there's that real fear that we say, "Here we go. This is how it should be," without actually acknowledging how heavy that load can be.

**SIMONE CZECH:** It's incredibly heavy. And, as a non-Aboriginal person, I can only imagine what Aboriginal staff go through and walking in two worlds often because they're often caseworkers or managers, and then they go home to community and cop it from a whole range of different people. So there's a range of things in place. We have recently—and I think we reported on it at the last estimates hearing—introduced what we're calling the safeguarding decision-making panels for Aboriginal children, and that's really about slowing down decision-making as it relates to Aboriginal children. And we have seen a reduction in the number of Aboriginal children coming into care. I'm not saying that's the sole reason why, but certainly we've seen a reduction. There's cultural support for Aboriginal caseworkers, and that entails things like supervision. We are working with our Aboriginal reference group, which is an elected group of Aboriginal staff that come together on a bimonthly basis, working with them about what cultural group supervision might look like. That's still a work in progress, but we're designing that with them at the moment, and I'm hoping, in the next few months, we'll have some new initiatives.

**Ms SUE HIGGINSON:** With the introduction of the interim system that will commence this month, does that mean that the scoring on the SARA tool gets discontinued?

**SIMONE CZECH:** Yes. It moves from an actuarial tool to one of professional judgement.

**MICHAEL TIDBALL:** If I can just add—to remove the judgement around family history and dynamics to going to positives such as family strengths and support networks. So it's a more positive view which, we hope, as interim as it is, is more culturally aligned.

**Ms SUE HIGGINSON:** This is coming from direct advice from the partnership group and AbSec and the SNAICC groups? Is that how this is being developed?

**MICHAEL TIDBALL:** If I may answer this, at least during the time I have been secretary, there has been a constant stream of critique and concern that this was a culturally biased tool. And, Ms Higginson, there would be a complete consensus around that. In terms of the fix, the need to go interim was just urgent and compelling. However, the place of co-design, Aboriginal leadership group, the MAP Group, AbSec, and even the ALS—that is work that needs to be done, but there was an urgency. And, in a sense, a call was made about going interim but not loading that onto community, because they have long protested and expressed serious concern about the bias. So we're in that period of the interim response. It would be unfair on community to say that this interim phase has been co-designed. It has not. It is dealing with a problem as a matter of priority and urgency.

**Ms KATE WASHINGTON:** And, to be frank, Ms Higginson, once I received the advice and the concerns and heard the concerns around bias in the existing tool, I wanted it gone and out of the system as soon as we could. And this has also been an exercise in me understanding how long it takes for system change. It's really important the question you asked around caseworkers and making them ready to be able to apply the new tool. That all takes time, and we have to act carefully on any of these changes to ensure that we aren't increasing risk that there are biases in the decision-making.

**Ms SUE HIGGINSON:** Are you satisfied, Minister, with the interim system, that that is a big positive step forward on the advice of the consensus complaints of the biases and the racism built in the system, that this will be the first step out—but, if your leadership partnership Aboriginal groups say, "There's things that are going wrong still, and we need to change those" then that's what the interim system will allow, in designing the final or the next steps?

**Ms KATE WASHINGTON:** Absolutely. And the interim position will allow us to learn what works going forward and will, no doubt, inform the discussions and the co-design work that will take time, with AbSec and ALS, to determine what those tools look like in the future.

**Ms SUE HIGGINSON:** Has there been any progress on the appointment of an independent First Nations children commissioner?

**Ms KATE WASHINGTON:** On the independent children's commissioner, I will say that this is a priority of the MAP Group. I have heard that loud and clear.

**Ms SUE HIGGINSON:** I'm hearing it, too.

**Ms KATE WASHINGTON:** And I am wanting to work with them on—

**Ms SUE HIGGINSON:** Is there any resistance? What is your resistance, at this point, for just saying, "We should be doing this. Let's do it now"?

**Ms KATE WASHINGTON:** The only resistance is—I should say it's an open discussion, and it's an ongoing discussion, and it's important to have oversight of a system, particularly when it comes to Aboriginal children and families. But, when we are still undergoing significant reform of the system—

**Ms SUE HIGGINSON:** But it's a good idea, isn't it, Minister?

**Ms KATE WASHINGTON:** Oversight always is imperative in a good, functioning system. So what we are undertaking is significant systemic reform. I feel like it's putting the horse before the cart if we are looking at an oversight system before we know what that—before we've landed on what the system will look like. So we want—those conversations have already started, and they will continue because it will take time to understand the best oversight mechanism for the new system that we are designing.

**The Hon. RACHEL MERTON:** Minister, on 2 June 2023 Premier Minns called on government employees to return to the office, calling for a reduction in working from home days. Minister, did you support that?

**Ms KATE WASHINGTON:** Yes, Ms Merton.

**The Hon. RACHEL MERTON:** The Premier also said in-office collaboration was especially important so younger workers could learn from their senior peers. Do you agree?

**Ms KATE WASHINGTON:** Yes, Ms Merton.

**The Hon. RACHEL MERTON:** Minister, what are the benefits of workplace collaboration?

**Ms KATE WASHINGTON:** Being able to work together, sharing spaces, sharing purpose, sharing the opportunities and seizing them. In particular, in our department, it's about all working together to seize opportunities for an improved child protection and out-of-home care system, and working together allows us to do that. But I will say that most of the workers in child protection and out-of-home care are field-based and they are in community, working with families in their homes. Whilst we have workers that work in offices as well, the majority are out in the field doing the important work that they do to keep children safe.

**The Hon. RACHEL MERTON:** Minister, how did you respond to the Premier's call for public servants to return to the office in June 2023 and, further to what you just said, I would say in your department it would be the non-caseworkers, the operational staff. How did you respond?

**Ms KATE WASHINGTON:** That was definitely something that the department would have been putting into place but, more importantly, the secretary can update the Committee on what's been done more recently in terms of the recent announcement by the Premier's Department as well.

**The Hon. RACHEL MERTON:** I'll take that up this afternoon, if that's okay. Minister, on 9 November 2023, in estimates, you confirmed that no instruction or advice was issued by yourself relevant to the Premier's call for public servants to return to the office and reduce working from home. Do you still stand by that?

**Ms KATE WASHINGTON:** Sorry, are you saying do I stand by what I said?

**The Hon. RACHEL MERTON:** Yes.

**Ms KATE WASHINGTON:** Yes.

**The Hon. RACHEL MERTON:** Premier Minns issued a memo in August 2024 calling on government employees to work primarily from the office. Did you support that?

**Ms KATE WASHINGTON:** Yes, Ms Merton.

**The Hon. RACHEL MERTON:** Minister, what were the details of the memo?

**Ms KATE WASHINGTON:** This is something that I know that the secretary responded to on the same day that the issue was communicated by the Premier's Department, and I know that the importance of working together with a shared purpose was communicated directly, as part of the directive from the Premier's Department, but I can ask—

**The Hon. RACHEL MERTON:** Was there any detail in that memo? As the Minister responsible for—I think the last count was—3,504 operational staff, was there anything in the memo that alerted you as the responsible Minister as to how best to respond?

**Ms KATE WASHINGTON:** It's a matter for the department to implement and, of course, we are undertaking that work and ensuring that our teams are working collaboratively and together where they are in office spaces, but, as I said, primarily our workforce is out in the field doing the important work of keeping kids safe.

**The Hon. RACHEL MERTON:** In summary, Minister, there was no statement, there was no memo or directive issued by yourself to the public servants—

**Ms KATE WASHINGTON:** Ms Merton, I don't hold the employer function.

**The Hon. RACHEL MERTON:** Correct me.

**Ms KATE WASHINGTON:** The secretary of the department does.

**The Hon. RACHEL MERTON:** As the responsible Minister, the Premier makes a call. He's made it on two occasions. I'm asking you what action have you taken as the responsible Minister?

**Ms KATE WASHINGTON:** As the responsible Minister, I ensured that the secretary ensured our staff had the information that they needed, which was issued to them on the same day as the Premier's Department issued its statement as well. As responsible Minister, I ensured—

**The Hon. RACHEL MERTON:** In summary, Minister, there was no statement, no memo, no directive issued by yourself following two calls by the New South Wales Premier for government employees to return to the office and reduce working from home days?

**Ms KATE WASHINGTON:** I 100% per cent support the Premier's directions and the information that came from his department across to all public servants, which was clearly communicated, and I ensured was clearly communicated so well and capably by the secretary to the Department of Communities and Justice workers.

**The Hon. RACHEL MERTON:** Does the Minister need to issue a third memo for Ministers to follow the instructions, put pen to paper, return to the office, reduce working from home?

**The Hon. GREG DONNELLY:** Is there a question there?

**The Hon. RACHEL MERTON:** The question was: Does the Premier need to issue a third statement, a third memo, clarification, reminder, encouragement, "Ministers, are you listening?"

**Ms KATE WASHINGTON:** If what you're implying is that somehow the Department of Communities and Justice staff are unaware or aren't doing what has been asked of them, I strongly refute that suggestion. They were clearly informed. As Minister, I ensured that they were clearly informed so capably by the secretary about the new working—

**The Hon. RACHEL MERTON:** Just step me through how you ensured that. You ensured they were informed. How did you do that?

**Ms KATE WASHINGTON:** This was all done through the Premier's Department—

**The Hon. RACHEL MERTON:** Minister, there was no memo, no directive, no statement, as the responsible Minister, that "I ensured".

**Ms KATE WASHINGTON:** It was reported to me by the secretary, the actions that he took. If the goal is for our staff to know what their obligations are, that was well communicated, and capably communicated, and immediately communicated after it was issued by the Premier's Department.

**The Hon. RACHEL MERTON:** Minister, at an earlier estimates meeting, it was also established that working locations in terms of government employees are not monitored or tracked by the department—as to whether I am working in the office, I'm off-site, I'm clients, I'm case. Does that concern you?

**Ms KATE WASHINGTON:** Ms Merton, we operate across the State. We've got community service centres operating across the State and decisions are made about where people are best placed to undertake the important work that they're doing to support communities, support families and support vulnerable children. Everyone across our department understands the importance of the Premier's Department message—particularly in our department—where we are having to really roll up our sleeves and work hard to clean up the mess that we were left in the broken child protection system that we inherited.

**The Hon. RACHEL MERTON:** Minister, it also appeared at an earlier estimates discussion, given the absence of reporting of working locations, that office occupancy was established by observation, when I was asking about members of the public reporting to me unoccupied government offices, vacant government offices.

**Ms KATE WASHINGTON:** Sorry, what is your question, Ms Merton?

**The Hon. RACHEL MERTON:** I'm just saying, in terms of observations made, occupancy was established by people being present, people appearing to collaborate. There was no data in terms of the working locations of government employees and what office occupation might mean.

**Ms KATE WASHINGTON:** I still don't understand if there's a question in there. I will say, as I've already said, a lot of our workers are out in the field, so if people are observing that there aren't people in certain offices, it's not to say that there aren't people doing their jobs. The most important job that they can be doing is supporting families, supporting vulnerable children, in community and often in their own homes.

**The Hon. RACHEL MERTON:** Minister, members of the public report this, looking at value for money. They're the taxpayers. Does the Government not have an obligation to readjust the office space?

**Ms KATE WASHINGTON:** I'm sorry, are you suggesting that we should not have office space for workers that use that office space occasionally in between when they're doing the difficult work of being in the field? I don't understand what you could be possibly suggesting?

**The Hon. RACHEL MERTON:** The public are asking these questions in terms of the taxpayer and value for money.

**Ms KATE WASHINGTON:** Who exactly is talking about seeing office space, observing office spaces—

**The Hon. RACHEL MERTON:** Clients of the department. These are reports that have come to us.

**Ms KATE WASHINGTON:** Have you shared them with me?

**The Hon. RACHEL MERTON:** Yes.

**Ms KATE WASHINGTON:** Okay. I look forward to seeing those.

**The Hon. RACHEL MERTON:** It was also established at an earlier estimates that there are no agreed working hours for public servants. The experience from this is, when you're trying to make contact with a government employee, it's going to be, "We don't know the working hours", "not sure of the availability", "email is the only way to contact them", "not sure when you'll get a response", "they might be away". Is this good enough?

**Ms KATE WASHINGTON:** Ms Merton, I need to understand the context in which you are—

**The Hon. RACHEL MERTON:** Agreed working hours.

**Ms KATE WASHINGTON:** —trying to portray our hardworking caseworkers as somehow not being responsive to people and communities and families. What I have seen instead are caseworkers that are dedicated to their jobs, that are determined to get better outcomes for vulnerable children and families. The suggestion that somehow they aren't being responsive—I need more information from you on that. I'm not aware of that coming

to me from you. But I will back our public servants and I will back our essential frontline caseworkers every single day.

**The Hon. RACHEL MERTON:** The questions came to you, as the responsible Minister, as to what the client experience is. Members of the public are reporting unoccupied government offices. What is the cost? They are reporting that they never know when they can actually make contact with government employees, because there are no set working arrangements in terms of remote working. I put those to you. I have the highest respect for the caseworkers and the energy and the commitment they give. Just from what the taxpayer experience is, I put that to you as the responsible Minister.

**Ms KATE WASHINGTON:** I don't believe there is a question in there, but I do refute the attack on public servants. That somehow they are not responsive to communities' needs, and particularly our hardworking caseworkers—

**The Hon. RACHEL MERTON:** That wasn't the question, Minister. It was about the—

**Ms KATE WASHINGTON:** I couldn't understand any question in there. Instead, there are these descriptions that seem to have no basis in fact. I'm struggling—all I'm hearing is an attack on public service workers and our caseworkers, and I will back them every single day.

**The Hon. NATASHA MACLAREN-JONES:** Minister, I might go back to the taskforce. It's been established, what, \$7.1 million is being spent on establishing a department taskforce. Is that correct?

**Ms KATE WASHINGTON:** This is the disability reform taskforce, yes?

**The Hon. NATASHA MACLAREN-JONES:** Yes, and that is to employ more staff within the department. That is correct?

**Ms KATE WASHINGTON:** Correct, and in the Cabinet Office as well, working in partnership.

**The Hon. NATASHA MACLAREN-JONES:** I'm interested to know what level of consultation is planned with the sector, particularly around foundational support, because there is a level of confusion out there. A lot of these providers, obviously, have to forward plan with staff, with budgets and what services they need to provide at a State level versus NDIS. I would like to provide clarity to them as to what is actually happening.

**Ms KATE WASHINGTON:** It's a very fluid area at the moment when it comes to foundational supports. As you well know, it was a significant recommendation that came out of the NDIS Review.

**The Hon. NATASHA MACLAREN-JONES:** I'm interested in time frame around consultation. If you don't have that yet and the taskforce is still working on it, I'm fine for you to take that on notice. But just a bit of an idea of time frame specifically, rather than background, because we've got the background.

**Ms KATE WASHINGTON:** I just want to explain the context: that we've got the NDIS Review, significant recommendation of foundational supports, which is to set up an ecosystem that sits outside of the NDIS. National Cabinet then agreed in December last year that we would—

**The Hon. NATASHA MACLAREN-JONES:** Minister, I am aware of the time frame. When is the sector going to know what is happening? Just a time frame. Is it six months, 12 months, two years?

**Ms KATE WASHINGTON:** National Cabinet, in December last year, agreed that we would work across States, Territories and the Commonwealth to design foundational supports. That is what currently—the parameters of foundational supports—

**The Hon. NATASHA MACLAREN-JONES:** Minister, is there a time frame? Yes or no.

**Ms KATE WASHINGTON:** I don't want to descend into another unedifying to-and-fro. I'd like to answer the question.

**The Hon. NATASHA MACLAREN-JONES:** I'm just asking a very simple question. The sector would like to know what is the time frame. If you're still working on it, that is the answer.

**Ms KATE WASHINGTON:** I would like to provide the answer, Ms Maclaren-Jones.

**The Hon. NATASHA MACLAREN-JONES:** Please—we've got limited time.

**Ms KATE WASHINGTON:** If you will allow me the opportunity. It's an important question to ask, and it's an important answer I would like to give. We are now in that stage where we are working out the parameters of foundational supports with the Commonwealth. The Commonwealth, in partnership with us, will be going to consultation about general foundational supports—

**The Hon. NATASHA MACLAREN-JONES:** And the time frame?

**Ms KATE WASHINGTON:** —in the next month—

**The Hon. NATASHA MACLAREN-JONES:** In the next month, thank you very much.

**Ms KATE WASHINGTON:** —for consultation with stakeholders.

**The Hon. NATASHA MACLAREN-JONES:** The next question is in relation to wheelchair accessible taxis. Obviously this has been an ongoing issue for a while, and I'm just interested to know—and looking at your disclosure documents, I think you've had a number of meetings—what the next steps are in relation to that and whether there will be any incentives to support the sector.

**Ms KATE WASHINGTON:** The work that we've been doing on wheelchair accessible taxis and making them more available across the State was necessary as a result of the deregulation of the taxi industry that occurred under the former Government. What we have seen since the deregulation of that industry—we have seen wheelchair accessible taxis leaving the market, so we've got communities and people with disabilities, particularly in regional areas, that are suffering acutely.

**The Hon. NATASHA MACLAREN-JONES:** That's why I'm asking, Minister. Is there anything that is being done that you have planned?

**Ms KATE WASHINGTON:** We have held four wheelchair accessible taxi stakeholder forums, three in regional areas, and I've done it in partnership with the Minister for Regional Transport and Roads, the Minister for Transport and the Parliamentary Secretary.

**The Hon. NATASHA MACLAREN-JONES:** Is an announcement imminent?

**Ms KATE WASHINGTON:** The findings from those round tables are still being pulled together, and we'll be getting advice on those soon.

**The Hon. NATASHA MACLAREN-JONES:** But do you have a time frame of when an announcement might be made?

**Ms KATE WASHINGTON:** We are still waiting on the outcomes from those important stakeholder forums that we held. The Ministers involved—as I said, in partnership with the Minister for Transport and the Minister for Regional Transport and Roads, and the point to point commissioner was also involved in all of this—we are all working together, and we will be looking at the outcomes from those stakeholder forums when they are presented to us.

**The Hon. NATASHA MACLAREN-JONES:** Moving to the Disability Inclusion Action Plan, is there any reason why your own department's 2022-23 progress report hasn't been released? It's September now, and it hasn't been released.

**Ms KATE WASHINGTON:** On disability inclusion action plans, I can say that there is a lot of work being done across government, including Fire and Rescue and police also doing their disability inclusion action plans for the first time.

**The Hon. NATASHA MACLAREN-JONES:** No, Minister, I am referring to the annual report that should be released each year. This is not a laughing matter; this is actually reporting on the work that you've done over the last 12 months. It's September and you haven't released last year's report. Why is that?

**Ms KATE WASHINGTON:** I am certainly not laughing about this. I know it's a very serious matter and we are—

**The Hon. NATASHA MACLAREN-JONES:** Have you seen your own report?

**Ms KATE WASHINGTON:** We will be doing that. I might refer to Ms Campbell to see where we are at on that.

**The Hon. NATASHA MACLAREN-JONES:** I can go into the detail this afternoon. But why have you not released that report?

**Ms KATE WASHINGTON:** What we are actually focusing on is timing: for all disability inclusion action plans to be aligned in terms of timing. The first piece of work is the disability inclusion plan—

**The Hon. NATASHA MACLAREN-JONES:** Is it true, Minister, that the only department that has actually done one is Customer Service?

**Ms KATE WASHINGTON:** Sorry, what was that?

**The Hon. NATASHA MACLAREN-JONES:** The only department that has actually done a report from last year is Customer Service. Your own department hasn't. Have you followed up any other department as to why they have not provided you, under the Act, last year's reports?

**Ms KATE WASHINGTON:** We are all working together on our disability inclusion action plans and ensuring that the outcomes in those plans are delivered on the ground.

**The Hon. NATASHA MACLAREN-JONES:** But if you're not tracking year to year—

**Ms KATE WASHINGTON:** But in terms of reporting on progress, we are trying—we are currently undergoing a piece of work where we are trying to align our timing on all of our disability inclusion action plans, in terms of reporting and in terms of rolling them over. But I will ask—

**The Hon. NATASHA MACLAREN-JONES:** Minister, again I ask you why you have not released your own report from last year.

**Ms KATE WASHINGTON:** I will ask the department as to where we are at with that.

**The Hon. NATASHA MACLAREN-JONES:** Did you ask the department yourself as to why it wasn't done? Minister, have you even asked the department where the report is?

**Ms KATE WASHINGTON:** We've been doing—I'll ask Ms—

**The Hon. NATASHA MACLAREN-JONES:** No, I'm asking you, Minister. Minister, have you ever asked the department, since January this year to now, September, where that report is?

**Ms KATE WASHINGTON:** Well, I'm trying to understand right now, and I'll ask Ms Dendle—

**The Hon. NATASHA MACLAREN-JONES:** Minister, I'm asking if you know what you've done. I'm not asking—

**The Hon. EMILY SUVAAL:** Point of order—

**The CHAIR:** Order!

**The Hon. NATASHA MACLAREN-JONES:** It's a simple question.

**The Hon. EMILY SUVAAL:** The Minister can refer the question, as you well know.

**The Hon. NATASHA MACLAREN-JONES:** But the question—

**The Hon. EMILY SUVAAL:** The Hon. Natasha Maclaren-Jones continues to interrupt both the Minister and me as I'm attempting to take this point of order. Paragraph 19 of the procedural fairness resolution is to treat witnesses with courtesy at all times. The Minister is trying to refer the question. I ask that she be allowed to do so.

**The CHAIR:** Time has expired.

**Ms KATE WASHINGTON:** If I might add, that report has been tabled. The 2022-23 progress report has been tabled in Parliament, I'm advised.

**The Hon. NATASHA MACLAREN-JONES:** Okay, but it hasn't been uploaded onto the website or anything? I'm just pointing out, Minister, that it's not publicly available. I take your word for it that it was tabled.

**Ms KATE WASHINGTON:** That is a very different question to the one that you asked, Ms Maclaren-Jones.

**The Hon. NATASHA MACLAREN-JONES:** But, Minister, I asked you in detail about the report. You didn't even know if it existed. You're now saying it's been tabled.

**The CHAIR:** Order! We are in crossbench time now.

**Ms KATE WASHINGTON:** That is absolutely incorrect.

**Ms SUE HIGGINSON:** Minister, I just want to take you back to something that I know you and I have had discussions about in the past. I know I've asked you about this. I want to ask you again, in light of where we're at now in terms of your responsibility and looking at the reforms and where we are up to. I know you have, on a number of occasions, acknowledged that separating a child from their family is harmful. Would you consider supporting a bill introducing a presumption of harm to the separation of a child from their family?

**Ms KATE WASHINGTON:** Ms Higginson, what I'm really looking forward to is the outcomes from the system review that we have stood up, the work that I am doing with the MAP Group and the work that



Mr O'Reilly is doing on the reform division. There is a number of pieces of work that will all be coming together towards the end of the year that will be informing our approach going forward.

**Ms SUE HIGGINSON:** Sorry to interrupt—and I thank you for the answer—but is it fair to say that that's not off the table at this point then? Are we considering all these things, remembering that this was very central to the Family is Culture review and the recommendations of the FIC review? It was a tenet and a very important aspect to that review and the findings of that work. Is it fair to say that that concept is not completely off the table at this point?

**Ms KATE WASHINGTON:** What I would say is that we are looking at significant changes to legislation, which will be informed by the work that we are doing with the reform as well, so it can complement the work that we are doing. More broadly, the system that we want to see in the future is less complicated. It's simpler to the point where we are keeping more children and families safer together and, where that's not possible, that they are coming into the system and being supported in safe and loving homes.

**Ms SUE HIGGINSON:** But you know—we both know—that this comes from a place of law setting, reforms, modes of operating, system functions and the building of systems. We know that these presumptions are important in terms of the way systems operate and in terms of the way courts interpret things. So, is it off the table?

**Ms KATE WASHINGTON:** I guess going forward with the reform, there is very little that is off the table. We are looking at all options in terms of improving outcomes and seeing more children staying safely home together, particularly when it comes to Aboriginal and Torres Strait Islander children. We want to see more of them supported to stay safely at home, in community, on country, with culture.

**Ms SUE HIGGINSON:** Can I just ask, when do you anticipate having legislative reforms brought to the Parliament?

**Ms KATE WASHINGTON:** I might just defer to Mr Tidball in terms of where we are in terms of the legislative side.

**Ms SUE HIGGINSON:** Can I come back to that with Mr Tidball later?

**Ms KATE WASHINGTON:** Yes.

**Ms SUE HIGGINSON:** I have one more question before I hand over for the last three minutes of this session with you, Minister. I am just curious—and I would like the breakdown, so if you want to take this on notice you can—about how you spent or how you are planning to spend the \$224 million of new funding that went to the system and reform. How much of it will be spent on Aboriginal children, young people and their families?

**Ms KATE WASHINGTON:** Thanks for the question. The \$224 million is an investment into our system to allow us to meet the needs and to deliver—

**Ms SUE HIGGINSON:** Are you able to provide the breakdown to First Nations or is it not that clear?

**Ms KATE WASHINGTON:** It isn't something that is a line-by-line allocation. It is an investment in the system to allow us to deliver more programs, as well as continuing to support vulnerable families and children now.

**Ms SUE HIGGINSON:** Thank you. I will talk to Mr Tidball a bit more about that this afternoon.

**Ms KATE WASHINGTON:** I will just say, that invariably means Aboriginal children and families will benefit from the programs that we are delivering.

**The Hon. NATASHA MACLAREN-JONES:** Sorry, we've only got a couple of minutes. I want to follow up on a couple of things from the previous estimates, particularly around educational plans. I asked about the number of people enrolled in New South Wales schools who were under your care. I was advised that the data sharing had commenced between the Department of Education and DCJ. At the last estimates we were told that the 2023 school data was being cleaned and analysed. Do you have that information now?

**Ms KATE WASHINGTON:** I'm pleased to say that that piece of work has been progressing well. For the first time, we are starting to see the rate of children in out-of-home care who are going into the public school system, because that is the system that we've got visibility on. What it doesn't capture is data in relation to independent or Catholic school attendance.

**The Hon. NATASHA MACLAREN-JONES:** That's okay. I'm interested in the data you have from last year about the number of young people enrolled and also those suspended.

**Ms KATE WASHINGTON:** What I'm advised is that in the 2023 school year there were 12,215 school-aged children under my parental responsibility. More than two out of three of those children were enrolled in New South Wales Government schools. That is 70.5 per cent. What that doesn't capture, as I mentioned, is children enrolled in Catholic or independent schools as well.

**The Hon. NATASHA MACLAREN-JONES:** I am aware of that. Of that, what was the suspension rate?

**Ms KATE WASHINGTON:** That is something that I would have to come back to you with. I am not sure that we've got that data. If we have, we can provide it. I will say that we recognise—and this is why we're doing this work—the importance of ensuring kids are engaging in schooling. Schooling engagement is critical to their outcomes.

**The Hon. NATASHA MACLAREN-JONES:** That brings me to my next question, which is, of the 12,215 students enrolled, how many had an education plan?

**Ms KATE WASHINGTON:** I'll have to take that on notice, I'm afraid. I will just confirm that the 2022-23 DIAP is on the DCJ website. It is available for everyone to see.

**The CHAIR:** Are there any Government questions?

**The Hon. GREG DONNELLY:** Not at this stage, no.

**The Hon. EMILY SUVAAL:** We are very satisfied with the answers.

**The CHAIR:** There being no Government questions, Minister, thank you very much for your attendance this morning. I don't think you took any questions on notice.

**Ms KATE WASHINGTON:** I just took one at the end.

**The CHAIR:** Just one question, apparently. The secretariat will be in contact with you and your department. Thank you very much for coming. We will return at two o'clock to do it all over again.

**Ms KATE WASHINGTON:** Thank you, Chair, and thank you, Committee.

**(The Minister withdrew.)**

**(Luncheon adjournment)**

**Ms KATHRYN McKENZIE**, Acting NSW Ageing and Disability Commissioner, NSW Ageing and Disability Commission, affirmed and examined

**Mr STEVE KINMOND, OAM**, Children's Guardian, Office of the Children's Guardian, affirmed and examined

**The CHAIR:** We might get started again. We will commence with crossbench questions.

**Ms SUE HIGGINSON:** I would probably like to start with you, Mr O'Reilly, but through you, Secretary; you say who should start. I want to understand the systems reform program. We heard from the Minister that there are a lot of moving parts. For the record, could we get an update on precisely what's happening in terms of that reform program—the streams, the heads, the categories—and what the time frames are?

**MICHAEL TIDBALL:** If I may, before handing over to Mr O'Reilly, I will assist the Committee by explaining one thing in terms of the structure with the reform division. One of the things that I have learnt during my tenure is that the child protection system and the out-of-home care system around the clock, 24/7, deals with families and children in crisis. That constricts the ability of the department to reform as it should. For that reason, the work which Simone Czech, the operational work which runs its course—it's difficult to embed system reform responsibility in that division because of what I've just described: the crisis-driven nature of the work. The thought of having a separate division, with somebody who is well acquainted with both the care as well as, can I say, the youth justice work of the department and the statutory system—it needs a leader, but you really need a separate reform muscle, a divisional reform muscle, and that is what we've established. I could go through the various heads of reform, but I suspect that Paul O'Reilly can deal with that in an integrated way, dealing with child protection, out-of-home care, ROSH, recommissioning and anything else. I will hand over to Mr O'Reilly, if I may.

**PAUL O'REILLY:** The reform division has been established, as the secretary has said, to have a much more focused approach to reform. There are a number of drivers of that reform, some of which we've discussed a little bit today. One of the very big, obvious drivers is the number of independent reports that are out, some of which are very new and some of which are not. For example, Family is Culture is now five years on and work is needed. The more obvious and recent reports include two from the Auditor-General, one from the Ombudsman, one from the Children's Guardian and one from the Advocate for Children and Young People. We know the Ombudsman is working on more reviews as well. We also mentioned earlier today the out-of-home care system review that's looking at the financial settings in the out-of-home care system, and the independent pricing tribunal report will come soon as well. All of those inputs are really important.

The reform plan must respond to every recommendation in all of those reports. It really must. This is our one chance to get the reform right and make it comprehensive. I accept that's challenging because there are a lot of recommendations and they're not always perfectly aligned, so we need to work with those regulators and independent bodies to make sure that the reform plan adequately responds to those recommendations. But there are other drivers as well. There's feedback from the community. There is our commitment and, arguably, our failure under Closing the Gap commitments as a massive driver of the reform, given the over-representation.

The reform plan has to reflect the four reform priority areas in Closing the Gap that government really needs to be better at, for example, sharing decisions. The way we approach reform has to implement better shared decisions. Strengthening ACCOs is a really important part of the reform, and that is one of the priority reform areas in Closing the Gap. We need to be transforming the institution as well; that is another area of reform in relation to Closing the Gap that DCJ is committed to and must manifest in this reform. And we must achieve data sovereignty and better data governance for Aboriginal people. Those are two big areas of reform drivers—the independent reviews and Closing the Gap.

Then there are the challenges in delivering a very complex set of programs for a very complex set of people and the financial challenges in doing that effectively in a way that's sustainable. To do all of that, the reform plan has to have a very clear structure. There are three or four key areas, which I'll take you through. At a very strategic level, we want the statutory system to be only as big as it needs to be. That is a really important principle of this reform. We don't think that family should be experiencing statutory intervention if they don't need it. Part of getting this right is ensuring the statutory system is strong and clear and efficient, but the non-statutory support system needs to be more effective as well.

We know from *The Australian Child Maltreatment Study*, published last year through the Australian medical journal, that childhood maltreatment difficulty in families is widespread, more widespread than we thought. We need a less stigmatised system of supports that families can access when they need it, so we'll be working with other systems across government and the community to improve those supports. That puts us in a

much stronger position around statutory reform. But we mustn't wait for that to happen before we start changing the statutory system.

The first area of statutory reform or pre-statutory reform in DCJ is around the child protection area. What are the programs that work to keep people out of child protection? It's Targeted Earlier Intervention; it's Family Preservation services. They're being recommissioned currently for new contracts next July. There are some really careful local planning and consultation around those two programs.

In the statutory area we are doing some really important work around that first point of contact, when people are reported. Again, if you think about the recommendations in all of those reports, there is a lot of challenge in getting that right. This means that the work we do around our prenatal policy needs to be—we need a new policy around prenatal intervention and supports. We need a new policy in relation to the triage and allocation of reports—that's going to be really important as well—to make sure that a statutory response is applied where it's needed and a non-statutory response is applied where it's appropriate.

An overarching child protection policy framework that will come out of this process needs to be very different to the framework that we have now. The Minister this morning touched on the importance of partnership in developing that policy. We will be working very closely with Aboriginal leaders in the sector, including AbSec, ALS and others, to ensure that the child protection policy is culturally responsive and is a set of policy frameworks and practices where families start to feel like the system's treating them fairly, and where staff feel like they're being supported in the work that they do and have enough resources to do the work they need to do. That child protection policy is really important. You can't really overstate the need for new ideas and leaving everything on the table at this stage, and the potential review of the legislation is connected to that as well.

**Ms SUE HIGGINSON:** What's the time frame around—what's your forecast for that really important piece and body of work?

**PAUL O'REILLY:** The really urgent thing is the risk assessment, which we touched on this morning. The interim changes to risk assessment to remove those actuary elements, that commences this month. We've already started some work around the other policy work. There's a prenatal policy discussion paper that has been out already, and we will be negotiating with our partners, particularly Aboriginal leaders, around how we then structure the rest of the review, whether that's the triage policy, the allocations policy and the other elements of risk assessment further down the continuum of care.

We really want to start that work in earnest now. Between now and Christmas, we want to have some more information out in the public domain—more discussion papers—to be making sure that we're not missing anything from the community in terms of assessing that. We want to come back in the next six to 12 months for discussion with the Minister and others to try to get agreement and consensus around the nature of the changes to the child protection policy framework.

There is a lot of feeling, I suppose, in the community about how important this is and how we need to get it right, and that's very understandable. We need to make sure that the changes you make in child protection set us up for success in other areas too, like restoration and like effective placements. I think it's really important in this complex area to think of it as a system and not just look at these policy questions in isolation, because they genuinely are connected.

As we move through this child protection policy area, at the same time we're working with—the out-of-home care reforms are the next, I guess, work stream in relation to this whole reform plan. We talked a little bit today about some of the early changes in the out-of-home care reforms: getting back into foster carer recruitment, getting back into residential care, and developing more sophisticated care models—professional care, intensive care. DCJ is rebuilding its capability in an area where it has lost capability for a number of reasons, but one of those is to try to respond to where there have been gaps in the market so that we are not reliant entirely on external agencies, so we are less likely to need emergency arrangements. There's a large sense of urgency in getting those new models up and running, particularly to meet the Minister's commitment to remove ACAs.

The work that the ACA team has been doing in the last six to nine months, I suppose, has been really instructive and helping us decide or think about how we might organise ourselves more effectively to provide better service—so centralising some critical decisions; working more closely with caseworkers and supporting them to stabilise placements so that placements don't break down; trying to work out what it's going to take to hold this placement together, and how can we drive a much stronger focus on restoration. Later in the year there will be some further work happening on more long-term changes to the out-of-home care plan—a long-term out-of-home care strategy, if you like. That's going to be really important, and that will need to be informed by some of those other reviews that are yet to land—the out-of-home care system review, the IPART review et cetera.

**Ms ABIGAIL BOYD:** I might start with you, Ms McKenzie. In previous estimates, the former commissioner told us about how pressed the funding was for the commission. I don't think there was a significant increase in the budget. Can you tell us what the funding looks like at the moment and what the funding needs are?

**KATHRYN McKENZIE:** The funding issues that the former commissioner, I think, eloquently talked to previously continue for the ADC. The budget submission that we put up last year was unsuccessful, as has the budget submissions that we've put up every year that we have existed—so for the previous five years. At the moment we have our baseline budget for the ADC—including the OCV scheme, which is approximately \$4.8 million, it's what we had when we started. I think Robert has talked to previously that the initial, kind of indicative budget was much higher than what the ADC ended up with.

From my perspective, I appreciate why there weren't many figures at that time that the ADC was being set up to identify what the likely demand was going to be—a new agency, a new area of adult safeguarding. But five years on, we have pretty strong data. We just put our data from the first five years of operation of the ADC, which identifies, just in terms of calls since the start of ADC, we've had growth of 66 per cent. In terms of the number of statutory reports, it's a twofold increase in the number of reports. It's significant growth that, from our perspective, is positive.

There is demand because there's need there, and we've been effective, I think, at getting the message out about the helpline, particularly with service workers about understanding, better identifying abuse, neglect and exploitation, and reporting those matters through. But there are significant challenges for us in meeting that demand. We're highly reliant on DCJ providing top-up funds for us, which obviously also presents significant challenges for DCJ. It's not that they don't have significant need in their critical areas. For us, those same challenges exist, and we'll be seeking to do that same process again this year to try to resolve them.

**Ms ABIGAIL BOYD:** The budget bid, when you put that in—just from a process perspective, does that go to the Minister or does it go directly to the Treasurer?

**KATHRYN McKENZIE:** No, it goes via DCJ.

**Ms ABIGAIL BOYD:** How much did you ask for in the budget bid?

**KATHRYN McKENZIE:** What we had sought was funding of \$14 million over four years. That was to address the baseline budgets of the core ADC work, plus the OCV scheme, and provide for some growth, given the already existing significant demand. It was \$14 million over four years.

**Ms ABIGAIL BOYD:** Thank you. I'll do what I can to try to press for more funding for you because, I agree, it's an incredibly important thing. Can I ask just a cheeky one to you, Mr Kinmond, while you are here? It's something that has been bothering me. I understand that the Working with Children Checks aren't required to be renewed for certain emergency services people. Is that correct? Say you get a job in the police or in the fire service or wherever, and you get your Working with Children Check on day one. Are you required to update it over time, do you know?

**STEVE KINMOND:** I suppose there are two questions as to whether you're required to have a Working with Children Check, and the police are a case in point where they're not required to have a Working with Children Check because the argument is that there are checks that are carried out in relation to people who work with police, but there is a requirement at the end of five years for the application to be renewed. We've got the upcoming Working with Children Check discussion paper, and one of the areas I think that will be ripe for discussion, arising from that paper, will be the issue of the coverage of the Working with Children Check system.

**Ms ABIGAIL BOYD:** I understand it doesn't capture the Rural Fire Service at the moment either—that they're not required.

**STEVE KINMOND:** No, there are areas—and it's very important for us to be clear about that. The other problem that we've got here is I can sit there and do a detailed analysis of what's in and what's out. In fact, I was only reading something on LinkedIn last night, I think it was, where a lawyer was making the point that it's incredibly complicated. What we've had over time is, via the regulations, we've adjusted what's in and out. We're going to take the opportunity with the review of the Act—and the Minister, I think, will be very supportive of this—to make it clearer in the Act itself who's in and who's out, because it's a source of confusion for many.

**Ms ABIGAIL BOYD:** And the rationale. I mean, you have a lot of people who are obviously working with children as an incidence of what they're doing, and not being required to have Working with Children Checks is curious.

**STEVE KINMOND:** Absolutely. And of course the Channel 7 news story of a couple of weeks ago led to some, I think, very useful discussion on that issue. It will be an important issue, I think, for us to—well, it is

already something that we'll be raising in the paper as to, "Okay, is the community satisfied with where things have landed as to who is in and who isn't?"

**Ms ABIGAIL BOYD:** I don't want to leave anyone out, so I am going to go to you, Ms Dendle. Your position title at the moment—we've got it down here as Executive Director, Early Intervention, Disability and Inclusion Strategy. Has that changed? Were you something different in March?

**ZOE DENDLE:** Yes, it has. With the standing up of the Homes NSW division in the department, some of the functions that related to social housing and homelessness moved over under the Homes NSW division and therefore the portfolios that sat within my remit changed and my title was updated to reflect that.

**Ms ABIGAIL BOYD:** There are some wicked rumours that you're going to get additional responsibility given to you, particularly seniors and women and things like that as well. Is that true? Or are we staying with just having disability?

**ZOE DENDLE:** Under the title of early intervention, disability and inclusion, I now have the oversight of the Targeted Early Intervention program. I do have some domestic and family violence functions where they relate to homelessness, so women's refuges and the Core and Cluster program, which has been under my management pre-Homes NSW—disability, and I already have the seniors portfolio, so that hasn't changed. And I've also got carers and volunteering.

**Ms ABIGAIL BOYD:** Are you the only person who has "disability" in their title? We struggled to find someone else who was responsible within DCJ for disability inclusion.

**ZOE DENDLE:** Under my portfolio it is disability policy reform and inclusion, so all of the functions that relate to that sit within my directorate. The reason that the portfolios sit within the directorate is because there are really linkages from that sort of early intervention through to inclusion. So there is the rationale of the portfolios that sit there.

**Ms ABIGAIL BOYD:** How many people report to you then?

**ZOE DENDLE:** Across the directorate or within disability?

**Ms ABIGAIL BOYD:** Both, so across the directorate and then how many are specifically for disability.

**ZOE DENDLE:** I might have to take it on notice just because it can be a bit fluid in terms of staff onboarding and off-boarding. I don't want to give an inaccurate figure, but I can get that within this session, just so I know that I've got figures current as of today.

**Ms ABIGAIL BOYD:** That would be really useful. Were you involved in the response to the royal commission that was prepared by the Government? Was that something that you were assisting with?

**ZOE DENDLE:** Yes, I was. One of my teams led on coordinating the response for New South Wales to the disability royal commission. At the time we'd stood up a disability royal commission taskforce, which had members represented across all government agencies. My team was responsible for collating that. We also work really closely with other States and Territories and the Commonwealth from a policy perspective and in coordinating the responses for the joint recommendations.

**Ms ABIGAIL BOYD:** Will you be involved in the group of people who are doing the \$7.1 million reform piece?

**ZOE DENDLE:** That's correct. So the disability reform taskforce that's been established—they're staff sitting within the Cabinet Office. There are some staff that have come into my area as well to drive that work. In more historical times, the remit of the work in my space was more around that disability policy and inclusion, with a lot of the resources stepped down sort of when ADHC was dismissed and NDIS was stepped up. Now, obviously, we've got more of that reform portfolio where we really need to drive the implementation in response to the disability royal recommendations and the NDIS Review and foundational supports. So that's correct—that team is sitting within my area.

**The Hon. NATASHA MACLAREN-JONES:** I might go back to some of the questions around residential care from this morning. I want to clarify—when you talk about residential care, are you only referring to ITC?

**PAUL O'REILLY:** The numbers that I provided were ITC.

**The Hon. NATASHA MACLAREN-JONES:** Are there any other forms of residential care?

**MICHAEL TIDBALL:** Happy to be corrected, Mr O'Reilly, but I would say the Sherwood Program would be strictly residential care and you will know of that program. That would be the main other one.

**PAUL O'REILLY:** Yes. Just to be completely thorough and not mislead the Committee, I started this role in June, so I'd be very careful to double-check that there's no legacy resi care still in the system. I'll check that.

**The Hon. NATASHA MACLAREN-JONES:** So when you refer to resi care, it is all forms of residential care? There are no subcategories?

**PAUL O'REILLY:** Yes, non-homelike care.

**The Hon. NATASHA MACLAREN-JONES:** But no subcategories?

**PAUL O'REILLY:** Yes.

**The Hon. NATASHA MACLAREN-JONES:** What's the difference between a high-cost emergency accommodation STEP and residential care?

**PAUL O'REILLY:** Just bear with me for a moment.

**The Hon. NATASHA MACLAREN-JONES:** How does the placement differ?

**PAUL O'REILLY:** Yes, sure. I understand the question. I just need a moment. The key difference, I suppose, would be that it's a fee-for-service agreement as opposed to a contracted vacancy in, say, an ITC contract. So it's a temporary arrangement for up to three months, ideally. That's the objective of STEP, although sometimes, as you are aware, they do go for longer than that. But it's really put together for a short period of time on a fee-for-service arrangement because there are no other suitable vacancies.

**The Hon. NATASHA MACLAREN-JONES:** And then for ICM, what's the difference between that and a resi care model?

**PAUL O'REILLY:** Again, an ICM is temporary. Again, it's up to three months. It's ideally in a house, as opposed to a hotel-like environment. Otherwise it would be an ACA.

**SIMONE CZECH:** Can I add, Mr O'Reilly, in terms of the Interim Care Model, there are some very real differences between that and ITC or other forms of residential care. One example is an ICM—apologies for the use of acronyms.

**The Hon. NATASHA MACLAREN-JONES:** As long as it's recorded once, it's fine.

**SIMONE CZECH:** That's right. An ICM is for nine- to 14-year-olds and, for those nine- to 14-year-olds, where their child assessment score is a low or moderate need, whereas ITC is for children over 12, typically, and children who have a child assessment score of high. They're both therapeutic models. As Mr O'Reilly mentioned, the ICM is a short-term option until we can identify either a foster care, returning children home or a relative or a kinship carer for those children. It is for a period initially of up to 12 weeks. There is an option to extend that past the 12 weeks. But we make sure—and Paul's team leads this work—that we have very robust exit plans in place, detailed tasks identified about how we're going to achieve a particular exit plan for a child in one of those arrangements. Because the last thing we want is that lack of permanency and children drifting in care, of course.

**The Hon. NATASHA MACLAREN-JONES:** From the ICM, they can go to residential care or—

**SIMONE CZECH:** Typically not. Like I said—

**The Hon. NATASHA MACLAREN-JONES:** Because of the age group?

**SIMONE CZECH:** —the ICM is for low and moderate needs children. I have to say, I hate describing children in that way, but it is really an emergency placement until we can do the work or our caseworkers can do the work, like I said, either trying to get children home or identify a foster carer. I know everyone on the Committee knows this but, while we've had some success finding emergency carers and we've been able to divert children, for that older cohort, it can sometimes be a bit trickier to identify carers who might be able to take children on a bit of a longer term basis.

**The Hon. NATASHA MACLAREN-JONES:** What is the physical placement like for an ICM?

**SIMONE CZECH:** Usually a house, and it's rostered staff, as I understand, as delivered by a set of non-government organisations. It's contracted care. I understand, from memory—I wasn't directly involved in it, but there was a procurement process that those providers went through and ultimately were successful. It's homelike. It's not a foster care arrangement, clearly.

**The Hon. NATASHA MACLAREN-JONES:** And for STEP, what's the difference between that and residential care and ICM?

**SIMONE CZECH:** STEP is an emergency arrangement for children over 12, typically, with high support needs. Again, it's delivered by accredited, contracted providers. Like ICM, it is for a period of up to 12 weeks, with a possibility of an extension—and detailed exit plans for those children. My colleague can correct me if I'm wrong on this front, but most of those children will transition into an Intensive Therapeutic Care placement. I think the Minister mentioned this morning that we've had some success working with providers to decrease the vacancy rate in our contracted ITC providers, which is great. To be fair, they need some time to work out placement matching and making sure that they've got suitable arrangements in place. STEP is, like I said, an emergency arrangement until those other arrangements can be made.

**The Hon. NATASHA MACLAREN-JONES:** What's the physical location?

**SIMONE CZECH:** I understand it's home-like, or houses.

**The Hon. NATASHA MACLAREN-JONES:** And also for IPA? The age group and the physical—

**SIMONE CZECH:** IPA is slightly different. IPA is a fee-for-service arrangement with accredited providers. They are our PSP providers. They can care for children across all of the categories that I just mentioned. There are exit plans in place for those children as well. Again, it can be going home, it can be trying to find a carer or it can be moving into other forms of contracted care. Those arrangements, in terms of where those children are, can be a bit of a mix. Some of them are houses; some will be serviced apartments. We do have this information. One of my colleagues might have it at hand. We do have a breakdown of those different arrangements that we can provide the Committee, if that's helpful as well, in terms of the physical location.

**The Hon. NATASHA MACLAREN-JONES:** I don't need the locations; it was more just the style.

**SIMONE CZECH:** Sorry, that's what I meant—whether they're houses or other types of accommodation.

**The Hon. NATASHA MACLAREN-JONES:** In light of the Minister's announcement this morning around the banning of ACAs, the other existing emergency accommodation placements of ICM, STEP and IPA will still exist—they are all emergency placements—ideally for no more than three months.

**SIMONE CZECH:** That's my understanding.

**MICHAEL TIDBALL:** Yes.

**The Hon. NATASHA MACLAREN-JONES:** I might move to the Sherwood Program just to get a better understanding. This might be for Mr Kinmond. I note there's a notice of conditions in relation to Sherwood to vary what is provided and to include a special out-of-home care action plan. I'm interested to know what that means.

**STEVE KINMOND:** We will impose special conditions on particular agencies. I'll probably have to take that on notice, if that's okay. Unfortunately, it's not in my briefing material.

**The Hon. NATASHA MACLAREN-JONES:** Ms Czech might be able to comment on the conditions.

**SIMONE CZECH:** The Sherwood Program? I'm trying just to find my note, Ms Maclaren-Jones.

**MICHAEL TIDBALL:** Can you repeat the question?

**STEVE KINMOND:** Sorry, I do apologise. I've just received advice. Probably the reason why I haven't is that there are no conditions on Sherwood.

**The Hon. NATASHA MACLAREN-JONES:** Condition two states:

... six monthly thereafter on its progress and review of the safety in care mandate and associated policies and procedures to improve practice relating to child protection - allegations against authorised carers, adult household members or staff members ...

**SIMONE CZECH:** That's broader than Sherwood. That is an accreditation condition that applies to all of our designated agencies, including Sherwood, but also each of our districts. We've got 16 districts that are accredited. Their expiry dates are at various times. The Safety in Care condition—I'd have to check my notes—was probably two years ago now, I think, after a monitoring visit from the Children's Guardian identified some gaps in practice. Some of those gaps included needing to have a robust policy in place. That is now in place. We needed to update our assessment tool that caseworkers use to assess those matters, which is now complete. We're still working through the implementation of that. We also implemented a range of training modules for caseworkers to complete and also to track the outcomes of those investigations—and, just generally, how many happen and what we can do in response to those findings, where they exist.

**The Hon. NATASHA MACLAREN-JONES:** That was across all districts?



**SIMONE CZECH:** Correct.

**STEVE KINMOND:** Yes, it was imposed in 2021. The advice I've received is that it's very close to being met. It's good to see the system work like that. There were issues that were identified, significant actions were taken and we're comfortably satisfied that there has been progress and we're close to saying, "There are other issues that we need to move on to."

**The Hon. NATASHA MACLAREN-JONES:** Sorry, I was referring to the special out-of-home care action plan. It's for a number of the districts. I just want to clarify what that was. So it's implementing the action plan?

**SIMONE CZECH:** I don't want to speak on behalf of the guardian, but my understanding was that that was separate to the Safety in Care work. The Minister mentioned a very small cohort of 11 children who have very significant disabilities and/or psychiatric conditions. Through those needs, in most cases, the broader service system that we contract is unable to actually look after those children. We often access quite specialist disability providers. More often than not they are NDIS-registered providers. Again, a few years ago now—I'm sure Mr Kinmond could get the dates for me—there were some issues identified, particularly around the entry of children into that category of care.

I think at the time the numbers of children were in the forties or even nudging 50, from memory. So there were some practice concerns, and we've since addressed those. Also, similar to the Safety in Care work, we had to improve the quality of the advice we were giving to caseworkers so that they knew what the requirements were, and some guidance was provided to them as well. That action plan was in response to the Children's Guardian asking us to prepare that about how we're going to remedy the issues. While it doesn't tell the entire story, to get the numbers from close to 50—I can get the actual numbers—down to 11 is a pretty good news story, and that has been relatively stable.

**STEVE KINMOND:** Yes. I'm happy to confirm that I think the advice I received was that it was around 75. So you can have these pockets in the system which need to be identified. It was around 75. It was a form of residential care that was in operation for very high-needs kids. In these circumstances, because of the nature of the service being provided—which is often a specialised health service—it is a special care arrangement. The secretary can embark upon that, but it needs to be monitored because of the kids. Yes, it was an area that was allowed to slip. The numbers were up. We did the work. In 2022 the numbers were up in the seventies, and the numbers—let me confirm the deputy secretary's advice—are down to around 11. We hope that that will continue. Once again, that's an example of the spotlight being put on an area and us being very specific about what was required. We built it into the conditions and the department responded accordingly.

**The Hon. NATASHA MACLAREN-JONES:** Just to clarify, the Minister said this morning that the specialist out-of-home care model came under the HCEA, not residential care. Are you saying it's—

**SIMONE CZECH:** It's a separate category within the high-cost emergency arrangements.

**The Hon. NATASHA MACLAREN-JONES:** So it's not residential care?

**SIMONE CZECH:** No, it is residential care. As Mr Kinmond mentioned, it's a separate section of the legislation. There are very particular requirements around entering into a special care arrangement. That's the reason why we keep it separate. Mr Kinmond touched on the monitoring requirements, which is another reason why we keep it separate. Also, our caseworkers work quite hard to exit those children into a funded option as well.

**The Hon. NATASHA MACLAREN-JONES:** To clarify, residential care can be ITC and also specialist out-of-home care?

**SIMONE CZECH:** It can be.

**The Hon. NATASHA MACLAREN-JONES:** Are there any others?

**SIMONE CZECH:** I think we touched on it earlier: Intensive Therapeutic Care; Intensive Therapeutic Care, specialist disability; Interim Care Model, ICM; some forms of IPA; special out-of-home care.

**The Hon. NATASHA MACLAREN-JONES:** When it's reported, specialist out-of-home care is not reported as a high cost?

**SIMONE CZECH:** No, it is.

**The Hon. NATASHA MACLAREN-JONES:** But not on the dashboard. It's kept—

**SIMONE CZECH:** My understanding is it's separate on the dashboard. But we can take that on notice and provide that clarification.

**The Hon. NATASHA MACLAREN-JONES:** That's fine. I've got a couple of minutes. I might, just to follow on from my colleague's questions around the restructuring and particularly around ACCOs and—Mr O'Reilly mentioned strengthening ACCOs. I'm interested to know how much of the out-of-home care budget is allocated to provide that, I suppose, intensive support to ACCOs, to upskill them, recruit more foster carers, to allow for that transition.

**PAUL O'REILLY:** My understanding is around 13 per cent of all funded services—DCJ—13 per cent of the funding goes to ACCOs. In addition to that, around 10 per cent of the funding for foster care recruitment goes to AbSec, to support ACCOs to recruit foster carers. And the department is developing an ACCO sector development strategy currently, which will mature, hopefully, later this year, which will provide more support for ACCOs.

**The Hon. NATASHA MACLAREN-JONES:** Is there a line item or an actual budget allocated to that?

**ANNE CAMPBELL:** No. At the moment, in terms of the development of that strategy, we've reprioritised our internal resources.

**The Hon. NATASHA MACLAREN-JONES:** Following on from last estimates, around the nine Aboriginal Child and Family Centres, we were advised that there has been funding allocated for the additional six, and I just wanted to know if the sites for the additional six have been identified and when they're likely to be up and running.

**MICHAEL TIDBALL:** In terms of the sites, I just don't want to say more than I should, then have to correct it. So I might take that on notice. But I may come back by the session. In terms of the remaining centres, the anticipation is that the actual physical infrastructure will be completed by the end of 2026. But that does not include them being commissioned and operational. That would happen in the following period.

**The Hon. NATASHA MACLAREN-JONES:** That's the physical construction.

**ANNE CAMPBELL:** If I can add to that, it's \$42 million to build six new centres between 2024 to 2026, as the secretary said; and \$22.5 million to upgrade the current nine centres between 2024 and 2026. The visits to those centres for upgrades has occurred, so they've done some of the scoping. And there's also been an increase in operating funding provided to the centres, from \$535,000 per centre per annum to \$1 million per centre per annum. And that additional funding was provided in 2022-23.

**Ms SUE HIGGINSON:** I'll come back to you, Mr O'Reilly, shortly if that's okay. Ms Czech, you have now overseen child protection in New South Wales for almost five years and, in particular, the children in the hotels and the alternative care arrangements. The reports that have come in have been really unbelievable. As I understand it—and I put to the Minister earlier—the department is currently being investigated for maladministration, for failure to respond to children at risk of serious harm reports. What responsibility do you take for the failures identified in the department by the Minister, the Ombudsman and the Audit Office?

**SIMONE CZECH:** It's a good question and certainly one of reflection for me whenever you get those reports where you get that level of critique. We welcome that critique. I welcome that critique. We work in and I lead an operational section that is incredibly complex. We work, as the secretary said earlier, with incredibly vulnerable people—sometimes at their worst in their life—that need support, and also a system, over many years, that has seen significant increases in demand. Up until recently, we had been improving, and I was quite proud of that. But the last couple of years has, I suppose, been disappointing in terms of some of the downturn in our performance data. But it is challenging and working towards how we improve that and better support our staff, in particular, and that in turn should lead to better outcomes for children and young people.

**Ms SUE HIGGINSON:** What happened in the last two years while you were overseeing it? How did it slip and so badly?

**SIMONE CZECH:** There were certainly some things outside of our control and my control. Some of the challenges in the labour market, in particular, meant that we'd gone from having child protection caseworker numbers that, in most locations—and I'm careful in saying that because there's always, for many, many years been locations where they've been hard to fill, particularly in regional and remote areas. The labour market meant, in the last few years, that's been incredibly difficult to achieve—to fill those vacancies. And people often leaving, particularly caseworkers, where they had a better offer on the table, both pay and conditions, or even work-life balance. Some of our exit survey has indicated that. But, as the Minister mentioned earlier, we're certainly starting to see some improvements, and there's lots more work to do. But, certainly, we are hopeful that that is going to turn around, and the data's certainly suggesting that.

**Ms SUE HIGGINSON:** From what you've seen and what you've overseen, do you really believe that the department is now capable of the reform that the Minister is positing and leading us all to give us some guarantee that things are able to change, to the extent that I know, clearly, Mr O'Reilly is working on? But also I accept what the secretary said. We are talking, in some ways, about separate systems as well, in terms of the approach to them. What about in your sector, in the parts that you're overseeing, that—we are dealing with the most vulnerable children in the whole State.

**SIMONE CZECH:** It's again a good question, and I'm working very closely with Mr O'Reilly on the broader reform, because it's not just fixing the statutory system. It's broader than that. It's everything, as Mr O'Reilly said, from prevention and early intervention, right through to children in out-of-home care. So the breadth of the reform is enormous. The secretary mentioned earlier that the creation of the reform unit means that we can dedicate the time and effort and thinking to what that reform looks like over time. So I'm very confident that we're going to be able to achieve the reform that is desperately needed.

**Ms SUE HIGGINSON:** Do you think that you have the trust instilled in you, in all of those executive roles across all the teams?

**SIMONE CZECH:** Do you mean in my area?

**Ms SUE HIGGINSON:** In your leadership.

**SIMONE CZECH:** Yes, absolutely.

**Ms SUE HIGGINSON:** I just wanted to just head to you, Mr Kinmond, if I can. Has the Office of the Children's Guardian received an increase in funding beyond indexation over the last four years?

**STEVE KINMOND:** I haven't looked over the last four years. But I will provide some information in terms of last year's or this year's budget. In terms of this year's budget, the budget papers will show that we received an extra—we were to receive an extra \$2 million. It's a situation, however, where our appropriations will be at \$22.8 million, and that's a reduction from last year—of funding. We're expected to get 37.8 million from the worker screening checks. So, in total, our situation in the budget was meant to put us in a position where we were going to be \$2 million better off. There was a reduction in the government funding, but then that was going to be offset by additional revenue of \$9 million, so a \$7 million reduction in our government funding but a \$9 million increase in revenue. That was the prediction. But—and we knew this was going to happen, unfortunately—we've got an ACIC increase. The Australian Criminal Intelligence Commission has put \$1.8 million on us in terms of an increase. Maybe they saw the increase coming in terms of the Working with Children Check and NDIS Worker Check fees, so they've increased that.

In addition to that, it took a month to introduce the new fee structure and that one month has cost us \$700,000. So, instead of being \$2 million better off, we're immediately half a million dollars down in terms of our budget and, in circumstances where the budget estimated that from the Working with Children Check and the NDIS Worker Check fees we'd be generating this year alone \$9 million, and over the forward estimates we'd be generating \$47 million, we'll only receive, of that \$47 million, \$14 million. So we are in a difficult position.

If I take, for example, the Reportable Conduct Scheme alone, over the last two years the number of notifications that we have received has increased by 51 per cent and already, year to date, we're up another 50 per cent in terms of reportable conduct notifications. We've got substantially increased numbers of risk assessment work we have to do in the NDIS Worker Check area. We've got increased risk assessment work in the Working with Children Check areas.

**Ms SUE HIGGINSON:** Have you got full-time equivalent positions that you've increased over the last period, the last few years, to be able to deal with all of this?

**STEVE KINMOND:** We did last year increase the number of temporary staff, but because of our budget position this year we're facing, off our estimates—if we were to continue that staffing, we'd be looking at about \$5 million in the red, so we've then got this difficult decision to make in terms of how are we going to continue to carry out our functions with our existing staffing levels. From last year there was a \$3.65 million carry-forward, where we've put in a request to Treasury to allow us to carry forward that \$3.65 million and we pointed out, as I've said, we lost \$700,000 as a result of the fees not being increased until the beginning of August, so that's another \$700,000 we're asking for, and then, in addition to that, the \$1.8 million ACIC fee. If we get those amounts of money then we're in a situation where we're hoping, without having to reduce our staffing numbers against the background of substantial increase in demand on our services, that we will be able to keep our head above water for this financial year.

The Government—let me acknowledge this—has said to us that what it wants from us is a business case moving forward. For example, we have the Child Safe regulatory scheme, which has over 30,000 agencies that

come under our oversight, but we have yet to receive any ongoing funding commitments in relation to probably the most critical of all of the royal commission's recommendations, namely, the need for child-safe practice to be rolled out across organisations that work with children. So it is a difficult position that we're in and we're keen to work with government over the next 12 months to see how we might be able to provide the services that we require. We have risk assessments, for example—large numbers of risk assessments—where there are large waits by people who are seeking to get an answer one way or the other as to whether they can continue to work with children or continue to work with people with disability, and we have to get that work done.

**Ms SUE HIGGINSON:** It's a bit dire. It sounds quite dire, realistically, in terms of being able to afford the costs of continuing to function.

**STEVE KINMOND:** We were asked by government to come up with a revenue proposal, which we did.

**Ms SUE HIGGINSON:** With the increase in the cost for Working with Children Checks, was there any expert advice relied on in terms of introducing that? I know that we've had concerns put to us about what is the appropriateness of increasing fees for nurses, teachers and other critical staff. Is that something that you had to grapple with?

**STEVE KINMOND:** It is something that we had to grapple with. It was a request made of us by government to look at that. I think what one needs to bear in mind is this: The Working with Children Check fee had not been increased since 2013. The NDIS Worker Check fee had not been increased since the time that that was introduced about three years ago. What would have been preferable, frankly, is to have had an indexation system in place, year in, year out, and so that needs to be recognised.

The other thing that needs to be recognised is that this has not put New South Wales as an outlier in terms of fees across the country. So it is important to recognise that the proposal that we put on the table to government concerning the fee increase doesn't put New South Wales as an outlier, and the fee increase is \$5 per year for each worker, so that needs to be borne in mind as well. It's not a lift from \$80 to \$105 for every year. No. It's over a five-year period. I'm not wishing to minimise it, but, in all the circumstances, we thought that was reasonable.

Where we got it wrong is, having been given a request to come up with an approach to fund our operations moving forward, via looking at the revenue side of things, we assumed that we would not need to go back to government, cap in hand, for money. We assumed that that revenue would be available to us to then build the Child Safe Scheme and ensure that we carry out timely assessment works in terms of people who are working with disabilities and in terms of the half a million applications that we're processing each year in the Working with Children Check area. To enhance our out-of-home care accreditation and monitoring work, we assumed that we would have those funds available, but that was a false assumption on our part and it's a lesson learnt for me, can I say.

**Ms SUE HIGGINSON:** Have you made those views known to the Government, to the Treasurer, to the Treasury office?

**STEVE KINMOND:** I'm interested in having a productive relationship with government and with Parliament, but a productive relationship includes putting one's cards on the table and so we've made it clear in our discussions with government that we're keen to work with them so that we don't end up having a regulatory system that then becomes part of the problem. That's my concern, from my decades of involvement in this area. I don't want to be part of the problem.

**Ms SUE HIGGINSON:** Can I just go to some of the considerations—I think I addressed this a bit earlier with the Minister and I think it's for you, Mr Tidball. I really am just trying to understand about how we can reconcile the money spend in relation to First Nations children's outcomes. When I asked this morning in terms of the \$224 million of new funding that went into the out-of-home care system and reform, and I was asking how much will be spent on Aboriginal children and young people and their families, the Minister sort of answered, "It's too hard to do that." I'm curious: Is it too hard to do that, or is there a way of doing that? What I am very interested in understanding is the overrepresentation of First Nations children. Are we doing the spend commensurate and how do we have transparency over that?

**MICHAEL TIDBALL:** You've almost started the answer that I was going to give to your question. I think the apposite question is not "Is a lot being spent on Aboriginal children?" It's about the quality of that spend, and what that spend is doing. So we know that we have way too many children, a serious misrepresentation—over-representation of Aboriginal children in the child protection system and the out-of-home care system. If you were to pro rata that, there would be—of the amount that you specify, there would be a very significant amount of that money being spent on Aboriginal children. But that is not to say that in the system that

were fit for purpose and were reformed and were in the place where it should be, that money should be spent on the things that it is being spent on now—is a thoroughly honest answer to your question.

Of that \$224 million, some of it is focused on services which have been spoken about this afternoon, but there also are a number of reforms being stepped through by the reform division. Mr O'Reilly can speak to the items, but there are a number of new things that will be happening. So I think the quantum of money is one thing, but we need to move to a system where we, through partnership with CAPO and with community, build the strength of ACCOs and build, through co-design, a stronger system of care for Aboriginal children—but, before we get there, a stronger system of support for Aboriginal families.

**Ms SUE HIGGINSON:** I hear that and I understand that, but I think the stakeholders are really keen to understand, because the Minister talks consistently about "We need to know each dollar is spent going to better outcomes for children." In terms of all of the ACCOs, the First Nations advocates and stakeholders, they rightly want to understand how that money is being taken from parts of the system that, say, have been failing those outcomes of decreasing Aboriginal representation in the system, and how they can see that money commensurate to the effort. The answer may be "No, we don't have a clear line of accounting to see that yet, or at this point." I'm just trying to understand, for them, how we see that.

**MICHAEL TIDBALL:** My response to that question would be that—and I'm happy to be corrected by Mr O'Reilly and others, but we need to move to that system, that there is work to be done to take us to that place. We simply are not there. I think writ large in the reports of the Audit Office and the Ombudsman, there is a pathway that will assist taking us to that place, which is why, with the work that is being done in the reform division, there are a number of reforms that need to happen. In my view, the pathway, as painful as it is, is actually well developed and articulated in those reports. That is why we are aligning the response to those reports with our reform program.

**Ms SUE HIGGINSON:** Do you think there will there be a matrix where we can look at the spends we are making right now through the various programs—there will be a time in the next 12, 24, 36 months where we can actually say, "Right, okay"?

**MICHAEL TIDBALL:** Yes, absolutely, but there is a significant amount of work to be done. But that is the work that has commenced.

**Ms SUE HIGGINSON:** Thank you. That is very helpful. In terms of that, I know it's completely frustrating, but what are we looking—if we could go to that point, Mr O'Reilly, about when we expect—or it might be you, Mr Tidball, about when we expect the legislative reforms? Because I feel that kind of does put us in a position of understanding time frames.

**MICHAEL TIDBALL:** Can I talk about the framework? It's not my job—

**Ms SUE HIGGINSON:** No, I get that.

**MICHAEL TIDBALL:** So there is discussion within government and the relevant parties, the Attorney—there are matters that need to be considered. But in terms of the matters which I think are important—and I think I can faithfully reflect the thinking of the Minister, appropriately, in making these observations—the first one is that the department should not be reviewing the legislation of which it has been the keeper for the last 150 years. There needs to be a degree of independence in the mechanism for review—point one. The department reviewing its own legislation—I think that the proposition, which is important, is that is not acceptable.

Secondly, there is a need for experts to inform that process. When I say experts, that then takes us to questions such as voices of young people and the vital place of giving appropriate expression to working closely with community, CAPO and other experts, particularly with an eye to culture, because the over-representation of Aboriginal children and young people within the child protection and out-of-home care systems says that we need to be dealing with community differently, and there needs to be involvement. We need to work out—government needs to determine—what form that will take. But they are some of the things that at the moment are considered to be fundamental considerations.

**Ms SUE HIGGINSON:** I feel like we are back on the FIC review. Weren't we here back then—an independent review of the whole system that could have made changes? Anyway, we are back to the Opposition.

**The Hon. NATASHA MACLAREN-JONES:** Just on that, Mr Tidball, you referred to saying that the department shouldn't review its legislation. I'm just interested to know, how does the final review that is being done, that the Minister announced—the system review, which is a joint review by DCJ and I think it was one of the assistant police commissioners. How does that fit into all of this?

**MICHAEL TIDBALL:** The terms of reference for that review, I believe, are documented and are available. I would suggest that out of that may come a number of recommendations and findings and commentary which may inform contracting; they may inform auditing requirements; they may inform non-financial reporting requirements, data systems and a whole lot of things. Whether there is specific recommendations which deal with legislation, to be quite honest, I do not know. I don't think, strictly, that it would be out of scope.

What I do think, though, is that there comes a point in time where any significant piece of legislation—and the Care Act is no exception. Over time, there are amendments and there are tweaks and things which happen. There comes a point at which there needs to be an end-to-end review of that piece of legislation, which looks end-to-end at the family system, primary prevention, the child protection and the out-of-home care system. There comes a need to just, specifically and on an integrated basis in a contemporary way, look at that piece of legislation. I think there would be a number of inputs into the process of legislative reform, regardless of who does it. The work arising from that review, in theory, could be a part of that. I don't know whether there will be legislative recommendations or not.

**The Hon. NATASHA MACLAREN-JONES:** What's the time frame for the systems review?

**MICHAEL TIDBALL:** I believe it finishes at the end of October. It will then be considered by the Government.

**The Hon. NATASHA MACLAREN-JONES:** Will that be released?

**MICHAEL TIDBALL:** I believe it will be. I think the Minister dealt with that this morning. It is subject to appropriate redaction and other confidentiality compliance requirements.

**The Hon. NATASHA MACLAREN-JONES:** I might go back to the TEI and Family Preservation redesigns. Those contracts are up for renewal in July next year.

**ANNE CAMPBELL:** That's correct.

**The Hon. NATASHA MACLAREN-JONES:** I want to get a better understanding of where you are up to in consultation with the sector and who you have been engaging with on that.

**PAUL O'REILLY:** I do Family Preservation and my colleague looks after TEI.

**ANNE CAMPBELL:** I'll start with TEI. There was an early intervention central council that was established this year—or re-established—to act as the State-wide implementation and consultation forum. At the moment districts are currently finalising their plans in terms of looking at needs, resourcing and those sorts of things. Before the end of 2024 we intend to advise existing TEI and Family Connect and Support services whether they will be invited to negotiate a new contract. There's been a lot of work. Obviously there is the evaluation of the TEI, which I'm pretty sure is due out shortly, which will go out to providers in the next few weeks. That will tell us about the performance of that particular program. We do know that the numbers of people in that program are up to, for the last financial year, about 170,000. That is a significant increase. We are obviously looking at the issue of increasing ACCO investment. At the moment, in the TEI program, about 10 per cent of the funding goes to ACCOs. We're really wanting to look at how we can significantly increase that, as the Minister mentioned this morning.

**The Hon. NATASHA MACLAREN-JONES:** Presumably you've identified how much will go into each district based on need?

**ANNE CAMPBELL:** Yes, correct.

**The Hon. NATASHA MACLAREN-JONES:** Do you have that breakdown available?

**ANNE CAMPBELL:** No, I don't at this point, but I'm happy to take that on notice. Obviously it's not yet public. We're certainly waiting to see the plans that come back from the districts to look at how doable some of that will be.

**The Hon. NATASHA MACLAREN-JONES:** How are you determining how much is allocated to each district?

**ANNE CAMPBELL:** It's based on need, so looking at the demand data and looking at, obviously, the number of Aboriginal children and young people in families. That would factor into the modelling in terms of the resource allocation model.

**The Hon. NATASHA MACLAREN-JONES:** Is that demand based on the number that are currently accessing TEI? How are you projecting the future demand?

**ANNE CAMPBELL:** That program obviously has a certain bucket that's allocated to it. We obviously have to look at the \$190 million-odd that we do have.

**The Hon. NATASHA MACLAREN-JONES:** Is that \$190 million over the four years or per year?

**ANNE CAMPBELL:** It's \$192 million per annum. We are doing it within the existing envelope. Historically, if you look at how it has been allocated, it has been much more in the metropolitan areas. What we're wanting to do is make sure we've got good coverage in the regional areas, which have much more sparse service delivery.

**The Hon. NATASHA MACLAREN-JONES:** You said that providers will be invited to tender. How do you determine that? Is it based purely on those that are currently operating or is there opportunity for new entrants?

**ANNE CAMPBELL:** I think it's a bit early to tell. That's why we're doing the district planning, to look at whether we have the right number of NGOs and do we have new and emerging NGOs, particularly ACCOs, that are ready to deliver services. It's quite a complicated picture, but we will get that advice coming back shortly.

**The Hon. NATASHA MACLAREN-JONES:** Currently, anyone who is providing that and has ensured that they've been compliant and has reached their expected KPIs won't be prevented from applying?

**ANNE CAMPBELL:** At this point I probably can't comment on that. As I mentioned before, we are looking at an envelope of roughly \$192 million. What we're saying is that we do need to look at how we cover regional areas as well. It will really depend on the feedback we get back from districts shortly.

**The Hon. NATASHA MACLAREN-JONES:** What would you be looking at to prevent a current provider from being able to apply? Would criteria would you be putting in?

**ANNE CAMPBELL:** You'd be looking at their performance. You'd be looking at whether there are any issues and whether they're targeting the right cohorts where we know there is need—those sorts of factors.

**The Hon. NATASHA MACLAREN-JONES:** If they ticked all those boxes, they would be allowed to apply?

**ANNE CAMPBELL:** Assuming we needed those services in that location.

**The Hon. NATASHA MACLAREN-JONES:** On to Family Preservation.

**PAUL O'REILLY:** Family Preservation is a slightly smaller budget of \$170 million per year. That funds around 4,500 places a year. Places are fixed terms so it supports around 12,500 children. Obviously with the name "preservation", the program is really about trying to keep kids safe at home and keep them out of the statutory system. There has been some deep consultation around how to recommission that to get a better impact. There was a discussion paper published a few months ago—in April—that looked at redesign options. That information has all come back and the department is now working with the peaks on some high-level options around what we should do differently. One of the things under consideration would be how much of the program should be focused on community-based referrals compared to people being diverted directly from the statutory system through reports. That is a really important decision point—how to allocate a pretty precious and limited resource. Decisions will need to be made around that. They have not been made yet.

There is also a really important not just opportunity but obligation to make sure that preservation resources are applied to Aboriginal families effectively. In that redesign conversation there has been a lot of work done around what an Aboriginal-led preservation model would look like within the program. There is an intention to pursue that. Then there's the question, similar to the TEI conversation, about the level of investment for ACCOs in the program. It's currently around 10 per cent. There is an intention to increase that. I can't tell you what that increase will look like at this stage, but decisions will need to be made fairly soon.<sup>3</sup>

**The Hon. NATASHA MACLAREN-JONES:** What is being done across both programs to ensure that ACCOs are ready to go to tender? What groundwork is being done now to support them?

**PAUL O'REILLY:** For Family Preservation, the discussion paper was very widely distributed and lots of conversations have happened. Certainly the team in my division leading this work is well connected in the community. AbSec is a very strong partner in this work with DCJ. AbSec, as you know, is the peak and it is

---

<sup>3</sup> In [correspondence](#) to the committee received 1 October 2024, Mr Paul O'Reilly, A/Deputy Secretary, System Reform, Department of Communities and Justice, provided a clarification to his evidence.

incredibly well connected with ACCOs. In all the work that it does—I can't work speak for AbSec, but we do work very closely with them—they are doing a great job of making sure that ACCOs that might be interested in this work are aware of what's happening. We're trying to work alongside AbSec to do that. It's important to note that whether it's early intervention work, preservation work or statutory out-of-home care work, it's very different work. We need to think of ACCOs as a diverse cohort of businesses. It's not a homogenous cohort of businesses. Some ACCOs might have a different level of interest in this preventative work than they might have in the care work. It requires a really specific and careful approach to get the engagement right. We're planning on putting some options to government for decision very soon around those key decision points.

**The Hon. NATASHA MACLAREN-JONES:** Have there been any funds allocated to help upskill ACCOs across the whole child protection space? It's great to have a target of transitioning or to say that these tenders must go to ACCOs in certain areas, but unless they've got the skills, the resources and the staff to do it—

**PAUL O'REILLY:** Again, we need to find funding sources to fund that kind of sector development. It's difficult.

**The Hon. NATASHA MACLAREN-JONES:** Is that within the existing funding?

**PAUL O'REILLY:** That's an important decision. We have to be careful to get the balance right because the funding needs to go to preventative case work for families, so we need to work out how else we can fund sector development work, alongside our partners.

**MICHAEL TIDBALL:** I think for programs specifically we have allocated some funding, but I would need to take that on notice. There is one program that comes to mind. We might come back on that.

**The Hon. NATASHA MACLAREN-JONES:** Mr O'Reilly, you talked about getting the balance right between community referrals through the DCJ pathway. Concerns have been raised that there could be an unintended consequence that could drive up ROSH reports so that families can access services. I understand that it's in the draft stage, but what is being put in place to prevent that?

**PAUL O'REILLY:** Yes, I'm familiar with those concerns, absolutely. I can't really talk to what it's going to look like, because those decisions have not yet been taken, but it is certainly part of the consultation process to work out how we deal with that. It also goes to my comments earlier this afternoon about the broader system reform that needs to take place to support statutory reform. Since Keeping Them Safe many years ago now, we've had a lot of awareness of risk to children and a lot of reporting. The kind of system that we want to shift to, broadly, beyond statutory care, is reporting and supporting, not just reporting. That's a much broader question than the Family Preservation program can respond to, I think. But I am absolutely aware of that concern and the unintended consequence.

**The Hon. NATASHA MACLAREN-JONES:** You would also probably be aware of the concerns raised around the hours. I think it's 200 hours or between 150 and 250 per family, and the allocation of that time. There are concerns that sometimes you need more, sometimes you need less, whereas making that blanket 200 hours could be detrimental to families and children.

**PAUL O'REILLY:** Yes, absolutely. We don't want to underservice. We also don't want to overservice, because that's not helpful either. Ultimately, this would be stronger if there was more funding available, but we have to work within the budget, within the envelope that we are given, so that's another decision point that will have to be resolved.

**The Hon. NATASHA MACLAREN-JONES:** Do you have a time frame for all of this?

**PAUL O'REILLY:** The time frame is that new contracts are expected in July, so we have to be counting back from that. We really want to be going to market in the next few months.

**The Hon. NATASHA MACLAREN-JONES:** I just have a couple of things in relation to reviews and the IPART review, which I understand is due to be released in—the interim one is September. Will that be made public as well? The final one is next year; is that correct?

**PAUL O'REILLY:** Those time frames are correct. I would have to get some advice on whether the interim one is to be public or not.

**The Hon. NATASHA MACLAREN-JONES:** In relation to the Ombudsman's report recommendation 6, which is about the 2022 Out-of-Home Care Health Pathway Program, is anyone familiar with that? I'm interested to know where that's up to. I'm mindful that it is a joint initiative with Health and DCJ, but what is the progress on the implementation of the evaluation recommendations?

**ANNE CAMPBELL:** I think it's due in December, Mr O'Reilly said.



**The Hon. NATASHA MACLAREN-JONES:** December?

**PAUL O'REILLY:** Yes.

**The Hon. NATASHA MACLAREN-JONES:** I turn to the Disability Inclusion Action Plan. As indicated this morning, that was tabled in the Parliament. That's the actual action plan. Do you know what date?

**ANNE CAMPBELL:** It's 16 August, I believe.

**The Hon. NATASHA MACLAREN-JONES:** I just wanted to know what's happened with More Jobs More Care. There were two evaluations done. One was phase one, which was Apprenticeship Careers Australia, and then phase 2, which was Yilabara Solutions. They conducted it. I understand both were completed last year.

**ANNE CAMPBELL:** That's my understanding. The funding finished as well.

**The Hon. NATASHA MACLAREN-JONES:** First of all, in relation to the two reports, have they been released?

**ANNE CAMPBELL:** I'm pretty confident they have, but I'm happy to take that on notice.

**The Hon. NATASHA MACLAREN-JONES:** If they haven't been released, can they be released?

**ANNE CAMPBELL:** I'll take that on notice.

**The Hon. NATASHA MACLAREN-JONES:** Considering that More Jobs More Care was part of the Disability Inclusion Plan, what's replaced it now? What work has been done to upskill the sector?

**ANNE CAMPBELL:** Just to add, before I answer that question: This particular program came about because of COVID and particularly because there were significant issues getting staff into disability group homes, those sorts of things, in New South Wales. So that funding has finished but there are other initiatives we're looking at in terms of employment options and support options.

**The Hon. NATASHA MACLAREN-JONES:** What are those programs?

**ANNE CAMPBELL:** Zoe, I don't know if you wanted to talk to that.

**ZOE DENDLE:** Just confirming that the evaluations report hasn't been released but we can absolutely upload those. In terms of the disability inclusion planning and employment options, specifically there's a range of initiatives that corporate services in our division are looking at across our department. Then there's also the work that Get Skilled Access are doing across agencies. There was the \$680k election commitment as well with Get Skilled Access. The department is working closely with them on that.

**The Hon. NATASHA MACLAREN-JONES:** I might quickly touch on disability housing, which I cover off each year. At the last estimates we were advised there was 804 homes. What's the current figure?

**ANNE CAMPBELL:** It's 804 still.

**The Hon. NATASHA MACLAREN-JONES:** Where are they all up to in relation to their contracts? Some operate month by month. Are they all still in that?

**ANNE CAMPBELL:** I think most of them operate on a month-by-month basis.

**The Hon. NATASHA MACLAREN-JONES:** What's the long-term plan for them?

**ANNE CAMPBELL:** We have started to do some consultation with the sector. I think, Ms Dendle, we've done a couple of sessions, and we've got others planned. Obviously there's a mix of properties within that. There are the group homes. I think there are 724 group homes, 46 respite, three large residential and a small residential. There are some undeveloped sites—just the land. We're currently assessing those properties and working with the providers to understand what the needs are. It's still in pretty early days.

**The Hon. NATASHA MACLAREN-JONES:** There is no intention of moving them over to Homes NSW?

**ANNE CAMPBELL:** Not at this point. There are, I think, 12 properties that are owned by what is now Homes NSW.

**The Hon. NATASHA MACLAREN-JONES:** And you said 12?

**ANNE CAMPBELL:** I'll take that on notice, but I'm pretty confident it's about 12.

**The Hon. NATASHA MACLAREN-JONES:** Do you know if they're being used for people with disability?

**ANNE CAMPBELL:** I need to take that on notice. I know a number of the properties that became vacant are now being repurposed for meanwhile use, so that includes women and children escaping domestic and family violence, children in out-of-home care and I think some for disability as well.

**The Hon. NATASHA MACLAREN-JONES:** Just to clarify, on those homes that are being used for children in out-of-home care, what do you mean by that?

**ANNE CAMPBELL:** In terms of an NGO that may be delivering services, particularly in those high-cost emergency arrangements or even in out-of-home care, because there have been significant issues being able to access rental in New South Wales, so this contributes to making sure that those homes are stable homes for young people.

**The Hon. NATASHA MACLAREN-JONES:** So that I can have a better understanding, what is specialised substitute residential care? Is that non-out-of-home care?

**ANNE CAMPBELL:** Correct. Voluntary out-of-home care, it used to be called many moons ago—Mr Kinmond?

**STEVE KINMOND:** That's correct.

**Ms SUE HIGGINSON:** I just want to ask one thing. We talked about 10 per cent of funding being allocated to the First Nations and ACCO organisations. Given that pretty much 50 per cent of children in the system are First Nations children, why are we not allocating 50 per cent of our resources into First Nations specific early targeting, ACCOs and so on? Why do we not have that?

**PAUL O'REILLY:** As a reform person, it is absolutely our intention to increase it significantly. That is the intention. There are plans in place to do that.

**Ms SUE HIGGINSON:** I really appreciate that. What is the resistance to just making a decision and saying, "Right, we're pivoting, and this is we're going to do", if we genuinely want to deal with the fact that half the kids in the system are First Nations kids, yet they're such a small percentage of the population of New South Wales?

**PAUL O'REILLY:** Absolutely. We also know that Aboriginal communities and organisations know their communities best. One of the challenges with this business is decision-makers will sometimes see risk and will not see strength, will not see protective factors in families and communities. We know that ACCOs are well placed to do all of that. There is not just a shallow commitment to do this but a deep belief in why it's important to do. That's why it's part of the work. I think there are a few reasons why it's difficult. One of the reasons is that the pool of funding is fairly fixed. Every decision to move funding to one place causes a disruption somewhere else, so we have to understand and manage the disruption that causes. It's not like we can switch it off easily and move it across, and there is not extra funding available to frontload that adjustment, which would then allow us to turn it off later. I just think it's difficult to do it at scale. It's very difficult.

**Ms SUE HIGGINSON:** But really, the truth of it all is that's where we should be. At the moment the system itself is the resistance to actually making that change that we need to in terms of where the money should be spent, because we know, as you say—

**PAUL O'REILLY:** Yes, except to say "the system itself" I think oversimplifies the problem. It is a very complex—

**Ms SUE HIGGINSON:** I'm not placing judgement on it. I'm just saying it's the system itself that is in that system of incapacity to—

**PAUL O'REILLY:** But there's an awful lot of complexity inside that statement of it being the system. It's very complex.

**Ms SUE HIGGINSON:** I'm just so cognisant that the reality is children are suffering because they're not having the resources—and families and communities are suffering, particularly First Nations children's families and communities, because we're just not putting the money where we should be.

**PAUL O'REILLY:** If there's an opportunity later to talk more about the reform plan, we can talk about more that we're doing there.

**Ms SUE HIGGINSON:** There absolutely is.

**MICHAEL TIDBALL:** Can I just say, though, that when we talk about the system, I would make the point—your question speaks a statement, and I acknowledge the strength of that statement. What constitutes a system speaks of legislation, it speaks of policies, it speaks of casework practice, it speaks of workforce, it speaks

of ACCOs and it speaks of the need for more ACCOs to get to that place, which I'm sure you'd acknowledge is just not about a transfer of dollars. There are a number of other things that need to be developed and reformed to take us to that place effectively.

**Ms SUE HIGGINSON:** Absolutely, I hear this. But in every other sector, if we need to make change, we put the money where we need to make the change and we do it. I'm not the biggest believer in liberal economics and that that's the thing, but it's so strange that in this one sector where we could just do it, there's some resistance to it. I think we've come to time.

**The CHAIR:** I think we have. We're on a break for 15 minutes.

**(Short adjournment)**

**The CHAIR:** We might get started again, with questions from the crossbench.

**Ms SUE HIGGINSON:** Can I go back to something I asked earlier, to begin with, about the face-to-face assessment and the measures? Ms Czech, you were saying that there have been some changes, perhaps? I was just trying to understand whether there have been changes in the way we measure face-to-face assessments of children at risk of harm within the system.

**SIMONE CZECH:** The public reporting hasn't changed. On the caseworker dashboard it includes, as you would be aware, the number of risk of significant harm reports we receive and the number of face-to-face assessments that are completed. I think I mentioned this morning that that's where a caseworker physically goes out and meets with a family and the children in that family. Recently—and I think we have mentioned this during previous hearings—we have asked our statistics and economics unit to look at other referrals for children that are reported at ROSH as well. We do have those numbers; I'll see if I can find them, unless one of my colleagues can quickly. That's what I was referring to. It's where there might be, for example, a targeted early intervention service involved, another support service or other support being provided to families.

**ANNE CAMPBELL:** Yes, I've got that data. For 2022-23, 13 per cent of the children who were reported at ROSH but were not seen by a DCJ caseworker received either a targeted early intervention or family preservation service. That was about 11,290 children and young people. Then approximately 5,630 suspected at ROSH are estimated to have received a consultation and/or a referral to other support services before the case was closed. What was introduced was a new form. Particularly the targeted early intervention and family preservation, we're looking at expanding that to pick up the other service types that a caseworker may refer the child or a family to in that local area.

**Ms SUE HIGGINSON:** I want to go quickly to accreditation and the system. My understanding, from looking at what we can see in the last few years, is that Western Sydney in 2021, Nepean Blue Mountains in 2021, Western New South Wales in 2022 and now New England in 2024 have faced challenges to meet the out-of-home care accreditation requirements. Why do you think that is, and what are we doing to try to make sure this doesn't happen?

**SIMONE CZECH:** The challenges differ in one location to the next. Western New South Wales, as an example, was impacted by the number of caseworker vacancies at the time and also the need to better support our caseworkers to deliver the critical services that children in out-of-home care need to receive. Western Sydney was slightly different. There were some failings of some systems that weren't tracking the casework that needed to happen in a way that we could be confident in saying that they had met the standards as set out by the Children's Guardian.

Various reasons and different standards impacted. For some, it might have been one or two standards that needed improvement; for others, it was more substantial. They varied on that front as well. In terms of what we're doing, we have a very small team that's located centrally that supports districts in the lead-up to their accreditation and then during the accreditation process. We take the learnings from that and try to replicate that across the State. If we notice a practice issue in one area, we're able to get on the front foot and prevent it from happening, hopefully, in the next—

**Ms SUE HIGGINSON:** Is it that small team that is ultimately responsible for DCJ meeting the accreditation statewide?

**SIMONE CZECH:** No. Every designated agency—and Mr Kinmond can jump in here if I get any of this wrong—has what they call a principal officer under the legislation. In our districts the director community services is typically the principal officer. That principal officer, or director community services, is the responsible officer and the decision-maker for what happens to children. In the case management of DCJ, NGOs have their

own principal officer and that varies, as I understand it, in terms of what position that is in an NGO. So we're only responsible for the DCJ-managed children.

**Ms SUE HIGGINSON:** When you say "we", is it you who has that kind of responsibility finally—

**SIMONE CZECH:** No, so—

**Ms SUE HIGGINSON:** It's each principal officer?

**SIMONE CZECH:** Yes, the principal officer. And there are 16 of those around the State.

**Ms SUE HIGGINSON:** I have been informed that the department has run out of ChildStory licences. Is that correct?

**SIMONE CZECH:** Not that I'm aware of, but I can take that on notice to check that.

**Ms SUE HIGGINSON:** If you could, thank you.

**SIMONE CZECH:** My understanding, Ms Higginson, is everyone that needs access to ChildStory, hence needing a licence, has access. But if there are examples that have come to your attention, I'm more than happy to follow those up.

**Ms SUE HIGGINSON:** If there is, in fact, a shortage of those or there has been a run-out of those licences, I'm really interested to know what impact this has had on staff, how that shortage is being managed, how it happened, who is responsible for that occurring and what action has been taken.

**SIMONE CZECH:** Like I said, that's not my understanding but we'll follow it up. I'd be very concerned if anyone that needed ChildStory access didn't have it because of a licensing issue. If I'd become aware of that issue, I'd be instructing staff to purchase more licences so that we had them but, like I said, I can follow that up.

**MICHAEL TIDBALL:** There is, Ms Higginson, nothing in my briefing indicating that there is a shortage of licences. If there is a perceived issue, if there's information that you have that can help us deal with the issue, on a basis that's acceptable to you we'd be very open to receiving it.

**Ms SUE HIGGINSON:** Yes, very happy to take it up. It's information I've received so I can qualify that.

**SIMONE CZECH:** Definitely. I'm more than happy to follow that up.

**Ms SUE HIGGINSON:** I'm also curious about New England district's accreditation as of May this year. I am interested in this conditional accreditation—and it's upon the action plan. What actions are detailed in the plan and what is the department doing to make sure that that gets over the line properly?

**SIMONE CZECH:** Yes, of course. Good question. You might be aware—and, again, Mr Kinmond can detail this probably much better than I can—the Office of the Children's Guardian, with any designated agency, will conduct a program of monitoring and that happens at varying frequencies. New England had their monitoring visit earlier in the year. We knew that, mainly because of some staff vacancies, there were some challenges, so had got on the front foot with that and developed an action plan in preparation for the monitoring visit. When the Office of the Children's Guardian had visited earlier in the year, that was confirmed—that we had picked up the right things that needed to be picked up. The action plan covers a whole range of issues—everything from staffing to practice to learning and development, and some additional support for the district.

It was really about three of the community services centres in particular, being Glen Innes, Inverell and Moree. There are a number of other community services centres in the New England district—and, again, my colleague here can confirm if this is untrue—that actually had done quite well. Tamworth CSC, for example, were able to demonstrate good practice, and the same issues we saw, or the guardian saw, in Inverell, Glen Innes and Moree weren't present in some of the other locations. So we have submitted an action plan formally to the Children's Guardian. They are monitoring us against that action plan. I can double-check this but I think it's a six-monthly report that we're required to submit to the Children's Guardian on our progress against that action plan.

**STEVE KINMOND:** I agree with the sentiments expressed. They're quarterly reports.

**SIMONE CZECH:** Sorry.

**STEVE KINMOND:** The next report is due on 28 September and I can confirm that the challenge around caseworker numbers and so on—if you don't have people, boots on the ground, then there's a challenge then in terms of providing the casework support. There were a number of the standards—standards 1, 2, 3, 14 and 15—where we've asked for specific information. But the common element, I think, in relation to the failure to

comply with the standards in that regard—or one common element is probably a more accurate way of putting it—is the whole issue of caseworker numbers. So it is important.

One of the things I'm pleased to see, having come in as guardian in January of last year, is that—what is good is, when these problems are identified, people take it very seriously, agencies take it very seriously. There have been a number of examples I've witnessed of significant improvements over time and a fairly rapid improvement, and the department has demonstrated, in terms of our previous accreditation work, that this is not a window-dressing exercise by the department. The department has taken substantial action to address concerns. It's pleasing to see that that aspect of the system works well.

**Ms SUE HIGGINSON:** Could I ask you, Mr O'Reilly, to talk to the Committee and explain, in terms of the reforms and the work on Closing the Gap and our targets, what we're doing specifically and, if you can, where you have confidence in the work that is in front of us?

**PAUL O'REILLY:** Yes, sure. I started talking about the reform plan earlier and I got up to the out-of-home care program reform. Again, just to recalibrate that, the Government will come back later with a long-term plan for changes to out-of-home care. But the next part of the reform plan focuses on restoration of children to their parents, to their families. I talk about that separately to out-of-home care because I think it's a very important piece of work that needs attention. In addition to DCJ developing its own focused restoration teams, one of the most exciting parts of the reform is the Minister's announcement of an Aboriginal taskforce for restoration, which was announced some months ago. We are now working with a group of Aboriginal leaders to develop that model and come up with a detailed proposal for the consideration of government, which will be an Aboriginal-led approach to restoration.

That is critically important, I think, to responding to many of the very legitimate complaints that we get from families, from caseworkers, from providers, from some of the oversight bodies as well about the problem where families become entrenched in the system, particularly over generations. I think that there must be a different approach and that's what this is all about. At the beginning of my description of the reform plan, I talked about the Closing the Gap reform priorities—priority reform 3 is about transforming institutions, particularly colonial institutions, and an Aboriginal-led approach to restoration is going to be really important to that. So it's an honour to be working alongside those Aboriginal leaders on that project. I'm personally involved in it. We are confident that that will lead to some significant improvements in the way families experience the care system and children maintain contact with families and build their chances of restoration.

Of all of the permanency outcome options that are available in the care system, restoration needs more focus. Every child in the system has a right to every chance of restoration where it's safe to do so, and that's an important principle that we have to bring into this reform plan. Another important part of this reform plan is what is DCJ doing to transform, and there is a lot of work that needs to happen there in planning. DCJ needs to be positioned to undertake partnership and co-design. We are doing a lot of work to do that now. But I and my colleagues in the leadership team would probably agree that we can be more effective and we need to do more to be better at co-design and partnership. That will then put us in a much better position to do things like proper shared decision-making and shared governance, particularly in relation to those decisions about risk and those decisions about protective factors when dealing with families and communities.

That is going to require a different way of setting up governance around programs and governance around these reforms, for instance, as well. We will also probably have some findings coming through the various reviews around governance and commissioning and risk and audit, as the secretary indicated earlier. That is another opportunity for us to think about what is the best way to make changes in those areas that serves everybody well and serves Aboriginal families well as well. Other changes in DCJ—the district footprint for our operations will need to be redesigned, and the way the helpline functions will need to be redesigned to make sure that it's fit for purpose and to make sure that it's set up to partner with Aboriginal communities more effectively. The district structures have been in place for a long time; they haven't changed for a while. I think this reform is really the best opportunity to redesign those structures around the way that we want to work.

Earlier I talked about changing our child risk assessment processes and our child protection policy and our helpline processes. That sets up a different way of operating on the ground, so the district structures need to reflect that. Where we can build in partnership and shared control in local areas, we should absolutely do that. That will require some careful co-design with Aboriginal leaders as well. Workforce supports are really important. My colleagues and the Minister talked about what is happening in terms of supporting the workforce, particularly for Aboriginal staff, who are feeling the load. I think that's a really important point to re-emphasise again in the context of the reform plan, and finding out the right mix of cultural supervision and leadership. Finding more Aboriginal people in leadership positions over time would be a really important change as well.

In the reports from the Ombudsman and the Audit Office in particular, and in discussion today, there is evidence and there are concerns around data capture and around gaps in information about what happens to families. Certainly, it's difficult for DCJ to demonstrate some of the way that it complies with its obligations. That's in the Ombudsman's report, of course. Ms Higginson, you were talking earlier about transparency around expenditure—following the dollar for all of our clients, but especially Aboriginal clients. So a much more comprehensive and contemporary system for data capture, monitoring, quality control, evaluation and outcomes and transparency is going to be very important. But in doing that, we must not lose sight of Closing the Gap priority reform four, which is around Indigenous data sovereignty and governance. We must not lose sight of that when we are developing new systems around it.

**Ms SUE HIGGINSON:** Sorry to interrupt, but this is the work, isn't it, that we've all been waiting for? Many people have been waiting for decades and decades. With the sovereignty and the data capture, is that being pioneered, or is there work that you are following? Is it having to be pioneered now with First Nations?

**PAUL O'REILLY:** It's a bit of all of that. In the department we have the Transforming Aboriginal Outcomes division, which works alongside my division. We work literally hand in hand every day on all of this work.

**Ms SUE HIGGINSON:** I was going to ask how that works.

**PAUL O'REILLY:** The TAO leader and I worked together on all of the work, and people in the TAO—that's the Transforming Aboriginal Outcomes division—are involved in every single reform project. But inside TAO there are two teams I want to talk about in this context. There is a team that looks after data sovereignty alongside FACSIAR in DCJ. I would say they are pioneering a lot of the work in terms of the cultural expertise in that work. There is also work happening at the centre of government through the Cabinet Office around a whole-of-government approach to data sovereignty. We must connect to that. But, absolutely, communities—I don't speak for communities, of course, but what I'm hearing from communities is that people are tired of being talked about and measured and evaluated.

Data sovereignty is partly about addressing that, as well, and making sure that the decisions about shifting to a more appropriate model of data capture and reporting suits people's needs. We look to our CAPO partners for a lot of that. We need to focus on government readiness for that; CAPO is focusing on community readiness. That all needs to come together for a mature approach to data sovereignty. In all of that, when that has landed, we are confident that we will be able to see where the dollars are going, we will be able to see whether they are going to be effective, and we will have a much improved picture of outcomes for clients in addressing the issues the Ombudsman and the Audit Office have identified in particular. Those principles around data sovereignty are really important.

The other team in TAO that I wanted to highlight is the team that focuses on anti-racism capability. I think a really important part of institutional transformation to drive this kind of reform is about addressing the reasons why reform hasn't happened and why it's difficult and why people feel the system is unfair, particularly Aboriginal families. An institution of this size needs to accept that it has a racism issue. I think all institutions of this size are like that, and DCJ is the same. So we need to be better at the way we respond to incidents of racism, but we need to develop an anti-racism capability, which is a slightly different thing, I think. There's some terrific work happening in the TAO division leading that work—working closely with Aboriginal caseworkers, for example, to understand their experience of working in the system and setting a platform for how we might change that.

It's really strong, culturally led evidence. That's a very exciting piece of work. I see that as a big cornerstone of this reform plan, working in partnership with them so we can get that right. That experience of Aboriginal staff having complaints of racism dealt with more effectively—that might mean changing HR processes, for example, leadership approaches and leadership capability. But also, I think that will translate to a much more culturally responsive and fair service delivery and partnership with ACCOs. I think we need to make sure we don't understate the importance of that anti-racism work in driving the right reforms.

**The Hon. RACHEL MERTON:** Mr Tidball, this morning we spoke about the return to the office and workplace arrangements. Mr Tidball, how many operational staff have returned to the office full-time?

**MICHAEL TIDBALL:** I do not know the answer to that question. Can I just provide some context? When the Premier's circular was issued on 5 August, I subsequently issued a circular to DCJ staff, being very clear about the importance of the fundamental proposition that work is principally done in an approved workplace. Of course, that needs to fit with our own policies in the department. We have, dating back to 2021, a flexible work framework, which is the relevant policy. We are in the process at the moment of updating that policy in the context or the light of the Premier's memo. In terms of the numbers of people coming back to the office, I can convey the

observation to this Committee that 6 Parramatta Square seems to have a lot more people in it. Over time, we will be able to measure that. On all the reports I see, we actually do have people coming back to the office. Our challenge is to land that across a number of different workplaces in an appropriate way. We want people to actually want to come to work. DCJ, as was indicated in evidence this morning, has a heavily distributed workforce across a number of operational areas, not just in the community services realm but, clearly, Corrective Services, housing and other areas. Many of our staff have never had the option of working from home.

So the idea of large teams of staff coming back into the office, being better coordinated with operational work, being developed within cohesive teams—that is a very attractive option, but we want to make it as attractive as we can. There is a need for us to look to the needs of special groups within that. The leadership team, the week before last, met with the disability employment network within DCJ. We're being very careful to make sure, where there are special needs, that we hear those needs, that we respond to those, but I am confident that we are going to see a significant move back into the office. And I believe it will be to the benefit of the organisation. To go to pointy end of your question, the numbers—the science is not yet quite in, but it increasingly will be over time.

**SIMONE CZECH:** Ms Merton, could I just add from an operational point of view, because I think you said "operational staff", I think it's important just to call out a couple of things. During COVID, our operational staff continued to go to offices. And, as the Minister said this morning, they're field-based workers, so they were actually out there in the middle of COVID when there was so much uncertainty, doing the important work that they do. We never shut an office, with the one exception, which was our Child Protection Helpline. They did, during the lockdown periods, revert to mostly working from home. But they've come back into the office for the majority of the time now, as well. I just wanted to call that out because I think it's an important distinction—

**The Hon. RACHEL MERTON:** Ms Czech, if I could say that this Committee, together with yourself, absolutely recognised the stand-out service delivery, the resilience, the portability, the mobility that you guys delivered during the COVID. This does not reflect at all on the record or the willingness or the flexibility of the staff.

**SIMONE CZECH:** I understand that.

**The Hon. RACHEL MERTON:** It's just that of late, this is what we're hearing. And I guess my question just would be how is the department responding to this.

**SIMONE CZECH:** Absolutely. And I completely understand. I just wanted to make it clear because—

**The Hon. RACHEL MERTON:** My terminology may not be that accurate when I say operational, because really what I'm trying to say is non-caseworkers, because I appreciate the flexibility they need, and they wouldn't be doing their job if they were in the office the full time.

**SIMONE CZECH:** That's right.

**The Hon. RACHEL MERTON:** Thank you. And, Mr Tidball, if I could just come back, and I absolutely recognise the work—it's not an easy job, this, given the diversity of the service and the make-up of the staff. I think the latest call from the Premier, the memo, was about three days a week of working from the office. In terms of the current arrangement you have in place, how would that fare with the three days a week in the office?

**MICHAEL TIDBALL:** "Principally work in an approved office", which are the operative words, "workplace or related worksite". I would anticipate that needs to be three days plus. Having said that, there is a careful process as we update our flexibility framework. We need to do that respectfully and consultatively, which we are. We appreciate and respect that there are people with carer needs. There are patterns of people's lives, and there are unique exigencies in people's lives—notably, people with disabilities—where we need to engage with them. Listen to them and consult with them. That is exactly what we're doing. But that does not change the quantitative outcome that we are seeking. We want to see people back in the office.

**The Hon. RACHEL MERTON:** Is there a time frame which you're working towards on this?

**MICHAEL TIDBALL:** The consultation process, I expect to be completed by the end of October. After the finalisation of the policy, there would be a communication strategy around that, and one of the key things with communicating this is also to get the communications and engagement right so we actually have people coming back into the office. Yes, there's a requirement but we also want them back because we believe that working will be better when they are spending more time in the office. To answer your question, November-plus will be, in terms of finalisation of the framework, where the rubber really hits the road.

**The Hon. RACHEL MERTON:** In terms of the Community Services Centre and just office locations—and I think you direct this one, Mr Tidball—if you could just update me as to where the current CSCs are located.

**MICHAEL TIDBALL:** There are some 78 of them.

**The Hon. RACHEL MERTON:** You don't have to go through the list.

**MICHAEL TIDBALL:** It would be a herculean bleed of the Committee's time for me to read the list, but I'm certainly happy to provide it to the Committee. Actually, I might do it!

**The Hon. RACHEL MERTON:** No, no. Are there any closures or relocations, relating to 78, that are worth having knowledge of?

**MICHAEL TIDBALL:** There, of course, are relocations that periodically happen. We know that in Lismore there's been a centre just reopened because there was disruption in that community. But there are 78. What I might do is provide to the Committee a list of the 78. And, if there are any that are subject to changes recently or in the near future, I would be happy to footnote those on that list of the 78.

**The Hon. RACHEL MERTON:** In terms of services from the CSCs, could you just recap exactly what's provided from there?

**MICHAEL TIDBALL:** Yes. Now or on notice?

**The Hon. RACHEL MERTON:** It provides a working office location, the staff, the caseworkers—

**MICHAEL TIDBALL:** A place for clients to visit. Absolutely. Can I just say that, despite the respected and necessary critique of the work that DCJ does, one of the things that DCJ can do, which for my part I have a very ardent belief in, is the ability, with common clients, to really do meaningful work with families. So the co-location of homes staff along with child protection staff—clearly, there are some separations with Corrections and the like, or there have been historically. But they are service centres which also provide us a place where staff can come together to conduct conferences in going about family work and the full range of services, but they are also places where clients and families can visit.

**The Hon. RACHEL MERTON:** I will move to Mr O'Reilly. Earlier we spoke about Local Community Services Association and recognising some of the important community work they're doing. I think it was more in terms of the early intervention. I was just wondering if I could get an update about where the discussions might be at, in terms of the LCSA wanting to form a formal partnership or an agreement with the department.

**PAUL O'REILLY:** I'd love to answer, but it's not my program. It's Ms Campbell.

**ANNE CAMPBELL:** At the moment, we're working with LCSA on a joint protocol. That's in development at the moment. So I'll be able to report back at the next budget estimates on that.

**The Hon. RACHEL MERTON:** Would it be right that New South Wales would be the only State that hasn't formed a partnership with the LCSA?

**ANNE CAMPBELL:** I'll need to take that on notice.

**The Hon. NATASHA MACLAREN-JONES:** Yesterday the Minister was quoted in the *Newcastle Herald* as saying that she believed the department should take back control of at-risk children from non-government providers, and the quote is:

I believe that the government's ultimate responsibilities cannot be outsourced ...

I was wondering whether or not there's actually been any work done in relation to how cost effective it is for the department to run an out-of-home care sector versus out of the NGO.

**MICHAEL TIDBALL:** What a great question. I'm not aware of any modelling that we have done. Can I make the point, if I may, that in terms of the work that's recently been undertaken, for example, with alternative care arrangements and high-cost emergency arrangements, that has predominantly been driven by the desire to find alternative placements rather than a relative costing. We've not been doing relative costing, but what we have been doing is looking at the best human outcome in terms of the statutory obligations of the department. For me as secretary, where my functions are prescribed in the care Act, that is the basis and the fundamental setting upon which I proceed. Clearly, cost is something which can vary within government provision and within non-government provision. Cost is affected by controls and policy and reporting obligations, hence some of the



work being undertaken by the out-of-home care review. But there is no modelling that we've been undertaking of which I have knowledge.<sup>4</sup>

**The Hon. NATASHA MACLAREN-JONES:** In relation to the system reform, as part of that design plan, is the NGO sector still a key part of that plan moving forward?

**PAUL O'REILLY:** Yes, we work in partnership with the NGO sector and we'll continue to work in partnership with the NGO sector.

**The Hon. NATASHA MACLAREN-JONES:** On casework, I understand that the specialist role, which was originally set up to provide support to caseworkers, including consultation, coaching, group supervision and training—I understand, just based on reports, that they're now working alongside caseworkers on the front line. Does that mean that the specialist role no longer exists or is that work in addition to the role of a specialist caseworker?

**SIMONE CZECH:** The casework specialists have existed for many, many years now and their responsibilities have changed in that time. Many years ago, as an example, they held a case load. That changed about 10 years ago to be more of a consultative and coaching role. What we're in the process of doing—it's important to note that they haven't taken a case load at this point in time, and I'll explain why—is re-pointing them to districts, partly because we've got a particular need, as the Minister mentioned this morning, about how do we get to more children or provide more services to children at risk of significant harm. But we've also got a relatively inexperienced caseworker cohort. The idea is that the casework specialist will have a small case load of four to five cases and they'll work alongside new caseworkers, or caseworkers completing their caseworker development program, to ready them, I suppose, to take a full case load once they've finished their training.

We've had some really helpful feedback, as part of the Case Worker Development Program evaluation, that caseworkers who'd been through that program told us they didn't always feel comfortable once they'd finished in actually taking a full case load. Some of the feedback from them has been that it would be helpful if they could carry out tasks. As much as the cases will be allocated to the specialists, the newer caseworkers or, like I said, the caseworkers completing CDP will be supporting them in that work.

Where we're up to in terms of that transition to them holding a small case load is we are in a consultation process currently with the Public Service Association. Just over a week ago the union provided some feedback on how it would work. We sent them a project plan of how we were going to implement it and track it over time. We're just in the process of working through that feedback and we'll get back to the PSA formally this week. We anticipate that casework specialists will hold probably up to two cases, at least for the next couple of months, because we want them to assist in the rollout of the interim risk assessment tool that's coming. They will still carry out some of the functions they've been carrying out, but at a reduced number. The final thing is that this is an interim measure. It'll be evaluated, and we'll make further decisions whether it's permanent or not down the track.

**The Hon. NATASHA MACLAREN-JONES:** How many specialist roles are there across the State?

**SIMONE CZECH:** There are 72 being redeployed to districts, but we are retaining—let me just check the number—I think it's eight, but it could be nine, to continue to do the review work that happens in the office of the senior practitioner. That's where we might have a request from the Minister, the secretary, myself or another stakeholder to conduct a review of a particular matter. They have historically conducted those reviews to extremely high quality so we wanted to retain that important function. Let me just find that number. Maybe we could take that bit of it on notice, Ms Maclaren-Jones, and come back to you so I don't waste the Committee's time right now.

**The Hon. NATASHA MACLAREN-JONES:** Yes. In the little time I've got, following on from caseworkers and vacancy rates, I raised this morning around the Far West, where they're up around the 10 per cent mark, and the Nepean Blue Mountains area. Starting with the Far West, did you undertake exit surveys of those staff leaving, and what was the finding as to some of the reasons? Or have they been deployed to other districts?

**SIMONE CZECH:** When staff leave, they are offered two things. One is an exit survey—that's obviously electronic—and the second thing they're offered is a sit-down meeting, usually with the executive district director, to provide feedback as to the reasons that they're leaving and what we might have been able to do differently. There's some consistency, regardless of location, that caseworkers that are leaving cite. They include workload and, in that, the complexity of the work that they do with families and not feeling well-equipped

---

<sup>4</sup> In [correspondence](#) to the committee received 1 October 2024, Mr Michael Tidball, Secretary, Department of Communities and Justice, provided a clarification to his evidence.

to do that; and a lack of support from managers, and that usually consists of the provision of regular supervision and ongoing training post their caseworker development training. The third thing is stress related to the work that they do. They're pretty common across any location. Some of the additional challenges that you'd appreciate, particularly in the Far West but other locations in New South Wales, are access to housing or the ability for a person to move from one location to the next. The final thing is some of the exits are people getting promotions, either internally to higher paid or more senior positions, or outside of the department. Actually, the other reason cited is pay and conditions, as well.

**The Hon. NATASHA MACLAREN-JONES:** In relation to the Far West, did the majority of those people leave to go to other jobs with other departments or providers, or were they relocated to work in other districts but within DCJ?

**SIMONE CZECH:** Specific to Far West, I'd have to take that on notice and come back to the Committee with that information. But I think it's fair to say there's a variety of reasons why people go. I'm not aware of Far West caseworkers being redeployed to other locations, but I can absolutely check that.

**MICHAEL TIDBALL:** The limitation with exit surveys is that they have their place and they're valuable, but they are after the fact. The PMES survey is much more live in terms of telling us what is happening now, and we can go very granular with the analysis of the PMES. I think that's where our focus needs to be because they're the workers we've got now. Their needs change over time and the data tends to be fairly current from year to year.

**SIMONE CZECH:** The other initiative, which is relatively new but I think a good one—and it's a bit more of a glass-half-full approach than not—and is called stay interviews. Again, it is executive district directors sitting down or offering staff the opportunity to meet with the executive district director about what are the reasons why you stay. Once we've got that intel, we can actually try to build off some of those initiatives. It's the flipside of why people leave. It's manageable case loads, it's good support, it's good supervision—all the things that we expect to be delivered but aren't always, in a consistent way, across the State.

**Ms SUE HIGGINSON:** Mr Tidball, the reason those exit interviews after the fact are very beneficial, realistically, is because they do often have that more candid view.

**MICHAEL TIDBALL:** I agree.

**Ms SUE HIGGINSON:** Particularly on cultural issues within a system. I'm assuming that you weren't saying we don't take—

**MICHAEL TIDBALL:** Not instead of, no. In terms of the workforce now, having lived through a high caseworker vacancy level, which we are just seeing come off, the supports that we provide and the intelligence that we have about our live workforce now is very important. That is the point I'm making.

**Ms SUE HIGGINSON:** Naturally, in the position I sit in, I get to hear from people who have left the system or are in the system and have experienced—the reality is I've certainly seen things. If I was exiting and I was doing an interview, I'd be pretty brutal about the experience I'd had. I think that's really valuable. That's how we don't repeat errors and treatment of people, particularly people in those regional areas, where sometimes the isolation of the experience in those leadership positions can be really, really gruelling.

**SIMONE CZECH:** Absolutely. I completely agree.

**Ms SUE HIGGINSON:** Following on from the last round, I want to touch on the redeployment of the caseworkers. Have you received staff feedback on the change?

**SIMONE CZECH:** We have.

**Ms SUE HIGGINSON:** What are you hearing?

**SIMONE CZECH:** We have received quite a lot of staff feedback, which is fantastic that people feel comfortable to present that feedback. We've heard positive things and not so positive things, depending on who the feedback is from. The feedback generally from caseworkers has been overwhelmingly positive, and they see it as an additional support for them in the field to do really, really complex work, as I know you know. That's generally been the theme of the feedback from caseworkers and managers. The casework specialists, some of their feedback has been the flipside of that—worry about the change, particularly from the perspective of the work that they currently do, and how will that be maintained or managed into the future.

We're working through a set of guidelines that addresses that. Again, we are going to consult with the PSA on that and with our staff. I can take this on notice. From our staff, in total we've received around 180 pieces of feedback, which I think is quite high, given the numbers. That's not just from the casework specialists; that's

from, like I said, casework staff as well. I think it's like anything. When you've been doing something the same way for many, many years, doing good work, when we ask you to do something different, that can take a little bit of getting used to. So my job and the role of the executive district directors is to support our casework specialists through that change.

**Ms SUE HIGGINSON:** I want to go back to some of the First Nations factors. I want to pick up on something. Mr Tidball, I don't know if you can provide any insight to this, but the MAP Group uses the name "partnership". The Minister interchanges her description of it being a partnership, an advisory. I'm just curious about the role of that MAP Group from your perspective as secretary and the relationship, and how that group sees itself, really.

**MICHAEL TIDBALL:** I have thought, as I ought to have, about this a lot. I should say that I think the department is learning how to partner. Can I say, it's taken me some time, speaking honestly, to get my head around how we partner, what it means to meaningfully consult, what co-design means. We need to honour the letter and the spirit of the Closing the Gap agreement. We need the apparatus to do that. Clearly the TAO division, which I think also has had to find its own identity and its own purpose from when it was established—I think there was a vagueness about what it was meant to do and we've had to walk that journey with community, because the real partnership happens at leadership level—secretary, deputy secretaries with CAPO, and the signatories to the Closing the Gap agreement. I would therefore see the MAP Group, whatever its name is, as being one very valuable organ that helps us do those things better in the knowledge that we are not going to make progress on the Closing the Gap outcomes if we do not learn how to work with community.

We have made many mistakes. There have been many times where I think, as an agency, we have been defensive. We need to build trust and we need to relate to leaders in the community as equals. I hope, whatever the words are, that the MAP Group takes us closer to that place, but we are still working through exactly how it will work. It is about partnership. Because many of the decisions made by the Government are ultimately made by Cabinet and the like, there is a sense in which some of the deliberations of the MAP Group do need to be advisory by virtue of the manner in which government works. But there are many things, and Mr O'Reilly has touched on, for example, restoration elements of the work we're doing around data sovereignty. Where we can genuinely work to partner, we are learning how to do that. The MAP Group can play a vital role in enabling us to do that way more powerfully as a department. It's established, but it's still in a very early stage.

**Ms SUE HIGGINSON:** I've got a few questions that are a little bit detailed, so if you need to take some of these on notice, that's fine. We've touched on the specialist support and supervision. I've got some questions in terms of numbers and workers. How many DCJ caseworkers made workers compensation claims for mental stress or psychological injury? What were the costs of those claims in 2021-22, 2022-23, and 2023-24?

**MICHAEL TIDBALL:** I would be very reluctant to not take that on notice.

**Ms SUE HIGGINSON:** Yes, I think so. I realise some of those claims may not be settled, if they have started. I'm looking at what was the average period of leave taken per claimant? Really importantly at this point, how many of those were Aboriginal workers? I'm just curious about what proportion of those caseworkers returned to, one, caseworkers roles within Department of Communities and Justice; or, two, other roles within DCJ? I'm assuming you might have this figure. What percentage or how many Aboriginal staff within DCJ quit last year?

**MICHAEL TIDBALL:** I'm happy to take that on notice.

**Ms SUE HIGGINSON:** Also compared to this year, if you can give us a breakdown of those two years.

**MICHAEL TIDBALL:** Yes, absolutely.

**Ms SUE HIGGINSON:** I just want to go to where you were talking about work through the districts. How many SDMAC panels are there and in what districts do they currently work?

**SIMONE CZECH:** They are in every district. Ms Higginson, can I just clarify, I think there are two questions there.

**Ms SUE HIGGINSON:** Yes.

**SIMONE CZECH:** One is about the safeguarding decision-making panels for Aboriginal children.

**Ms SUE HIGGINSON:** Yes.

**SIMONE CZECH:** They are in every district. I think the other panel, correct me if I'm wrong, was the alternative care arrangement panel.

**Ms SUE HIGGINSON:** Yes.

**SIMONE CZECH:** They are also in every district. We can come back with more detail on notice, if that is helpful for the Committee.

**Ms SUE HIGGINSON:** Yes, actually, it would be really helpful just to get some lens on where that work is. Obviously, if they're in all districts, they're in all districts.

**SIMONE CZECH:** They are absolutely in every district. It might—

**Ms SUE HIGGINSON:** Sorry—I'm also interested in the Aboriginal community representation on those panels.

**SIMONE CZECH:** That's exactly what I was going to mention. They are at varying stages of bringing Aboriginal external representation into those panels.

**Ms SUE HIGGINSON:** Is it fair to ask, are there some panels that currently still don't have any Aboriginal representation?

**SIMONE CZECH:** Our Aboriginal staff are well represented. Part of the terms of reference for the panels is a minimum of four Aboriginal DCJ staff. Again, I can provide this on notice, but many of the panels have Aboriginal agencies now participating, which is fantastic. I know it's an additional impost on those agencies and I'm very, very grateful for the contribution they are making. There are other districts that are still in negotiation with their local communities about their involvement in panels. But, like I said, we can provide all of that on notice in quite a bit of detail.

**Ms SUE HIGGINSON:** I am also quite interested in the self-determination feature in the establishment of those panels. I understand that is work.

**SIMONE CZECH:** It was really interesting. If you could just bear with me for one minute, I have sat on a number of panels and I think the secretary has as well. We have some implementation challenges because they are still new and people are still getting used to it. But the panel that I attended had community representation on it and I was blown away by the level of engagement and, I suppose, confidence—that those Aboriginal people and community members were able to make contributions, they were listened to and their views were taken into consideration. I genuinely believe, hand on heart, had they not been there we may have had a different outcome for those children, which may not have been either them living safe at home with supports or, in one particular case, identification of a family member. It's just a small snippet of some of the work that is happening. We're still trying to improve that, and community involvement is critical to the success.

**Ms SUE HIGGINSON:** I suppose this goes to Mr O'Reilly's statement about seeing past the risks and actually seeing the strengths of communities.

**SIMONE CZECH:** Absolutely, yes.

**Ms SUE HIGGINSON:** Just on that, and in terms of a bit of detail around that, are you able to provide a number of how many Aboriginal children and their families have actually been discussed at the panels?

**SIMONE CZECH:** Yes, we can provide that detail.

**Ms SUE HIGGINSON:** That would be great, if we could get the total and also the breakdown for each district.

**SIMONE CZECH:** Yes. Can I just put one caveat on it—

**Ms SUE HIGGINSON:** Yes, of course.

**SIMONE CZECH:** —because I can hear my colleagues in the FACSIAR area probably yelling through the screen at moment. It will be about sample size. We may have to aggregate it up to a total number if the overall number in a district is too small. But leave that with me. We will work through that and get you the detail.

**Ms SUE HIGGINSON:** We genuinely just want to get as accurate a lens—

**SIMONE CZECH:** Of course.

**Ms SUE HIGGINSON:** If you think you have the best way of explaining that to us, we can deal with that.

**SIMONE CZECH:** Yes, we will.

**Ms SUE HIGGINSON:** Another thing I am quite interested in at that more granular level is if, in fact, and how many children and their families were discussed in more than one of the panels, if that is happening.

**SIMONE CZECH:** It is, and we have that data available as well.

**Ms SUE HIGGINSON:** Great, thank you—and, importantly, going to your point, how many Aboriginal children were not removed as a result of the input and recommendations of the panel.

**SIMONE CZECH:** Absolutely, we can provide that.

**Ms SUE HIGGINSON:** I want to turn to evaluation. When the department is commissioning the evaluation of Aboriginal led and designed programs, does DCJ engage Aboriginal consultants or organisations to undertake those evaluations?

**MICHAEL TIDBALL:** The simple answer is that we very often do. I would struggle to quantify that in terms of a percentage, but certainly with Aboriginal programs that would be the intent. I can drill a bit further if you'd like more specificity.

**Ms SUE HIGGINSON:** What I would love to know, if it's okay, Mr Tidball—and you'll probably get where I'm going with this—is, in the absence of an Aboriginal organisation being engaged to do an evaluation, does DCJ engage with Aboriginal stakeholders or peaks to design those evaluation frameworks?

**MICHAEL TIDBALL:** Can I give you a very specific example of that?

**Ms SUE HIGGINSON:** Yes, please do.

**MICHAEL TIDBALL:** For example, the evaluation of TAO at the moment—we're really interested to see how TAO is configured to really sharply respond to the Closing the Gap agreement and behave in accordance and undertake its work accordingly. We are seeking to engage an Aboriginal consultancy or group to undertake that work. But TAO is working with community in that design so we get it right. Ms Higginson, can I just supplement my earlier response on the MAP Group. What I should have done is gone to the actual authority in documentation. Just on the written word, the MAP Group is there to advise the Minister. Just in terms of your question about the use of the word "advisory", it is to advise the Minister.

**Ms SUE HIGGINSON:** But it's a partnership group, isn't it?

**MICHAEL TIDBALL:** It's the ministerial advisory partnership group, yes.

**Ms SUE HIGGINSON:** It's an Aboriginal partnership group?

**MICHAEL TIDBALL:** Yes.

**Ms SUE HIGGINSON:** Could you provide the number of guardianship orders made for Aboriginal children and young people? I am happy for you to take that on notice if that's easier.

**MICHAEL TIDBALL:** On notice, yes.

**Ms SUE HIGGINSON:** I am looking for the 2021-22 year, 2022-23 year and 2023-24 year. I am very interested in the number of those cases where the guardians are non—

**MICHAEL TIDBALL:** I can do that now, if you would like. The number exited to guardianship—going back to which year, Ms Higginson?

**Ms SUE HIGGINSON:** It was 2021-22.

**MICHAEL TIDBALL:** It was 179 in 2021. For 2021-22, it was 142. For 2022-23, it was 114. In preliminary data—underlining "preliminary"—for 2023-24, it was 97.

**Ms SUE HIGGINSON:** Are you able to break that down for the number where the guardians were non-Aboriginal, and non-Aboriginal and not related to the child?

**MICHAEL TIDBALL:** I do not have that with me. In terms of our ability to do it, I would need to take that on notice.

**Ms SUE HIGGINSON:** If you could and if that is available, that would be great. It is non-Aboriginal, and non-Aboriginal and not related to the child; that's what I'm looking for. I would love to hear your views on—I have heard a little bit of criticism at the moment in this sector about the reforms that are happening. Whilst they are celebrated and welcomed, some of the reforms start with positing a discussion paper. That is the kind of pivot to start the reform. I know you referred to some of these, Mr O'Reilly, a few times. I am curious about where that comes from. Is it the standard approach to reform at the moment, getting a discussion paper together and putting that down? I know it is a very classic way and a good way of doing reform. In the First Nations space, is that something you're looking at? Has that been considered and has there been input?

**PAUL O'REILLY:** It has been considered. A few times today, including when the Minister was here, we talked about the process of negotiating a partnership with AbSec and ALS to drive the child protection policy

reform. That partnership is not yet in place. Hopefully it will be in place soon. That will be an opportunity to negotiate what is the most appropriate way to get public discussion going, or public input and consultation and community input and consultation going into the policy decisions.

**Ms SUE HIGGINSON:** Is that a bit of an acknowledgement that maybe a discussion paper might be appropriate for one particular kind of program of reform but maybe not others?

**PAUL O'REILLY:** I think it's an acknowledgement of that, but it's also an acknowledgement of a different way of working. Some community members, and certainly the FIC report, use the term "ritualism" to describe the way government often works in terms of administration and policy. That is the traditional way of doing it and it is a useful way to get information and inform options for decisions for government. But I think the community would like to see different ways of doing it to see if they are better. We are open to negotiating different ways of consulting with the partnership.

**Ms SUE HIGGINSON:** It's exciting to contemplate the incredible ways we can do things differently when we partner with First Nations communities.

**The Hon. NATASHA MACLAREN-JONES:** I might start but happy for this to be taken on notice. Previously we've been provided a breakdown by permanency goal—guardianship, restoration, adoption and long-term care—and the number of exits from out-of-home care for each of these goals, and also by district.

**MICHAEL TIDBALL:** Happy to do it. We'll need to take it on notice.

**The Hon. NATASHA MACLAREN-JONES:** The other one is in relation to the HCEA placements by district. In the past, I have been able to get it ACA, and what I have here is 2021-22 by district. Could I get a breakdown by each of the other HCEAs? This morning I think it was said that the overall cost for 2023-24 was \$357.8 million for HCEA. Is that's correct?

**MICHAEL TIDBALL:** Sounds about right.

**PAUL O'REILLY:** Yes, that's right.

**The Hon. NATASHA MACLAREN-JONES:** Do you have to 2022-23 figure?

**PAUL O'REILLY:** Yes, I do. It's \$300 million.

**The Hon. NATASHA MACLAREN-JONES:** Do you have it broken down by each HCEA for this financial year or last?

**PAUL O'REILLY:** Yes, we do have it broken down for 2023-24: ACAs, \$86.3 million; individual placement arrangements, \$172.1 million; interim care, \$36.1 million; short-term emergency placement, \$47.6 million; and special out-of-home care, \$15.7 million.

**The Hon. NATASHA MACLAREN-JONES:** Do you have the cost of residential care?

**PAUL O'REILLY:** I don't have it with me, no.

**The Hon. NATASHA MACLAREN-JONES:** Could you take that on notice?

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

**The Hon. NATASHA MACLAREN-JONES:** The 2023-24 figure is fine.

**PAUL O'REILLY:** Yes, will do.

**The Hon. NATASHA MACLAREN-JONES:** Just onto the ACYP report, one of the recommendation was an independent complaints and oversight mechanism. Is that something that's being looked at?

**PAUL O'REILLY:** I'm sorry, can you repeat the question?

**The Hon. NATASHA MACLAREN-JONES:** The ACYP report recommended the implementation of an independent complaints and oversight mechanism to ensure that young people's voices could be heard independent from the department, carers and others. I'm wondering if that's being looked at.

**PAUL O'REILLY:** Yes. Complaints more broadly and specifically for young people are absolutely part of the reform agenda—an overhaul of complaint management.

**The Hon. NATASHA MACLAREN-JONES:** The complaint process.

**PAUL O'REILLY:** Yes.

**The Hon. NATASHA MACLAREN-JONES:** What is the youngest person in an HCEA at the moment—or as of 30 June?

**PAUL O'REILLY:** If you allow me to do a bit of paper shuffling, I can get you that. The youngest person in ACA is aged six. These figures are from 31 July.

**The Hon. NATASHA MACLAREN-JONES:** What type of care are they in?

**PAUL O'REILLY:** The youngest person in ACA is aged six. I can give you the age of the youngest person in each of the categories. Is that helpful?

**The Hon. NATASHA MACLAREN-JONES:** Yes. That'd be great.

**PAUL O'REILLY:** The youngest person in ACA on 31 July is aged six,; the youngest person in IPA is aged one, as at 31 July; the youngest person in ICM as at 31 July is aged four; the youngest person in STEP as at 31 July is aged nine; and the youngest person in special out-of-home care as at 31 July is aged four.

**The Hon. NATASHA MACLAREN-JONES:** What is independent living placement? What's the age range for that?

**PAUL O'REILLY:** I can provide some information on that, but might need to come back to you on the detail. It's people who are not living in a funded ITC property. They could be living in a different arrangement—could be living in a care arrangement, could be living in a family. The services are provided to the child or the young person in the home.

**The Hon. NATASHA MACLAREN-JONES:** It's directly to the young person.

**PAUL O'REILLY:** Yes. But we can come back to you with some advice on the age range.

**SIMONE CZECH:** It's 16-plus.

**The Hon. NATASHA MACLAREN-JONES:** I will move onto the common risk assessment and management framework in relation to domestic and family violence, and whether or not that is being looked at to be implemented.

**ANNE CAMPBELL:** Yes. Currently that sits under Minister Harrison. That work is progressing. We're also looking at the outcomes from other States and Territories, particularly in relation to how you factor in children and young people.

**The Hon. NATASHA MACLAREN-JONES:** This might also be for next week, but in relation to the Safe and Together training for—in regard to implementing the Safe and Together training or model into child protection.

**ANNE CAMPBELL:** I'll need to take that one on notice.

**The Hon. NATASHA MACLAREN-JONES:** It's been raised with me that if there's any work that's being done from a DCJ perspective in relation to approaches to the NDIA to look at or review outcomes of evidence-based pricing for supports.

**ANNE CAMPBELL:** I should correct the record too. While Zoe works on disability policy, she reports to me. I'm in a lot of these governance groups. I know it's a bit tricky sometimes. Certainly, at the moment they are looking at—I think last week they announced an independent review of the pricing through the NDIA. That work's progressing and led by the Commonwealth.

**The Hon. NATASHA MACLAREN-JONES:** Do you have a time frame?

**ANNE CAMPBELL:** No, not at this stage.

**The Hon. NATASHA MACLAREN-JONES:** In relation to out-of-home care, and this was something I asked previously, I'm wondering how many young people in out-of-home care are not in their current placements. And I'm happy for whatever date is available.

**MICHAEL TIDBALL:** The protracted shuffle of papers is indicating we might need to take it on notice.

**SIMONE CZECH:** We do have it; I just can't find it.

**The Hon. NATASHA MACLAREN-JONES:** I'm happy to jump in with another one while Ms Czech is looking for that. In relation to the Child Protection Helpline, do you monitor where the calls are coming from—the location?

**SIMONE CZECH:** Not the suburb, as I understand it, certainly the reporter type. But I can take that on notice as well, just to double-check. My understanding is we don't. Currently the telephony doesn't allow you to pinpoint the location, but I can double-check that.

**The Hon. NATASHA MACLAREN-JONES:** How do you monitor the demand if you're not sure where the location is?

**SIMONE CZECH:** We have a range of statistical reports that tell us where reports or phone calls are coming from. That's over time; it's not in real time. But, as I said, I can take that on notice just to double-check that. We introducing a new telephony system later next year, and that will have a range of enhanced features. I understand that's one of them. We could provide some information about that as well.

**The Hon. NATASHA MACLAREN-JONES:** Mr Tidball, this morning we talked about some of the data that's being gathered around education and the number of young people who are in out-of-home care that are enrolled. Is work being done around the number that are suspended or not turning up to school?

**MICHAEL TIDBALL:** There has been work undertaken, from memory, in recent times on that. I would appreciate the opportunity to give you a considered response to that question. It's a really important cohort, and it's a very challenging cohort. I speak frequently with my colleague the secretary of Education, and we share a common interest. Can I, please, though, take that on notice?

**The Hon. NATASHA MACLAREN-JONES:** That's fine. I suppose this might be something that you'll need to take on notice as well, and this came through the recent inquiry around young people with disability in schools in New South Wales, where you had one provider and a number of young people in their care. They were providing education through distance education, which is obviously funded through an Education means. But that's not uniform. My question is are there other providers that are operating like that where they're providing that service to ensure that the young person is getting some form of education?

**MICHAEL TIDBALL:** I'm sorry, but I'll need to take that on notice as well.

**The Hon. NATASHA MACLAREN-JONES:** That's what I thought. Any chance you've got the information on the non-employment?

**SIMONE CZECH:** Not at the moment.

**The Hon. NATASHA MACLAREN-JONES:** That's okay. You can take that on notice. If you could also take on notice the number at that same point in time absent over the 24-hour period, and then also those that had self-placed from, say, 30 June.

**SIMONE CZECH:** Just the first part of the question—do you mean children that are classified as missing?

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

**SIMONE CZECH:** We do have that number. It's five.

**The Hon. NATASHA MACLAREN-JONES:** How much of the current budget has been allocated to initiatives to support guardianship and open adoption? They're two different things.

**MICHAEL TIDBALL:** We do not have that with us. I don't have it with me.

**The Hon. NATASHA MACLAREN-JONES:** Are there any providers that are contracted to provide local adoptions?

**ANNE CAMPBELL:** I can answer that. No, as of 1 July this year.

**The Hon. NATASHA MACLAREN-JONES:** What was the decision to, I suppose, remove their funding and where have those funds been allocated?

**ANNE CAMPBELL:** There were very few local adoptions.

**MICHAEL TIDBALL:** Four last year.

**ANNE CAMPBELL:** Four. I think it was something like \$1 million in funding going to those two agencies. DCJ also provides that in house, so it's being done in house.

**The Hon. NATASHA MACLAREN-JONES:** Does that also mean that additional supports are also provided to families post-adoption, things like that, or is it just purely to facilitate local adoptions?

**ANNE CAMPBELL:** It was just to do local adoptions. They're still accredited agencies for other programs that DCJ commissions.



**Ms SUE HIGGINSON:** In previous budget estimates, when I've questioned the Minister about the implementation of all the recommendations of the FIC report, it's fair to say there was a reluctance of the Minister. Initially, she was saying, "Hey, some of those recommendations may no longer be relevant. There may be changes." I'm curious about your view, Mr Tidball and Mr O'Reilly, leading the reforms. The Audit Office in July has maintained that we really should be implementing the recommendations of the FIC review. I know that it is still such a central voice of First Nations leaders and advocates and the peaks in this space. I asked earlier about that pivotal, central tenet that removing children from families is harmful in terms of a scheme. This may be the time now to have your views on that.

**PAUL O'REILLY:** Absolutely. I talked earlier about the Transforming Aboriginal Outcomes division, TAO, who work closely with us. TAO lead a process of coordination of monitoring of the FIC recommendations, and they also work with a group of external people—AbSec, ALS and others—who meet on a regular basis to review progress against those recommendations and try to reach consensus on which ones have been resolved, which ones are close to being resolved and which ones are not. That process has been going on and is currently going on, so the work continues.

I think the interesting thing about now is the intersection of those recommendations with the other reports. One of the first things that I said today, talking about the reform plan, was that the reform plan needs to resolve those—any recommendations where a government has a position of support, in all of its variations of support, we need to resolve those recommendations in the reform plan. They're live recommendations, if they've been supported, and we need to deliver on them. The governance process that we're setting up needs to track that as well, leaning on the work that TAO is doing to drive that monitoring with our Aboriginal agency partners.

With those partners, there are four areas that the FIC recommendations fall into, which really help drive the reforms. Strengthening system accountability and oversight—if you think about the FIC report, it's pretty clear why that's the first one. It's a pretty important grouping. The second one is around legislation, and there have been some legislative changes put through already. As the Minister and the secretary have said, there is likely to be a review of the legislation. Greater investment and early support in keeping families together—and that has been a common theme in a lot of reports. Some reports talk about front loading the system with support; some reports talk about more accessible, less stigmatised supports, and certainly that's what the FIC report talks about as well.

I know this is getting repetitive—maybe it's because it has been a long day—but also I think the work we're doing around TEI and family preservation, with a commitment to lift ACCO investment in those areas, is also responding to that third area. The fourth area of grouping for these FIC recommendations is about embedding Aboriginal case management policy, which is a really important piece of work, which includes things like implementing the active efforts reforms from legislation a couple of years ago. Those four areas really drive the monitoring of FIC recommendations live today.

**MICHAEL TIDBALL:** Can I just supplement that very quickly. Noting there are seven recommendations remaining that call for legislative reform, we've spoken about legislative reform and there will be a point at which they are subject to further consideration, but also noting that the ministerial advisory partnership group will be providing further advice in relation to the recommendations.

**Ms SUE HIGGINSON:** In terms of the reforms that we saw in 2022 and the active efforts, what would your top-line summary be in terms of the implementation of those and the changes and the success or learnings, as we refer to, of those so far? I realise that's probably a really big question.

**MICHAEL TIDBALL:** There is an evaluation due to take place in the current—

**PAUL O'REILLY:** Yes, calendar year.

**MICHAEL TIDBALL:** —calendar year, which obviously is a seminal piece of work. I would add to that that I would hope that we are all learning from the things we could have done better. If we were to, quite frankly, begin this work again, there are probably things which we would do in a refined manner. Our job now is to evaluate and get it as right as we can, going forward from here.

**Ms SUE HIGGINSON:** Are there any hunches? I'm looking to Ms Czech right now.

**SIMONE CZECH:** Yes, there are. Not hunches—actually feedback from caseworkers.

**Ms SUE HIGGINSON:** Real things, yes.

**SIMONE CZECH:** I know when I've been out over the last few months—remember, we're not quite 12 months into the change. The feedback from caseworkers on the ground has been really positive about, I suppose, different thinking about how we keep children—all children but particularly Aboriginal children—safe at home. There have been some great examples. I know the Minister heard a fantastic example just a few weeks

ago in Tamworth that caseworkers feel a renewed sense of purpose—that they can go down some avenues they felt that they couldn't go down before.

We've certainly had some examples. I see them and I know the secretary does as well, where maybe previously we would have brought a baby into care. I just had one yesterday—a newborn baby with an Aboriginal mum—and we've plugged in 24/7 support for a period of time to help her with her mothercraft skills and parenting skills. We're hopeful that that means she can keep her baby and help her to be a mum. Like I said, the mothercraft skills and just general parenting. It's just a really simple example that I don't think would have happened a few years ago. From an implementation point of view, there is still work to do and the evaluation, as the secretary mentioned, will be incredibly important about how we build on the work that's happened already.

**Ms SUE HIGGINSON:** In terms of that evaluation, is that a report that will be tabled?

**PAUL O'REILLY:** Yes, once a year for five years.

**Ms SUE HIGGINSON:** That's right. I think they were the reforms. Did we move those recommendations in the bill? I can't even remember. That's great; that's a very positive outcome. Again, I say, isn't it amazing when we introduce the things that First Nations leaders have been asking us to do that the results are positive? Who would have thought?

**SIMONE CZECH:** I know we're running out of time, but I think, to some of the conversation earlier, the importance of embedding some of these things in legislation is incredibly important, and provides the framework and guidance for our staff. It is not rocket science but is helpful that it's embedded in the legislation. I think the upcoming opportunity potentially for a review of the care Act will be critical to the service system redesign that we all want to see happen, and will happen. That's exciting—overdue but exciting.

**Ms SUE HIGGINSON:** In each year from 2019-20 through to the current year, how many times, if any, has the secretary exercised the power in section 17 of the Children and Young Persons (Care and Protection) Act to request provision of a service to a child or young person or their families?

**MICHAEL TIDBALL:** Can I please take that on notice?

**Ms SUE HIGGINSON:** That's fine. In doing that, I'm interested in the breakdown of the nature of the service requested, how many requests were directed to ACCOs and how many requests were in relation to an Aboriginal child or young person.

**MICHAEL TIDBALL:** That is fine.

**Ms SUE HIGGINSON:** I don't know if you hold this data—well, I'm assuming you do—I'm just curious, in each of the same years, how many times has the Children's Court exercised the power in section 85? Is that something I should be asking of the Attorney General? Or is that something you hold—sorry, to request provision of a restoration service to a child or young person or their family in order to facilitate the safe restoration?

**MICHAEL TIDBALL:** That is strictly an Attorney—

**Ms SUE HIGGINSON:** It is the Attorney.

**MICHAEL TIDBALL:** Tomorrow is the day.

**Ms SUE HIGGINSON:** Tomorrow is my day. I'm a day ahead, as usual. The section 17 provision, has any work been undertaken by DCJ in reviewing these provisions? Is there a role that you're inputting into the review of that legislation, section 44—sorry, the emergency removal powers now. Sorry, I'm all over the place. The use of the emergency removal powers in sections 43 and 44, under the Children and Young Persons (Care and Protection) Act—I understand there's a review of the legislation. Is there input happening from DCJ into that?

**PAUL O'REILLY:** The use of emergency removal powers is going to be under review as part of the child protection policy partnership, absolutely.

**Ms SUE HIGGINSON:** That has not happened yet? I'm just curious. I may be missing where we're up to in the timeline of that.

**PAUL O'REILLY:** Some of the work around prenatal policy has started. But the review of the use of emergency powers needs to happen and the review of child protection policy is starting this year.

**Ms SUE HIGGINSON:** In doing that, the peaks will be involved in all of that?

**PAUL O'REILLY:** Yes, it's the partnership I described earlier with AbSec and ALS. That's the partnership through which we will do as much of our child protection policy reform as possible, including that.

**Ms SUE HIGGINSON:** I have a few more questions in relation to those removals. I'll just submit those, if that's alright. There's not that many. There's just a few looking for those specific numbers on the use of those. I'm happy to finish there.

**The CHAIR:** Thanks very much. At that point we'll finish, except that we're waiting now for Government questions.

**The Hon. GREG DONNELLY:** We've got quite a few, but we might put them on notice.

**SIMONE CZECH:** Thank you.

**The Hon. MARK BUTTIGIEG:** Or we'll be on double time until nine o'clock tonight.

**The Hon. GREG DONNELLY:** No, we haven't got any.

**SIMONE CZECH:** I know everyone is probably itching to get out of here, but can I just circle back to a couple of the questions because I've managed to get the answers.

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

**SIMONE CZECH:** I think Ms Maclaren-Jones asked about children away from placement and not in placement. At 30 June 2024, there were 119 away from placement and 234 not in placement. The other question was about the specialists, so we're retaining eight casework specialists in the office of the senior practitioner to conduct reviews, 72 to districts to hold a case load and work with our less experienced caseworkers. Then finally there was a question about ChildStory licences. At any one time we have between 30 to 50 licences that are available and that's pretty consistent. We currently have 56 that are available to allocate to any new staff. If there are particular instances where that was an issue, please let me know and I can follow those up, but we do have available licences should they be needed.

**The CHAIR:** There being no questions from the Government, thank you very much for coming today.

**(The witnesses withdrew.)**

**The Committee proceeded to deliberate.**