

PORTFOLIO COMMITTEE NO. 5 - JUSTICE AND COMMUNITIES

Monday 10 March 2025

Examination of proposed expenditure for the portfolio area

FAMILIES AND COMMUNITIES, DISABILITY INCLUSION

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The Committee met at 9:15

MEMBERS

The Hon. Robert Borsak (Chair)

Ms Abigail Boyd

The Hon. Greg Donnelly

Ms Sue Higginson (Deputy Chair)

The Hon. Emma Hurst

The Hon. Aileen MacDonald

The Hon. Natasha Maclaren-Jones

The Hon. Cameron Murphy

The Hon. Emily Suvaal

PRESENT

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

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

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

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The CHAIR: Welcome, Minister and officers, to the third hearing of Portfolio Committee No. 5 - Justice and Communities for the additional round of 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 respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Robert Borsak. I am Chair of the Committee. I welcome Minister Washington and accompanying officials to this 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 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 those procedures. Thank you all for coming to give evidence today. 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. I also note that all witnesses, other than Ms Dean, have already been sworn.

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Ms BIANCA JARRETT, Executive Director, Transforming Aboriginal Outcomes, Department of Communities and Justice, on former oath

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

Mr PAUL O'REILLY, Deputy Secretary, System Reform, Department of Communities and Justice, on former oath

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

Ms LAUREN DEAN, Acting Deputy Secretary, Child Protection and Permanency, Department of Communities and Justice, sworn and examined

Ms ZOE DENDLE, Executive Director, Early Intervention, Disability and Inclusion Strategy, Department of Communities and Justice, on former oath

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 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 the Opposition and crossbench members only, with 15 minutes allocated for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. We will begin with questions from the Opposition.

The Hon. NATASHA MACLAREN-JONES: Thank you, everyone, for coming today. Minister, last year, during the budget, you published a media release identifying \$7.1 million for a taskforce to respond to recommendations from the disability royal commission and also the State reforms for NDIS. The media release detailed that the taskforce would be led by the Cabinet Office, with staff from DCJ. Is the whole \$7.1 million staffing costs?

Ms KATE WASHINGTON: Thanks, Ms Maclaren-Jones. Before I come to answer your question directly, which I will, I might beg the Committee's indulgence for a moment to say good morning to everyone and to send my wishes—and I'm sure everyone's wishes here—to the communities that are affected by the flooding up north at the moment. I want to extend, on behalf of the Government, our best wishes today also to the people who are emergency responders, who are SES, RFS—everyone that is on deck, including our public servants and our police. Also, I wanted to acknowledge that we've got a number of DCJ staff members who are currently manning evacuation centres up there at the moment as well. I just wanted to show gratitude to them and wish everyone well and to be safe.

To come directly to your question, the \$7.1 million for the Disability Reform Taskforce is an important investment in the complex work that's underway to deal with, and respond to, the disability royal commission recommendations alongside the NDIS review and the design work being done around foundational supports. And, of course, this work, as you mentioned, has to be a whole-of-government response.

The Hon. NATASHA MACLAREN-JONES: I was actually asking if the \$7.1 million was just for staff?

Ms KATE WASHINGTON: It is a critical investment in our capability and capacity. In fact, this Disability Reform Taskforce is leading the work nationally across all States and Territories.

The Hon. NATASHA MACLAREN-JONES: Minister, the question was quite specific.

Ms KATE WASHINGTON: Yes, it is going towards our own capability and capacity within government to respond to all of these particular reform pieces.

The Hon. NATASHA MACLAREN-JONES: So it is for staff.

Ms KATE WASHINGTON: As I understand, it is.

The Hon. NATASHA MACLAREN-JONES: How many full-time staff have been recruited for the Cabinet Office and also for DCJ?

Ms KATE WASHINGTON: That's a staffing issue.

The Hon. NATASHA MACLAREN-JONES: This is just for the taskforce.

Ms KATE WASHINGTON: I will have to defer to the deputy secretary, Ms Campbell.

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ANNE CAMPBELL: There are 10 FTE in TCO—the Cabinet Office—and nine FTE within DCJ.

Ms KATE WASHINGTON: Which I might say speaks to the complexity of the work that's being done by a relatively small team and, as I said, leading the way nationally in terms of our Government's response to these various reform work—

The Hon. NATASHA MACLAREN-JONES: Thank you, I might move on; we've got limited time. How many unfilled positions are there currently—or is the 19 the capacity?

ANNE CAMPBELL: That's the 19.

The Hon. NATASHA MACLAREN-JONES: Nineteen for \$7.1 million?

ANNE CAMPBELL: Correct. Over two years.

The Hon. NATASHA MACLAREN-JONES: The response to the disability royal commission, the New South Wales one which was published in July last year, said that there were 50 recommendations that States and Territories were responsible for. Eighty-five were joint, for Australia and States and Territories. In going through it, I counted that only six out of the 50 recommendations were accepted by New South Wales. The remainder were either accepted in principle or noted. Can you confirm that it's only six that the State has accepted?

Ms KATE WASHINGTON: As I understand, of the 222 recommendations made by the disability royal commission, there were I believe 131 of them that were relevant to New South Wales and, of those, 91 were accepted in full, in principle or in part.

The Hon. NATASHA MACLAREN-JONES: I'm actually interested in where New South Wales has responsibility, not necessarily where the Commonwealth has responsibility. I'm talking about the specific 50 that were linked directly to New South Wales.

Ms KATE WASHINGTON: We are looking at 131. I believe that's accurate. There are 131 recommendations that are relevant to us and that we are working on. As I said, 91 were accepted in full, in principle or in part. To be really clear, and I think I made this point at the last budget estimates as well, those recommendations where we have said that they are subject to further consideration—that does not at all mean a no. In fact, there's been considerable work done in accordance with our implementation plan that accompanied our response to the disability royal commission recommendations. Our focus is on those areas which are subject to further consideration. That's been reflected in the work that we've been doing with stakeholders closely, in consultation, on restrictive practices, guardianship, supported decision-making—those areas where we want to do additional work.

The Hon. NATASHA MACLAREN-JONES: But, Minister, you only put out a statement saying you accepted six. If there are more that are being actioned and that you've said are accepted in principle, what is stopping you from updating that to say that they're actually being implemented as opposed to accepted in principle?

Ms KATE WASHINGTON: Ms Maclaren-Jones, I just want to be really clear. What we want to do is be completely open, honest and transparent about the work that we are doing. Across community stakeholders in the disability sector, they are well aware of the focus and the work that we are doing because we have been stating that it's set out in our implementation plan exactly what our intentions are for the work to follow from our disability royal commission recommendation response. That is set out in our plan. We are following that plan and we are doing it closely in consultation with community and, as I said, 91 accepted in full, in principle and in part. We are progressing on multiple—

The Hon. NATASHA MACLAREN-JONES: But specifically for New South Wales there are only six that have been accepted.

Ms KATE WASHINGTON: We are progressing on multiple fronts and, as I said, we are doing the work on the recommendations that were under further consideration. Work is underway on those as well. And that's in accordance with our implementation plan.

The Hon. NATASHA MACLAREN-JONES: Is it fair to say that the delays or the reasons you can't progress or been able to accept other recommendations is because of financial and budgetary constraints?

Ms KATE WASHINGTON: Absolutely not. I disagree with that entirely. In fact, I just want to correct the record that there are eight of the recommendations that are relevant to New South Wales that have been accepted in full, not six. But there is work underway across all of the areas that New South Wales has responsibility for in accordance with our implementation plan that accompanied our response to the disability royal commission.

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The Hon. NATASHA MACLAREN-JONES: But \$7.1 million for 19 staff, versus being able to advance more recommendations—surely you could've poured some money directly into disability supports and services.

Ms KATE WASHINGTON: At this point, the work that we are doing is incredibly complex. There are several intersecting parts because that taskforce is not only looking at the disability royal commission recommendations; they are looking at the NDIS review and our obligations in terms of foundational supports.

The Hon. NATASHA MACLAREN-JONES: That is still \$7.1 million for 19 people over the two years.

Ms KATE WASHINGTON: They are harnessing the work that's been done across government. It's not just this team that is working on this. There are different offices and officials across all different government agencies that are contributing to our work.

The Hon. NATASHA MACLAREN-JONES: Minister, you allocated in the last budget \$7.1 million for disability, and that went purely to employing 19 people.

Ms KATE WASHINGTON: Who are doing incredibly important work.

The Hon. NATASHA MACLAREN-JONES: I might move on to specific questions in relation to the recommendations. Recommendation 9.2, that was accepted, asks for all First Nations children up to the age of five coming into out-of-home care to be screened using the culturally adapted developmental screening tool known as the Ages and Stages Questionnaire, the readiness assessment questionnaire. Do all Aboriginal children today under five entering care currently receive that? Simple yes or no.

Ms KATE WASHINGTON: There's work being done with the health department in terms of—it's something that came out of the system review—ensuring that children in out-of-home care have access to all the health supports that they need. In terms of that particular recommendation, that work is underway with the health department.

The Hon. NATASHA MACLAREN-JONES: You accepted it in July last year, implying that it was done. You're now saying that it's work being done by Health and you're not sure if—

Ms KATE WASHINGTON: What we have already got in our HealthPathways agreement is that every child coming into the out-of-home care system undergoes screening already.

The Hon. NATASHA MACLAREN-JONES: My question was is that happening?

The Hon. EMILY SUVAAL: Point of order—

Ms KATE WASHINGTON: That is an agreement that was already in place, and work that was already being done in terms of that particular assessment. I might ask Ms Dean to respond as to whether that particular assessment is in place yet.

LAUREN DEAN: Ms Maclaren-Jones, thanks for the question. In relation to the assessment, all children and young people entering out-of-home care require a health assessment within 30 days of entering. I'll have to take on notice whether that's the specific assessment that's included. I can come back to you this afternoon.

The Hon. NATASHA MACLAREN-JONES: Minister, it's fair to say children are in your care, out-of-home care, and you're not aware as to whether or not this assessment has been done.

Ms KATE WASHINGTON: Ms Maclaren-Jones, what I would say to that is that I am aware that we have a plan in place and actions in place to ensure that children who are coming into out-of-home care, whether they're Aboriginal or non-Aboriginal, have a screening assessment as to their healthcare needs in the first 30 days of coming into the department. To suggest that we aren't across the healthcare needs of the young children coming into the system is inaccurate.

The Hon. NATASHA MACLAREN-JONES: No, I was asking about this specific screening tool that you said you accepted, and you're not even aware whether or not it's actually being done. I might move on to another—

Ms KATE WASHINGTON: As I've already said, there are a number of pieces of work happening across a very complex area at the moment.

The Hon. NATASHA MACLAREN-JONES: But we've found—

Ms KATE WASHINGTON: And we will come back to you this afternoon as to whether that—

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The Hon. NATASHA MACLAREN-JONES: This is one of them, you don't even know if you've done it.

The Hon. EMILY SUVAAL: Point of order: The Minister is trying to answer a question. On multiple occasions now, Ms Maclaren-Jones has interrupted her as she's been attempting to answer. To throw in gratuitous commentary and—

The Hon. NATASHA MACLAREN-JONES: I accept the point of order. Happy to move on.

The CHAIR: She's happy to move on.

The Hon. NATASHA MACLAREN-JONES: I'd like to refer to recommendation 7.36, which is to improve social housing operational policy and processes that are inclusive. This, again, was also accepted, and the response states that it would be implemented by late 2024. Has that been implemented?

Ms KATE WASHINGTON: In terms of our operational policies around social housing, our Government's focus on improving accessible housing is absolutely one of our key focus areas. We're making progress because we've made—

The Hon. NATASHA MACLAREN-JONES: Minister, the recommendation you actually stated would be implemented in late 2024. We're now in March 2025. I'm just asking whether or not you're aware if this has been implemented.

Ms KATE WASHINGTON: If I could answer the question, Ms Maclaren-Jones. What we have done in terms of accessible housing in the State is make the largest ever investment in social housing in New South Wales history, which addresses—

The Hon. NATASHA MACLAREN-JONES: Minister, I'm not asking about Minister Jackson's portfolio. I'm asking you specifically about that policy. I'm happy for you to take it on notice, if you don't know what you've implemented.

Ms KATE WASHINGTON: I'm saying it addresses the decision that we made to make the largest ever investment in social housing, which means that it is the largest ever investment in accessible housing in New South Wales history. That's \$5.1 billion. That is between 8,000—

The Hon. NATASHA MACLAREN-JONES: Minister, this is not about bricks and mortar. This is about policy and operational procedures. I'm asking whether or not that recommendation has been implemented. If you are not sure, I'm happy for you to take it on notice.

Ms KATE WASHINGTON: Those policies and operational procedures are in place in terms of our—

The Hon. NATASHA MACLAREN-JONES: You're saying it was implemented. Thank you.

Ms KATE WASHINGTON: —largest ever investment in accessible housing in New South Wales history.

The Hon. NATASHA MACLAREN-JONES: You're saying that policy was implemented.

Ms KATE WASHINGTON: As I understand.

The Hon. NATASHA MACLAREN-JONES: Moving to recommendation 8.21 regarding the diversion of people with cognitive disability from criminal proceedings. New South Wales accepted this recommendation. The response said that New South Wales would consider options to expand the Justice Advocacy Service subject to the outcomes of an evaluation. Do you know the status of this evaluation?

Ms KATE WASHINGTON: The issues around people with cognitive impairments and the justice system are significant. The disability royal commission highlighted the efforts that we all must go to to ensure that people with cognitive disability are being given the support and services they need when they are interacting with the justice system.

The Hon. NATASHA MACLAREN-JONES: Minister, I'm asking you about—

Ms KATE WASHINGTON: That particular program—from conversations I've had anecdotally—has proven to be a great success. It is under evaluation. I'm looking forward to the results of that evaluation. I don't think—I have not seen the final evaluation of that program yet, but I do know from all accounts I have heard so far that it is achieving good goals.

The Hon. NATASHA MACLAREN-JONES: Does that mean that the services will be expanded, as per the response from the New South Wales Government?

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Ms KATE WASHINGTON: I will await the outcome of the evaluations, Ms Maclaren-Jones.

The Hon. NATASHA MACLAREN-JONES: In regard to recommendation 8.9 about the use of seclusion in the New South Wales Justice Health and Forensic Mental Health Network, this recommendation was also accepted. Can you provide an update on the reviews in regard to that and what is now occurring?

Ms KATE WASHINGTON: Another area of focus of our Government following our response to disability royal commission recommendations was around restrictive practices. They occur in all types of settings. Obviously, when we're talking Justice Health, it is in the domain of my colleague the Minister for Health. Actually, it will be with the Minister for Corrections, but there's intersections with us all, and we all take this area with enormous responsibility because we know that restrictive practices, in effect, restrict people's rights.

The importance of this area—and this is reflected in our considered response to the recommendations. We said it was subject to further consideration, which is a reflection of the complexity of the issues that we're dealing with, because it does cut across justice, health, education and disability areas, as well. We have been progressing conversations. We issued a consultation paper, I think it was late last year, around restrictive practices that, I believe, closed for submissions on 28 February. We are considering those submissions and continuing to do an enormous amount of work in collaboration and consultation with disability stakeholders, particularly the Council for Intellectual Disability.

The Hon. NATASHA MACLAREN-JONES: Minister, in regard to recommendation 9.1 to develop principles and guidelines for parenting capacity assessment for First Nations parents with disability, I assume culturally appropriate parenting capacity assessments are something that your department does note, particularly around the out-of-home care portfolio. I wanted to know why that was accepted in principle, rather than accepted.

Ms KATE WASHINGTON: The parenting capacity assessments for our First Nations families are a really important piece of work. There are complexities in understanding what they will look like. Everything that we're doing, any interactions and any decisions that we are making that may impact First Nations families or children, we must do in close consultation with Aboriginal stakeholders. I suspect it is the case with this that we want to do the work in terms of consulting to understand what it is that would address our responsibilities under that recommendation. Whilst we don't have a clear pathway, we don't want to paint a picture that we're going to be able to respond as quickly as possible. I suspect that is the case. Ms Dean might be able to shed some more light on that.

The Hon. NATASHA MACLAREN-JONES: Minister, I asked you a number of questions around specific recommendations, the majority of which you accepted. On average, your response has been, "We're still doing work", "We're looking at it" or, "It's another department's area." My concern is that you're spending \$7.1 million on 19 departmental staff and not actually delivering services on the ground. Is that correct?

Ms KATE WASHINGTON: I reject the premise of that statement entirely. There are enormous amounts of work being done across all of the recommendations that we are responsible for. There is important work being done that is going to change the face of disability services in this State that is being done by that Disability Reform Taskforce. We are leading the way nationally on the conversations about what that will look like. We are proud of the work that is being done by that taskforce.

The Hon. NATASHA MACLAREN-JONES: We look forward to seeing the next update that will have everything implemented. Minister, are you aware that the accessible toilets at Strathfield station have been closed since mid-December last year due to sewerage maintenance issues? The response from the then Minister for Transport was, "Staff are trained in disability awareness and are familiar with interim alternative toileting options." Those options include using Burwood station, 1.3 kilometres away, and the shopping centre. Is that an acceptable response from your Government?

Ms KATE WASHINGTON: If that's the case, we're happy to look into it. I became aware—I don't know if it was this station or another—of a station where there was accessible toilets that had not been available for some time. We ensured that there were accessible toilets installed as soon as we became aware of it. They have been installed.

The Hon. NATASHA MACLAREN-JONES: Is there a maintenance schedule across Transport, whether it's toilets or lifts, to ensure that they are working and responses are quickly implemented?

Ms KATE WASHINGTON: I can say that Transport for NSW and their focus on accessibility has been extraordinary. Under our Government, there has been an incredible investment in ensuring that there is increased accessibility of train stations, wharves and public transport across the network. Yes, it would be under the same maintenance responsibilities as all of their assets, which, I must say, under our Government, have increased accessibility across the State.

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The Hon. NATASHA MACLAREN-JONES: Are you happy to take that on notice?

Ms KATE WASHINGTON: What would I be taking on notice, Ms Maclaren-Jones?

The Hon. NATASHA MACLAREN-JONES: Whether or not there is actually a maintenance schedule?

Ms KATE WASHINGTON: I am saying there is maintenance across the transport network, which is in alignment with their focus on increasing accessibility across the State.

Ms SUE HIGGINSON: Good morning, Minister, and thank you for the acknowledgement of what we're going through up north. It's very real for everyone. Without saying the obvious, we definitely did dodge a situation that could have been unbelievably worse than what we're experiencing. Minister, I just wanted to ask you if you could update the Committee on what is actually happening with the Office of the Children's Guardian. Could you confirm that barrister Kate Eastman is undertaking the inquiry? Is there any detail about the timing and the terms of reference for that investigation at this point?

Ms KATE WASHINGTON: I certainly can. Thank you for the question, Ms Higginson. I appreciate your strong advocacy for your community. Looking north from our area, which also often gets impacted by floods, and seeing what's going on up there, I know everyone is thinking about the families in your area. In terms of the Office of the Children's Guardian, I have stood up, as you aware, a special ministerial inquiry under section 82 of the Government Sector Employment Act. I met with the guardian on 26 February. He agreed to stand aside while the inquiry is underway. The inquiry itself was established on 5 March. Ms Eastman was appointed to lead that inquiry on the same day. The terms of reference of the inquiry have been published on the DCJ website.

Ms SUE HIGGINSON: What is the reporting date for Ms Eastman?

Ms KATE WASHINGTON: No reporting date has been set, but we're anticipating it to take about four months.

Ms SUE HIGGINSON: Do you see this as a potential opportunity to look at implementing the recommendations of the FIC report in relation to an independent children's protection office?

Ms KATE WASHINGTON: To be honest, Ms Higginson, no. The inquiry is into the culture and other related matters in the OCG itself. My focus during this whole time is on ensuring that the important work that is undertaken by the Office of the Children's Guardian continues and the wheels keep turning, as they should, to keep children safe across the State.

Ms SUE HIGGINSON: But if for some reason the special inquiry looking into it had that suggestion, would you be open to receiving that advice about a better system if, in fact, that is the result?

Ms KATE WASHINGTON: I acknowledge your ongoing advocacy on this front, Ms Higginson, and appreciate that work is underway elsewhere in our department. In terms of the Office of the Children's Guardian, at this point in time, our focus is on ensuring that it is a safe and healthy workplace. That is why we have stood up the inquiry. It has just been pointed out to me to correct the record that the terms of reference states that the report date is actually 30 June this year.

Ms SUE HIGGINSON: Minister, just in relation to the work you saw as priority work in relation to the unaccredited ACAs—I know you always point out that there is no such thing as an accredited ACA—how many children, if any, remain in an unaccredited ACA?

Ms KATE WASHINGTON: Thank you for asking a question about an area that has been our main focus since we came into government. As you know, there were far too many children who were placed in hotels and motels with 24/7 shift workers and unaccredited agencies. In effect, that meant that they weren't required to meet the NSW Child Safe Standards for Permanent Care. We have had a laser focus on reducing that number. The number of children in unaccredited ACA placements when we stood up the ACA taskforce in November 2023 was 139. There has been a 94 per cent reduction. There are only eight children remaining in those arrangements. Importantly, our focus has not just been on the worst type of emergency accommodation. It is has also been on reducing the entire cohort of children and young people in high-cost emergency arrangements. We have now not only reduced the number of children in ACAs by 94 per cent, but also reduced the number of children in all high-cost emergency arrangements by 35 per cent. That has fallen from 506 children in November 2023 to 328 children in February 2025.

Ms SUE HIGGINSON: Of the eight children still in those arrangements, what ages are the children?

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Ms KATE WASHINGTON: Ms Higginson, I don't know specifically. I can say that we have got a plan in place for those children to be placed in more safe, stable housing to give effect to my ban on those arrangements by the end of this month.

Ms SUE HIGGINSON: What are the primary reasons that those care arrangements remain unaccredited for those eight children?

Ms KATE WASHINGTON: Because of the complexity of their situation. We must ensure that they are safe. These are children with enormous fragility and we just have to tread very carefully in everything that we do, as we have done for every single child and young person.

Ms SUE HIGGINSON: Would you be able to take on notice and provide to the Committee the actual reasons why the places where those eight children are currently in care—those arrangements and the care being provided—are not accreditable?

Ms KATE WASHINGTON: What I can say is that the children that have recently been placed in more stable, safe placements have been sibling groups. And we've only been able to achieve that by standing up our own new residential care services, the Waratah Care Cottages—the Government stepping in to be a provider of residential care for the first time in 20 years. We have stood up our own cottages. That's allowed us to place some of the sibling groups that were in high-cost emergency arrangements and place them together. These were young children, siblings, who weren't together whilst they were in high-cost emergency arrangements and are now living in very home-like accommodation in our Waratah Care Cottages with full, wraparound therapeutic supports.

Ms SUE HIGGINSON: Of the eight children, how many are Aboriginal children?

Ms KATE WASHINGTON: I will have to take that on notice.

Ms SUE HIGGINSON: Do you have—and take on notice if you need—how many Aboriginal children remain in accredited arrangements that are the high-cost arrangements?

Ms KATE WASHINGTON: I haven't got it in front of me right now, but we'll be able to provide that to you this afternoon.

Ms SUE HIGGINSON: There was a coronial inquest in relation to a 17-month-old First Nations girl with the identification of "ML". The report was available five days ago through the Coroners Court. I understand that may now not be available because of publication orders and trying to sort things about the legality of that report. But one of the reasons stated was that there was a significant lag time between a new report from the DCJ helpline and a response being completed by caseworkers. There's an example given of that lag time. What is the quantum of under-completed responses in the New England area? Or perhaps, what have you done as the Minister to try to rectify the issues that were identified in that area?

Ms KATE WASHINGTON: Ms Higginson, I haven't yet had an opportunity to look at the specifics in relation to the coronial inquest that you're referring to. But, as I understand, there were no findings made against the department, which is not to say that we don't have a lot to learn from every single coronial inquest involving children, either within the system or connected to us. Obviously, we'll be taking a closer look at what those recommendations are. But I can only suspect that it was closely linked to our caseworker vacancies and the shortages and the challenges that we inherited in a system where we had caseworkers who haven't felt valued for years walking out the door. So in response to that work, we've been doing an enormous amount to attract new caseworkers and to retain the caseworkers we have.

That's by various measures, including lifting the wages cap and delivering the biggest pay rise that they have seen for a very long time, including a new pay bump for new caseworkers—over \$8,200 for a new caseworker in the pay bump now. But, obviously, pay and conditions is only part of it. Our system reform is critical to ensuring that we have a workplace where caseworkers want to work. That is a key focus of ours, and the system review pointed to the need to do a lot more for our caseworkers and our DCJ staff to make it a safe place for them to work, as well as getting the best outcomes for children.

The Hon. EMMA HURST: Good morning, Minister. We recently passed, in the upper House, my motion on child abuse prevention and the need to introduce prevention and intervention education programs. I thank you for meeting with the child sexual abuse survivor Emma Hakansson and the Australian Childhood Foundation. I also thank you for working with our office and helping to get that motion passed. Why do you think it's important that safe adults are equipped with the knowledge on how to help identify and support children that may be being abused?

Ms KATE WASHINGTON: I have to say, it was my absolute pleasure to meet Ms Hakansson—the two Emmas were a force to be reckoned with—and discussing such an important issue around the prevalence of

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abuse, neglect and particularly sexual abuse across community. As we discussed with Ms Hakansson, the child maltreatment studies' findings were shocking in terms of the prevalence of sexual abuse across our State and across our nation. It's often something that people find deeply uncomfortable to talk about, but it is something that more people ought to know about and be able to understand what signs there might be of people who have experienced it, and allow opportunities for people to disclose safely. So it is an important conversation, and I appreciate the meeting and working with us on what you've ultimately presented to Parliament.

The Hon. EMMA HURST: You mentioned the Australian Child Maltreatment Study, and the work that the Australian Childhood Foundation's really doing was actually bringing the voices of survivors forward. What we heard from survivors was really that they felt that safe adults had really let them down and that more people, if they knew the signs, could have intervened earlier and really helped many of these children to avoid further abuse. What do you see as a major part of that, going forward, in educating safe adults to be able to protect children right across the community?

Ms KATE WASHINGTON: I appreciate the hearing having put a spotlight on the voices of victim-survivors, and having them help us form a response, particularly ensuring that communities, people everywhere, understand what it might look like, and providing that safe pathway for conversations. But, as we discussed, there is an enormous amount of work that is underway under the responsibility of my colleague the Minister for the Prevention of Domestic Violence and Sexual Assault. There is, for the first time ever, the package of early intervention prevention that is a significant step change in our State in terms of ensuring that there is an education piece that comes with understanding what healthy relationships are, and what they look like. So there's a number of different elements to that early intervention plan, and I want to understand where, if there are gaps, we might be able to do more.

The Hon. EMMA HURST: The motion passed was really about that research from those people with lived experience and, specifically, what they were calling for. The motion asked the Government to investigate avenues for child protection, working with the children's Act, to require mandatory child abuse prevention and intervention education for registration to receive a Working with Children Check. Can you let us know what the first steps of that investigation will be and what the next steps from your office will be, now that this motion has passed?

Ms KATE WASHINGTON: Certainly since I became Minister, there has been work done with the Commonwealth and across States and Territories in terms of trying to make the Working with Children Check consistent across the nation and, in the first place, ensuring that we have got adequate data sharing across different States and jurisdictions so that we have got those robust systems in place. In terms of the next steps with potential additions to the Working with Children Check, that's a conversation that I want to take to the Commonwealth, as we discussed, to determine whether or not there's an appetite. I understand from the conversation with Ms Hakansson that she has met with the Commonwealth already and that there was a positive response from Minister Rishworth, so I'm very keen to have that conversation with Minister Rishworth to see what work we might be able to do as a national response. But, saying that, obviously, as a State, we are responsible for delivering the Working with Children Check ourselves. We will start with the Commonwealth to work out where they would like to go with it and then work out what, if anything, we can do as a State to make our system more robust.

The Hon. EMMA HURST: You did mention that second part of the motion, which was advocating for the Commonwealth, States and Territories to nationally harmonise the Working with Children Check system. I understand you've already been working on that.

Ms KATE WASHINGTON: Indeed.

The Hon. EMMA HURST: Then the other part of that was advocating for that harmonisation process to develop the education and training nationwide so that it's a sort of training package. Is that something that you'll be advocating for nationally as well—that if there is a training package, that that is done on a national level so that, again, we see that harmonisation across States and Territories?

Ms KATE WASHINGTON: Certainly through the community services Ministers' meeting—I'm keen to raise it through that process so that we can have that conversation across States and Territories and with the Commonwealth.

The Hon. EMMA HURST: When is that next Ministers' meeting?

Ms KATE WASHINGTON: I know it's coming up; I'm not quite sure of the date, though. As to whether it can—I think the agenda will already be set for that meeting, so I'm not, at this point, suggesting it's going to be at the next one, but I'll try to have it placed on the agenda in the future.

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The Hon. EMMA HURST: Fantastic, thank you. I understand that this motion has only just passed, so when I use the word timeline, please understand I mean that quite liberally. Do you have a rough idea regarding investigating this potential change to the Working with Children Check system and when we might actually have further steps from the Government or further ideas in this space from Government?

Ms KATE WASHINGTON: If there's one thing I've learnt since coming into government, it's that things take time, even though there is often an urgency and need, so I can't, at this stage, indicate a time frame. As you said, your motion was moved in the last sitting of Parliament. I'm happy to keep the conversation going and, particularly in the first instance, as I said, with the Commonwealth.

Ms SUE HIGGINSON: Minister, I'm going to quickly go back to the tragic death of the 17-month-old child. There was a 72-hour response time. It's beyond acceptable what's happened, regardless of the Government's work, which I accept, to improve caseworker numbers. I know that that's really important and that systemic reform is exceptionally important, but in this situation, where a baby's dying because perhaps a caseworker wasn't available, has anything been done to rectify that immediately? Are there more full-time staff members in the New England region? Is it specific to the New England region? I think that what we have learnt is already too much to not already be acting upon.

Ms KATE WASHINGTON: Ms Higginson, there are a few things from that. Without knowing the actual detail of the coronial inquiry, I don't yet understand whether or not the tragic death of a baby has been as a result of anything by the department. But, saying that, we have been acting urgently to ensure that we are able to respond more quickly to concerns raised and risk of significant harm concerns. One of the things that we have done is redeploy casework specialists back to the front line so that they are now holding more cases, so we can see more children. We've now got casework specialists returned to the front line. I think across the State that's 44 additional caseworkers on the front line that have responded to a significant number of children. I think about 300 additional children have been seen because of that response—the redeployment of our casework specialists back to the front line.

The Hon. NATASHA MACLAREN-JONES: Minister, I'd like to turn to some of the data that's on the DCJ website regarding the number of children in residential care. The latest dashboard shows that, as of 31 March 2023, there were 816 children in residential care placement types. As of 30 September, which is the latest dashboard, there were 913 children in residential care. Is it fair to say that's an increase of 100 since you came into government?

Ms KATE WASHINGTON: I would have to check our figures.

PAUL O'REILLY: There is an increase.

Ms KATE WASHINGTON: Mr O'Reilly has just said there has been an increase, but I would say that the residential care is Intensive Therapeutic Care placements. Those placements involve, necessarily, as the name suggests, therapeutic supports provided to the children in those settings—much, much better than being in an unaccredited hotel or motel with 24/7 shiftworkers, as was the system, where too many children were placed, that we inherited.

The Hon. NATASHA MACLAREN-JONES: So it is fair to say that the 100 children that were in ACAs have gone into residential care?

Ms KATE WASHINGTON: Absolutely not. If you would like me—and I will actually do this for you, Ms Maclaren-Jones. The 313 children who have exited alternative care arrangements between November 2023—

The Hon. NATASHA MACLAREN-JONES: I think you misunderstood. I'm asking if the 100 children over that period of time—the additional ones that have gone into residential care—have come from ACAs or other high-cost placements?

Ms KATE WASHINGTON: Ms Maclaren-Jones, I'm going to have to explain, for a moment, that the figures that I've talked about—a reduction from 139 to just eight children doesn't—

The Hon. NATASHA MACLAREN-JONES: I'm not talking about ACAs, Minister, I'm talking about residential care. Since you came into government there's been an additional 100 placements in residential care. I'm asking whether those additional placements have come from ACA placements or other high-cost placements. I'm happy for you to take on notice.

Ms KATE WASHINGTON: No, I understand your question and I'm trying to answer it. The premise of the question I'm curious about because you seem to be suggesting that the children would be better off in unaccredited hotels and motels—

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The Hon. NATASHA MACLAREN-JONES: No, I'm not, Minister. I'm asking if those additional children have come from high-cost placements?

Ms KATE WASHINGTON: —with 24/7 shiftworkers than in a therapeutic residential-care placement, but—

The Hon. CAMERON MURPHY: Point of order—

The CHAIR: Order!

The Hon. CAMERON MURPHY: As a matter of fairness, the Minister has been asked a question. I think the Minister has now had four goes at attempting to answer the question.

The Hon. NATASHA MACLAREN-JONES: But she's not actually answering the question.

The CHAIR: Order!

The Hon. CAMERON MURPHY: Just because the honourable member doesn't like the answer that's been given is not a reason to talk over the Minister and ask new questions.

The Hon. NATASHA MACLAREN-JONES: It's quite a specific question.

The CHAIR: Order! The Minister, as you know, can answer the question any way she likes. I uphold the point of order.

Ms KATE WASHINGTON: And I am answering directly, because when I say that the children in ACAs have reduced in number from 139 to eight, that does not just mean that 100 children have been reduced from that cohort. Children have been coming in and out, so in that period of time, there have been 313 children and young people that have exited ACAs. Of those—

The Hon. NATASHA MACLAREN-JONES: Minister, we have actually covered this when my colleague asked before. I was quite specific.

The Hon. EMILY SUVAAL: Point of order—

The CHAIR: Order!

Ms KATE WASHINGTON: I am trying to answer your question, Ms Maclaren-Jones. Of those 313 children who have exited ACAs—

The Hon. NATASHA MACLAREN-JONES: That's not my question, Minister. I'm asking about—

The CHAIR: Order!

The Hon. EMILY SUVAAL: Point of order—

The Hon. NATASHA MACLAREN-JONES: Minister, I'm sorry. My question—

The CHAIR: Order! There is a point of order.

The Hon. EMILY SUVAAL: The Minister is attempting to answer the question and being directly relevant. The Hon. Natasha Maclaren-Jones continues to interrupt and speak over the top of her. Chair, I would ask that you direct her to your previous ruling and the procedural fairness resolution adopted by the House.

The Hon. NATASHA MACLAREN-JONES: To the point of order: The Minister's actually talking about ACAs; I'm asking about residential care numbers. They're two totally different things. I'm sure the Minister knows that.

The Hon. EMILY SUVAAL: Further to the point of order: As you've said in your ruling—

The CHAIR: I refer to my previous ruling. If the Minister isn't answering the question—

The Hon. NATASHA MACLAREN-JONES: I'm happy to move on because she's not answering the question.

The Hon. EMILY SUVAAL: No, she's in the middle of answering it.

Ms KATE WASHINGTON: No, Ms Maclaren-Jones, I absolutely want the opportunity to answer this question, and I'm answering it directly. There were 104 children exited to foster or kinship placements from ACAs.

The Hon. NATASHA MACLAREN-JONES: Point of order: The Minister's not actually answering this question.

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Ms KATE WASHINGTON: There were 105 exited to—

The CHAIR: Minister, let me hear the point of order.

The Hon. NATASHA MACLAREN-JONES: The Minister was asked specifically about residential care. She's talking about ACAs. I'm happy to move on because they are two totally different groupings.

The Hon. EMILY SUVAAL: To the point of order—

The Hon. NATASHA MACLAREN-JONES: This is actually now wasting my time.

The Hon. EMILY SUVAAL: It is entirely up to the Minister as to how she wishes to answer the question as long as she's being directly relevant. The Minister is being directly relevant.

The Hon. NATASHA MACLAREN-JONES: She is not being directly relevant.

The Hon. EMILY SUVAAL: Just because the Hon. Natasha Maclaren-Jones doesn't like the answer doesn't mean that she can direct how the Minister should be answering the question.

The Hon. NATASHA MACLAREN-JONES: Further to the point of order: She's not being directly relevant. I'd like to move on.

Ms KATE WASHINGTON: Ms Maclaren-Jones, your question specifically said how many children out of ACAs were moved into residential care—

The Hon. NATASHA MACLAREN-JONES: No, Minister, I asked—

Ms KATE WASHINGTON: —and I'm answering where the children have gone out of the ACAs.

The Hon. NATASHA MACLAREN-JONES: Minister, I didn't ask that question. I asked about the 100 young people that have gone into residential care—

Ms KATE WASHINGTON: From ACAs?

The Hon. NATASHA MACLAREN-JONES: No, no. Have they come from ACAs or other high-cost placements? It's a yes-no answer.

Ms KATE WASHINGTON: Correct, so I'm telling you where the children from ACAs have gone instead of the residential care that you're suggesting that they have.

The Hon. NATASHA MACLAREN-JONES: No, I'm just asking where those additional 100 came from.

The CHAIR: Perhaps the member should move on.

The Hon. NATASHA MACLAREN-JONES: I think that's probably best.

The Hon. EMILY SUVAAL: The Minister should be allowed to answer the question.

The Hon. NATASHA MACLAREN-JONES: So, Minister, is it fair to say that it's actually better that a young person is in foster care as opposed to—

The Hon. EMILY SUVAAL: Point of order: The Minister has attempted to answer this question multiple times, and she should be allowed to do so and put on record the answer to the question.

The Hon. NATASHA MACLAREN-JONES: To the point of order: The Chair actually asked us to move on, and I'm moving on.

The CHAIR: No, we'll move on. The Minister can read that onto the record later on if she thinks it's entirely relevant.

Ms KATE WASHINGTON: Thank you, Chair. I will do exactly that.

The Hon. NATASHA MACLAREN-JONES: Thank you very much. Minister, is it better for a child to be in foster care or kinship care rather than residential care?

Ms KATE WASHINGTON: Ms Maclaren-Jones, the ideal placement for a child and the ideal place for a child to be is safely with their family. That is the goal of our system reform. The goal of all the work that we are doing is to provide safety and support for families so children can stay safely at home. Where that is not possible, there is, according to the legislation, a hierarchy of placements, and yes, kinship care is preferable and then foster care.

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The Hon. NATASHA MACLAREN-JONES: Thank you very much. Minister, in that same time period, there's been a decrease of 600 placements from 5,681, which was on 31 March 2023, to 5,073, that is of 30 September 2024. That's a trend of a decreasing number of foster and kinship placements. Minister, why aren't you investing in foster carers?

Ms KATE WASHINGTON: Ms Maclaren-Jones, I don't understand the numbers that you were referring to. What were they? You've just thrown a couple of numbers around and I don't know what they were actually about.

The Hon. NATASHA MACLAREN-JONES: It's from your own department dashboard that shows—

Ms KATE WASHINGTON: Yes, but you need to tell me what numbers and what they relate to.

The Hon. NATASHA MACLAREN-JONES: It's foster care placements.

Ms KATE WASHINGTON: Right, thank you.

The Hon. NATASHA MACLAREN-JONES: And you'll be aware that over the last 12 months 1,000 foster carers have left. You're aware of that figure?

Ms KATE WASHINGTON: I am aware that when we came into government we inherited a system where foster carer numbers were plummeting.

The Hon. NATASHA MACLAREN-JONES: Minister, you've been there two years. You are aware that over the last 12 months 1,000 foster carers have left the system?

Ms KATE WASHINGTON: And what we have done as a government and what you didn't do when you were Minister was for the Government itself to step in to the recruitment of foster carers, and we have now recruited 211 emergency foster carers.

The Hon. NATASHA MACLAREN-JONES: But Minister, you're losing foster carers.

Ms KATE WASHINGTON: We have recruited, as a government, 211 emergency foster carers who have now supported, I think, 971 children in their placement into the system, but saying that, I fully acknowledge that there is an enormous amount of work that we must do to better support foster carers. It's in the system review. It will be part of our focus going forward because I have met with so many carers across the State. Every time I travel anywhere, I'm meeting with carers, I'm meeting with children who are in the system or just out of the system. The consistent message that I'm hearing from foster carers across the State is they feel like they are bottom of the barrel. So we are doing work in the system that we have inherited. We are developing a carer strategy to ensure that they have the support that they need so that we can try to keep more carers in the system. We are also going to be, under the current—

The Hon. NATASHA MACLAREN-JONES: Thank you very much, Minister. Can I actually just move on to the cost of residential care placements? It would be suggested to be in the tens of millions. I'm happy for the department to take this on notice. The additional 100 placements for residential care—how much that has cost since March last year?

Ms KATE WASHINGTON: What I can tell you is that the reduction in the children in alternative care arrangements has been a cost reduction of \$148 million. The reduction of children in all HCEA types has been a cost reduction, I think, of \$143 million. So there have been significant reductions in cost across the system because of the laser focus we have had on ensuring children are no longer in unaccredited hotels and motels with 24/7 shift workers.

The Hon. NATASHA MACLAREN-JONES: Minister, I'll go back to residential group homes and the numbers, and we've seen an increase under your time as a Minister. These homes do cost tens of millions that we know. I think IPART estimated back in 2015 each young child in what was then called the residential interim care services—that was before the PSPs—was \$320,000. So we're talking about millions going into residential care homes. These young people still have a rostered staff 24/7 to the age of 18. Again, I ask you why aren't you investing in foster carers and getting young people to live in a stable home with a foster carer rather than a group home?

Ms KATE WASHINGTON: I'll continue the answer that you wouldn't let me continue to provide before, in terms of supporting foster carers in the first instance. We are ensuring that there is greater transparency and accountability across the system for our carers. We want to ensure that every carer understands how much their provider is receiving for the children that are in their care.

The Hon. NATASHA MACLAREN-JONES: But you're losing thousands per year.

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Ms KATE WASHINGTON: We are taking steps to ensure that carers have greater control and feel valued in the system.

The Hon. NATASHA MACLAREN-JONES: Minister, can I move on to the Waratah cottages?

Ms KATE WASHINGTON: It seems that you don't want to hear any good news stories, Ms Maclaren-Jones, because I can tell you we have been cleaning up a significant mess that we inherited directly from your Government.

The Hon. NATASHA MACLAREN-JONES: Minister, you talk about plans and initiatives, but we're still seeing thousands of foster carers leave. I'm happy to talk to the department about some of the specific things they're rolling out later this afternoon, but in the time that I have available, Minister, I wanted to ask about the Waratah Care Cottages that you announced last year. How much is being spent on those cottages? There are five of them, is that correct?

Ms KATE WASHINGTON: I just was recently last week at the opening of the third cottage. There are five that are planned, so now there are three operational with sibling groups of children that came out of alternative care arrangements where they were in hotels and motels with 24/7 shift workers and now are in beautiful, homelike settings with therapeutic wraparound supports.

The Hon. NATASHA MACLAREN-JONES: So all three of those cottages are for sibling groups?

Ms KATE WASHINGTON: Yes, as I understand it.

The Hon. NATASHA MACLAREN-JONES: There will be two more cottages coming online shortly that will also be for sibling groups?

Ms KATE WASHINGTON: Correct, and it's the first time in 20 years that the State government has directly delivered residential care services. We've done it to specifically respond to the urgent need to get kids out of hotels and motels.

The Hon. NATASHA MACLAREN-JONES: How much is being spent on those five cottages?

Ms KATE WASHINGTON: I will have to defer to Mr O'Reilly on that.

The Hon. NATASHA MACLAREN-JONES: Or I'm happy for you to take it on notice.

PAUL O'REILLY: Yes, we can take it on notice and come back with a forecast because, again, only three of them have been established so far. We can come back with a forecast. The cost is being offset by, obviously, the reduction in emergency placements, which are far more expensive.

The Hon. NATASHA MACLAREN-JONES: Are the staff department employees or contract staff?

Ms KATE WASHINGTON: It is a pilot at this point, and so at this stage we have got—I believe there's a hybrid going on, where we have some contracted workers under the supervision of department staff. Mr O'Reilly, is that accurate?

PAUL O'REILLY: Yes, that's correct. We have a hybrid at the moment. One of the challenges here is that, because DCJ hasn't run residential care for some time, we need to re-establish an employee award to do that. That work is underway at the moment with our employee relations team. As the award comes together, we're using a DCJ manager and contracted staff who are familiar with the Sherwood model.

The Hon. NATASHA MACLAREN-JONES: What are the qualifications for the staff there?

PAUL O'REILLY: They are similar to other therapeutic care qualifications, but we can come back with something more detailed later.

Ms KATE WASHINGTON: I believe that the appointment of these staff for these vulnerable children is being done in a joint way with the department so that our department has a say in who's being placed into these positions as well, because we want to ensure that we have the best support for these children, who have already been through a lot.

The Hon. NATASHA MACLAREN-JONES: Moving back to the residential care homes that currently exist, I'm interested to find out what is the youngest age of a child who is currently in residential care.

Ms KATE WASHINGTON: Ms Maclaren-Jones, I'll have to take that on notice at this point. Just touching on the residential care questions, there has been an expansion of Intensive Therapeutic Care placements to respond to the need to have children no longer in ACAs or high-cost emergency arrangements. We've expanded that program, and we've also reduced the vacancy rate across all Intensive Therapeutic Care placements. When we came into government, the vacancy rate was as high as 47 per cent. We've halved that across the State, where

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it's now sitting at just 20 per cent. That reduction has allowed us to continue to drive down the cohort of kids in high-cost emergency arrangements and to provide them with therapeutic placements—home-like placements—as opposed to hotels and motels.

The Hon. NATASHA MACLAREN-JONES: Do you have the average cost of the ITC?

Ms KATE WASHINGTON: We'll take that on notice and provide that this afternoon as well, I would say. But I can say that hotels and motels and unaccredited alternative care arrangements could cost upwards of \$2 million a child, which is an extraordinary outlay for the poorest outcomes. That was the system that we inherited, where there were more and more children being placed in these types of unaccredited emergency arrangements. We have been doing the work and, in a short space of time, have seen those numbers turn around by 94 per cent. This is a good-news story.

The Hon. NATASHA MACLAREN-JONES: You were talking about the ITC group homes. How many additional placements have been contracted with this expansion?

Ms KATE WASHINGTON: Again, that's something that we can come back to you with the numbers this afternoon. But, again, I will say that those placements have allowed—

PAUL O'REILLY: It's 152.

Ms KATE WASHINGTON: Mr O'Reilly has just said it's 152 additional placements, which means children have somewhere else to go other than unaccredited high-cost emergency arrangements.

The Hon. NATASHA MACLAREN-JONES: I'm confirming that they also have rostered staff 24/7?

Ms KATE WASHINGTON: Yes.

The Hon. NATASHA MACLAREN-JONES: In western New South Wales, you advised in response to question on notice No. 3035 regarding the EOI process in Dubbo that it would commence on 14 October and close on 11 November. I also asked about the delay of that EOI. You said it allowed extra time for applications. I understand that still hasn't been finalised, and we're now in March. Could you please advise why there has been a delay?

Ms KATE WASHINGTON: As we responded to your question on notice in relation to western New South Wales, the expression of interest wasn't delayed, as such; it was allowing time to ensure that there was the capacity and capability in that area to respond to an expression of interest. We're working closely with ACCOs on the ground to ensure that we can actually stand up services that we need in that area. I'm advised that the applications are currently under the assessment phase.

The Hon. NATASHA MACLAREN-JONES: But they closed back on 11 November.

Ms KATE WASHINGTON: They're under assessment. It's a process that's playing out, and it's being done respectfully with the providers on the ground.

The Hon. NATASHA MACLAREN-JONES: How many cases have there been of the transfer of Aboriginal children from the department to ACCOs?

Ms KATE WASHINGTON: As you would well know, this is a really complex area, but it is incredibly important to ensure that Aboriginal children and young people are getting access to the cultural supports and services that they need for their wellbeing that can be provided through Aboriginal community controlled organisations. There has been a rather—I don't want to say, "significant increase". There has been an increase in the number of children transitioning just recently. I don't know if I can put my hands on it now, but the department has been doing a lot of work to try to assist in the process, understanding that there are ACCOs—

The Hon. NATASHA MACLAREN-JONES: They are DCJ, not NGO? I'm asking about DCJ transfers, not NGO, so just confirming it's DCJ you're referring to?

Ms KATE WASHINGTON: Apologies—our transfers to ACCOs? I'll have to come back to you with that figure.

Ms SUE HIGGINSON: The cost of the ACAs for 2023-24 was reported at \$86.3 million in the last budget estimates hearing, but I think I heard you say \$143 million. Is that a more correct figure, or is it fair to say that's the money that you've transferred from that provision to non-ACAs? Is the \$143 million figure right?

Ms KATE WASHINGTON: It's a cost reduction based on the—

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Ms SUE HIGGINSON: I think my question is specifically whether it's the \$86.3 million or the \$143 million. Where is that money directly now? Where can we trace that money to be spent, other than the Waratah project?

Ms KATE WASHINGTON: Before I hand over to Mr O'Reilly, who will be able to give you this info in more detail, I will say that the expenditure on the high-cost emergency arrangements was an overspend. It wasn't money that was budgeted. When we came into government, the overspend that we had was \$200 million, largely attributable to—actually, it might've ended up being more than that at first. It kept growing to an eye-watering amount. It was an overspend on the budget. It was about \$200 million. It was about \$800 million over forward estimates that we inherited as an overspend. We don't want to, for a moment, suggest that there is additional money because we've managed to reduce that overspend, but I'll hand over to Mr O'Reilly to explain those figures.

Ms SUE HIGGINSON: Perhaps we can come back and revisit that detail. I think I understand what you're saying in terms of that. Essentially you're saying you just had to cut those costs.

Ms KATE WASHINGTON: We had to ensure that the money that was being spent on the system was actually going towards better outcomes for children. That's the fundamental view we've taken since we came into government: to ensure that taxpayer money is being spent in the best way possible to get the best possible outcomes for children and young people.

Ms SUE HIGGINSON: Where is that \$143 million now being spent, other than the Waratah project?

MICHAEL TIDBALL: Just to make the point—and the Minister touched on this earlier—the ITC system had very, very high vacancy rates. It was being underutilised. That funded part of the system at a 47 per cent vacancy rate in August 2023 is now 20 per cent. So there was capacity there and, unlike ACAs, constancy of care, a home-like environment and accreditation.

Ms SUE HIGGINSON: In terms of the reinvestment approach that has been recommended—the system review recommended that DCJ create a reinvestment plan that shifts the focus—what steps have been taken to develop that plan so that everybody can follow along and understand what's happening?

Ms KATE WASHINGTON: It's a good question, Ms Higginson. We've recently issued our reform plan—I have a version right here—which steps out the way forward in terms of the work that we are currently doing to stabilise the system; the next steps, being to rebuild it; and then, finally, investing in better outcomes for children and young people. We've got a lot of work that needs to be done to go through this process, but what we have learnt in the time that we've been in government is that just throwing more money at the problem and into a system that's not efficient or effective, as has been found by numerous oversight bodies, isn't the solution. What we need to do is actually create a world-class system that provides stability and safety for children and young people so that they can thrive.

Ms SUE HIGGINSON: Obviously that's good to hear. But we've now got a bunch of reports that the Government has received that demonstrate that the money DCJ is spending in out-of-home care is not resulting in the needs of Aboriginal children being met specifically and is not improving outcomes for them in the short, medium or long term. Is there a plan? When will the DCJ take a firm stand and move the DCJ money out of the system that it's currently in and better invest it so that it could have immediate impacts for First Nations children?

Ms KATE WASHINGTON: The early intervention work that you speak of is the goal, without question, as I said earlier to Ms Maclaren-Jones. The goal that we have is to ensure that there are the additional supports, and all the supports, in the right place at the right time for the families to keep children safely at home. There has to be an enormous amount of work done to stabilise the system, as I said. The \$800 million overspend that we inherited over the forwards is something that we are trying to control, focused on not only the budget and working within a budget but also producing better outcomes for kids in the process. We have got a lot of work underway.

In terms of the early intervention piece, particularly around family preservation and the work that's done with families who are at risk of coming into the system, we've got a recommissioning process that's being done collaboratively, particularly with Aboriginal stakeholders, for an exceptionally long time. That recommissioning process will see a significant increase in investment for Aboriginal community controlled organisations to deliver family preservation services. We're looking at potentially 30 per cent of the share of the funding for family preservation services, and potentially more, through that recommissioning process, because we understand the importance of exactly the question you're asking: How do we get more support to Aboriginal children and families earlier?

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Ms SUE HIGGINSON: Has there been progress made on the FIC recommendation 5 about the Aboriginal quality assurance unit and the accountability framework? Has there been progress made in that field?

Ms KATE WASHINGTON: On that specifically, I will defer to Mr O'Reilly. But in terms of the FIC recommendations, I will say that obviously there's work still to be done in a number of areas, but we are working through a range of reforms that are being informed by the reports that we've had from the Auditor-General's office, the Ombudsman, the Office of the Children's Guardian—

Ms SUE HIGGINSON: I know, and I know we've spoken about it in estimates, where you've said that's now potentially aged in some ways and things are informing reforms and updating. I'm not certain that AbSec and the representatives through AbSec necessarily agree with that. The FIC recommendations that I'm speaking to are the ones that AbSec and others are holding onto and still want to see. On that, New South Wales remains the only State without a children's commissioner and particularly in relation to Aboriginal children and young people. Are you advocating for this? I asked the Premier whether he would consider establishing an independent commissioner for First Nations children and young people. He said he'd take it on notice. Is this something you've brought up with him ever? Is it something you're advocating for? I say it because it is clearly something that First Nations leaders and advocates are calling for.

Ms KATE WASHINGTON: You're quite right; they are. I respect and acknowledge that. Certainly that's the advice that I have received from my Ministerial Aboriginal Partnership Group as well as other Aboriginal stakeholders across the State. The conversation around a commissioner role in New South Wales at this point is being had with the Commonwealth, in terms of the agreement across all States and Territories about the minimum requirements and what role an Aboriginal commissioner would play. There are ongoing conversations and attempts to land those and agree on those minimum requirements.

Ms SUE HIGGINSON: Are you committed to having one?

Ms KATE WASHINGTON: We are working through those minimum requirements and looking to see what else is happening across every State and Territory in terms of their commissioners. Whilst you said there are other States and Territories with commissioners established, they are all different forms. There are some that are not legislated; there are some that are. There are some where it just happens to be that there is an Aboriginal person sitting in that role. Across the country, there are different forms of it. I am actively meeting with all of the Aboriginal commissioners across the country in the coming months and in that process already to understand what we might be looking towards.

Ms SUE HIGGINSON: But are you, as Minister, from where you sit, through the lens that you're looking at and the advocacy you're receiving, advocating for New South Wales to have a First Nations children and young person commissioner?

Ms KATE WASHINGTON: It is a conversation that I'm continuing to have in the Commonwealth space and across other States and Territories, and the conversation will continue.

Ms SUE HIGGINSON: Do you think that there's scope to have an interim position, even if it's—I can't believe I'm going to say this—the idea of the perfect not getting in the way of the good. Quite seriously, this is something that is being called for. It's what First Nations advocates in this space, families and leaders are asking for. What benefit do you see in not moving forward with this work now, and waiting?

Ms KATE WASHINGTON: Right now, we have got a system that's in crisis, and we are trying to manage that. That is the focus of our work. The focus has been in the worst area, as I've already discussed today—removing children from hotels and motels, and that included a number of Aboriginal children and young people. There has been significant work across all areas impacting Aboriginal children and families. I'm committed to doing that work in partnership with Aboriginal stakeholders with the oversight of the Ministerial Aboriginal Partnership Group, the Aboriginal leadership group and stakeholders across the State. I will continue to work with them on delivering meaningful outcomes for them and their families.

Ms SUE HIGGINSON: But if First Nations leaders or advocates in this space are saying a commissioner is a place—and they have been saying it now for many years—can you just tell the Committee to what extent are you committed to doing that with First Nations leaders and for First Nations leaders now?

Ms KATE WASHINGTON: What I'm committed to is delivering meaningful outcomes for Aboriginal children and families across the State.

Ms SUE HIGGINSON: But does that include establishing a commissioner?

Ms KATE WASHINGTON: It depends. There are a lot of moving parts at the moment in the system. We have got reform underway. We need to ensure that anything that we—

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Ms SUE HIGGINSON: Minister, what reasons to not establish a commissioner are you looking at at this point?

Ms KATE WASHINGTON: Because there are significant complexities, like all of those things, Ms Higginson, because the minimum requirements as they are currently—the latest version that's been circulated currently straddles partly the roles of the Ombudsman, the Office of the Children's Guardian and the Advocate for Children and Young People. We've got other oversight bodies that already have these responsibilities. It would take legislative change. It would take significant reshaping of oversight bodies that are already well established. It is a complex conversation to be had, but one that I'm willing to keep having.

Ms SUE HIGGINSON: I think that people out there are really looking for you to make the commitment that that is what you're working towards, not just "We're continuing to analyse it". With the greatest respect to everybody working in this field, your Government has established independent commissions and commissioners for biosecurity, for agriculture, and right now the role of an independent commission overseeing something as important as First Nations children and young people in the out-of-home care system and trying to prevent that from happening, and children staying with families—those people on the front line are just asking for the establishment of an independent commission, and they want to know that you've got their advocacy in all of the right places for that to happen. The Premier said to me in budget estimates—whenever that was—that he would take that on notice. Surely, he will talk to you, or his people will talk to your people, about what is happening. I honestly don't think it is in anyone's best interest if we just come back with "We're still looking at it". I think people are just looking for a commitment. Are you committed to the establishment of that, or is it not a priority for you and your Government?

Ms KATE WASHINGTON: It is an absolute priority for our Government to reduce the over-representation of Aboriginal children and young people in the out-of-home care system. We want to ensure that the steps that we are taking, the efforts that we are placing and the resources that we are putting into place are going to achieve that goal. Those are the conversations we are having in terms of prioritising the work that's currently in front of us to ensure safety and stability for children and families, children and young people in the out-of-home care system and, as I said, trying to have the resources placed sooner so families can stay safely together. There are currently oversight bodies for all children in the system, but I acknowledge—

Ms SUE HIGGINSON: But I think the point is that they're just not actual First Nations dedicated bodies. These are just bodies across the system that look at all matters. Given the over-representation of First Nations people and children and young people in this system, this is one of the things that leaders and advocates have been asking for and, from what I see, the ask or the advocacy is actually escalating right now. Is that something you would agree with?

Ms KATE WASHINGTON: Not necessarily, but certainly we've had the conversation in the Ministerial Aboriginal Partnership Group. It will be a continuing conversation with them. Even in your question, and with all respect too, Ms Higginson, the question changed from commission to commissioner. The FIC recommendations recommended a commission. In the Commonwealth conversations around the minimum requirements it's a commissioner. There is still a lack of clarity around what the role ought to be and, if we proceed down that path, what best vehicle there is to ensure that Aboriginal children and young people have that oversight in the system.

Ms SUE HIGGINSON: In terms of the work you are doing, and looking at the Commonwealth and getting advice, what sort of timeline do you have to be able to make clear to all those advocates that have been asking for this for many years for what your Government's position will be on it? What is that time frame?

Ms KATE WASHINGTON: The latest version of the minimum requirements are for discussion at the next community services Ministers meeting, which is in a matter of weeks, as I understand. It's on the agenda for 28 March. That's where energies are being focused at the moment.

Ms SUE HIGGINSON: I understand the Aboriginal Authority for Restoring Children came very much from Dr Newton. Whilst any commitment to that authority would be significant, what commitment has your Government actually made to the Aboriginal Authority for Restoring Children in financial terms?

Ms KATE WASHINGTON: The commitment that we made to a restoration taskforce came from the Aboriginal family and wellbeing forum that I held in August 2023. That was one of nine commitments I made following that powerful stakeholder forum. The progress on that particular commitment has been significant. It has, as you said, been led by Dr B. J. Newton, and the vehicle for a restoration taskforce is still for consideration. There is the development of a business plan. We're not in a position to be talking about funding for something yet when we don't know what the business case looks like. I know that the department is working exceptionally closely with Dr Newton on developing the business case so that then we can work out next steps.

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Ms SUE HIGGINSON: Just finally, then, given it has been over a year since the Government announced the commitment to expanding that restoration work, what other work is being undertaken by DCJ to review the circumstances of Aboriginal young people on long-term orders, and the possibility of restoration to their families, and how is this being done with ACCOs directly?

Ms KATE WASHINGTON: We've got a lot more work to do in terms of our focus on restoration, as a department. There are pockets of good practice. I believe that was the expression in the system review: pockets of good practice across the State in different areas. I'm aware of a DCJ-led restoration taskforce in south-west Sydney. The work is going well. There are opportunities for us and we take them every time, wherever we can, to do the work ourselves and be the system stewards that we ought to be.

Ms SUE HIGGINSON: Is it the case, Minister, that the rates of restoration are dropping still, or are we seeing a change?

Ms KATE WASHINGTON: At this stage the restoration rates are still dropping, and we need to be doing a lot better on ensuring that the work is being done where children can be restored to families, and they ought to be.

Ms SUE HIGGINSON: Are you still committed to the Aboriginal Authority for Restoring Children? Is that still the commitment?

Ms KATE WASHINGTON: We're committed to standing up a restoration taskforce to help us drive the restoration of Aboriginal children where possible.

Ms SUE HIGGINSON: It might be something to take on notice, but how many Aboriginal children in the out-of-home care system have a case plan goal of restoration? I can take that up with Mr O'Reilly or Mr Tidball if that's—

Ms KATE WASHINGTON: We'll take it on notice and hopefully give you the answer this afternoon, Ms Higginson.

The Hon. NATASHA MACLAREN-JONES: What preparation was done by the department in the lead-up to the ex-tropical cyclone?

Ms KATE WASHINGTON: Sorry, you were looking at Mr Tidball.

The Hon. NATASHA MACLAREN-JONES: I thought he was going to pull out a note.

Ms KATE WASHINGTON: I've certainly been—

The Hon. NATASHA MACLAREN-JONES: I should say, particularly around disability supports because, following all disasters, we know that people with disability have a lot more challenges in accessing, particularly, emergency supports, evacuation centres and so on. I was just interested to know if there was any preparation work done in the lead-up to this one.

Ms KATE WASHINGTON: Well prior to us having ever heard of now ex-cyclone Alfred, there was a lot of work being done in terms of our response to natural disasters when it comes to people with disability and ensuring that they have access to the information that they need at a time when they need it most. As I understand, the Hazards Near Me app has now been made accessible to ensure that people with disability can access the information easily that everybody else has been able to access. We are well aware of the need to ensure that evacuation centres are as accessible as possible to ensure that people with disability can gain the benefit of those services as well. I've certainly been, as I mentioned right at the very beginning, aware that there have been a number of DCJ staff that are now helping in evacuation centres across the north of the State and who are all very alive to the particular needs of people with disability. That's why they are the best placed people to be in these centres at this time.

The CHAIR: Questions from the Government?

The Hon. EMILY SUVAAL: Just one from me. In relation to children and young people leaving alternative care arrangements, can the Minister talk us through where those children have been placed?

Ms KATE WASHINGTON: This is the answer that I was hoping to be able to provide to the question by Ms Maclaren-Jones. Instead of suggesting somehow that children ought to be in hotels and motels instead of therapeutic placements, that is certainly not the approach that our Government has taken. We have taken enormous steps to ensure that children are removed from alternative care arrangements so that we can ultimately eliminate them as an accommodation type from the system as of the end of this month.

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Of the 313 children that have exited the ACAs between 1 November 2023 and 19 November 2025, 104 exited to foster or kinship placements. That's 104 children that were otherwise in hotels, motels and caravan parks with unaccredited providers, costing up to \$2 million. Now 104 are with foster and kinship care in homelike environments, in stable, loving homes. One hundred and five exited to other types of emergency arrangements, 57 exited to Intensive Therapeutic Care, 22 were self-placed and 14 were restored to family. These are 14 children that are now living back with their families, safely, instead of in hotels, motels or caravan parks. Five exited to DCJ residential care and six to Youth Justice.

We've just been doing everything we can across the board to ensure that these children have better, stable placements—safer, stable placements—and can hopefully now be in a position to thrive. I think everyone on this Committee knows that the children that have come into the system in the first place have experienced an enormous amount of trauma even before they get there. For us to have inherited a system where, in the absence of foster care and foster carers, it became the standard for kids to be placed in these types of arrangements—certainly, as Minister, it's not something that I could stomach. We have been laser focused on changing the system so that in the future these types of arrangements will have no place in them. These kids, nearly all of them have gone to far better placements.

The CHAIR: We now will break, if there are no more Government questions, and return at 11.15 a.m.

(Short Adjournment)

The CHAIR: We might recommence with the Opposition.

The Hon. NATASHA MACLAREN-JONES: Welcome back, everyone. Going back to the Waratah Care Cottages, I am interested to know, what is the number of children currently in those three properties? That is my first question.

Ms KATE WASHINGTON: Currently, in the Waratah Care Cottages, as I said, there is a number of sibling groups that have come from high-cost emergency arrangements. In terms of numbers, I know the first one had four. Sorry, the secretary might know.

MICHAEL TIDBALL: I may be able to help. In November 2024 a sibling group of three moved into the first Waratah Care Cottage. In January 2025 a sibling group of two children moved into the second Waratah Care Cottage, with another sibling group of two planned to join them in the home soon. A sibling group of four has been identified for the third home. They are currently living in separate high-cost emergency arrangements.

The Hon. NATASHA MACLAREN-JONES: In relation to the second one you talked about, you said that two had gone in and another two will go in. Are they of the same family or are they two different families?

Ms KATE WASHINGTON: I don't think we have the answer to that.

MICHAEL TIDBALL: It's another sibling group, I believe—a separate sibling group.

The Hon. NATASHA MACLAREN-JONES: With these five cottages, they won't always have just the same sibling group? It could have different families at different times?

MICHAEL TIDBALL: Correct.

Ms KATE WASHINGTON: But the idea with the cottages is not only for the children to have a better environment but also to do any work that we might be able to do to find different placements and longer term placements for them, be that restoration, foster care or guardianship—any of those options are on the table.

The Hon. NATASHA MACLAREN-JONES: What's the criteria for a sibling group to go into the Waratah cottage versus one of the residential placements that an NGO may offer?

Ms KATE WASHINGTON: I might hand over to Mr O'Reilly for that. As a basic, it's purely in terms of having the availability and the Government standing up residential homes for the first time to ensure that we've got enough places for siblings to go out of high-cost emergency arrangements and to be together. I will ask Mr O'Reilly to give you more detail.

PAUL O'REILLY: Residential care placements are identified on a basis of availability and suitability. Sometimes it is about matching with the children who are already in that particular property. What we have done in more recent times is arrange for NGOs working at particular geographical hubs to work together as a system to map vacancies and map children who are waiting so we get a much more efficient use of vacancies and much better matching. If NGOs operate independently of each other, we don't get those matching opportunities. We

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often have vacancies for unreasonable amounts of time. The DCJ cottages are now part of that mix. It's really about best fit and timing.

The Hon. NATASHA MACLAREN-JONES: That's fine. Thank you. Minister, how do you intend to measure the success of these cottages? Is there a time limit on how long it is expected that the young person will stay in that cottage before transitioning to another form of residential care—obviously there is foster care? Are there any particular measurements that you've put in place?

Ms KATE WASHINGTON: I've got to say that having visited two of these cottages now, a particular goal has already been achieved and kicked by the department in a very short space of time by standing up these residential homes. They are going to provide the therapeutic, wraparound support for these children, as opposed to being in hotels and motels with unaccredited providers. That goal has been kicked and kicked incredibly well and quickly by the department. Visiting these homes, they are homes. The people who are going to be providing the support will provide the care and stability for these young people, including these kids being able to go to a local school, perhaps for the first time in their lives. These cottages are allowing us to fulfill our responsibility to the most vulnerable children by ensuring that they've got the best place at this point in time.

The Hon. NATASHA MACLAREN-JONES: Just to clarify, there isn't a time limit and this isn't transitional in any way? They could be there until they're 18 or they could be there for six months.

Ms KATE WASHINGTON: Decisions are going to be made, as always, in the best interests of these children.

The Hon. NATASHA MACLAREN-JONES: Have there been any critical incidents in relation to these cottages to date?

Ms KATE WASHINGTON: Not that I'm aware of.

The Hon. NATASHA MACLAREN-JONES: Just in relation to Sherwood House—only because it was mentioned before—have there been any critical incidents in the last four months at Sherwood House?

Ms KATE WASHINGTON: Not that I'm aware of, but we can take that on notice.

The Hon. NATASHA MACLAREN-JONES: But you should be advised of any critical incident?

Ms KATE WASHINGTON: Correct, and I'm not aware of any.

The Hon. NATASHA MACLAREN-JONES: Are there any children currently missing from Sherwood House?

Ms KATE WASHINGTON: Again, not that I'm aware of.

The Hon. NATASHA MACLAREN-JONES: In relation to NGOs, is there any intention by you as the Minister to transition any out-of-home care services from NGOs to your department?

Ms KATE WASHINGTON: As we have been saying to the sector since we came into government, there is an ambition to reform the system and to get far better outcomes for children and young people. I don't think there is anyone that would say that's not necessary, given the state of the system that we inherited. It has been examined by a number of oversight bodies, including the Auditor-General, the Ombudsman, the Advocate for Children and Young People and the Office of the Children's Guardian, going back the FIC report as well. There have been so many reports and recommendations making the case for change, including the system review that I stood up and we've now got as a reform road map. We are taking our role as system stewards seriously. We need to strengthen our stewardship. Everything is on the table at this point in time.

The Hon. NATASHA MACLAREN-JONES: Do you support the NGO sector and their role in out-of-home care?

Ms KATE WASHINGTON: I will say that there are some really good NGOs doing some amazing work with children and families across the State. There are other NGOs that I might wish were doing things a little bit differently. We are wanting to work with those that want to work with us. We will continue to do so. Importantly, we have already begun the work of bringing some parts of the system into government hands. That includes the recruitment of foster carers and the recruitment of family time workers. We are also responsible for most of the carer assessments and the Waratah Care Cottages that we've already spoken about. We inherited a system where every single oversight body said we did not have enough control. As the Minister that actually has parental responsibility for the children in the system, we are ensuring that we become stronger stewards of the system and have control over the system to ensure that those children get much better outcomes.

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The Hon. NATASHA MACLAREN-JONES: You mentioned foster carers. That is one part you brought in. How much has your department spent on foster carer recruitment, including staffing, advertising and consultancy work?

Ms KATE WASHINGTON: The role that we play in terms of foster carer recruitment is multifaceted. Every single NGO provider that has the Permanency Support Program funding is able and funded to recruit foster carers.

The Hon. NATASHA MACLAREN-JONES: Sorry, just to clarify, just before, you said that regarding DCJ, foster care recruitment is in house as well.

Ms KATE WASHINGTON: Correct.

The Hon. NATASHA MACLAREN-JONES: I am interested in how much you have spent in your department on foster care recruitment?

Ms KATE WASHINGTON: When you talk about the department spend on recruitment of foster careers, I'm saying it's multifaceted. Yes, we're doing in-house recruitment.

The Hon. NATASHA MACLAREN-JONES: That's the question I'm asking.

Ms KATE WASHINGTON: We also fund NGOs to do it. We also fund My Forever Family to do it.

The Hon. NATASHA MACLAREN-JONES: I'm aware of that, Minister. I'm asking how much you have spent—your department has spent on your foster careers. I'm aware of the other areas. I'm interested in your department.

Ms KATE WASHINGTON: I can take that on notice.

The Hon. NATASHA MACLAREN-JONES: If you could also advise how many new DCJ foster carers have been recruited, and that's not the emergency one; it's additional.

Ms KATE WASHINGTON: Okay.

The Hon. NATASHA MACLAREN-JONES: How many foster carers has your department recruited, with that expense? I'm happy for you to break it down between emergency and non-emergency.

Ms KATE WASHINGTON: As you know, the foster carers often play more than one role. Our emergency foster carers may well be the longer term foster carers, and the 211 emergency foster carers may well be some of the longer term foster carers as well. We can provide a breakdown to you, but—

The Hon. NATASHA MACLAREN-JONES: I'm interested to know how much you've spent on foster carer recruitment within your department, and what the end product has been—one, 100, 10, 50 or whatever the number is.

Ms KATE WASHINGTON: As I've said already, the recruitment of 211 emergency foster carers by us so far has seen 971 children—

The Hon. NATASHA MACLAREN-JONES: And as I've said, Minister, I'm interested in the additional carers.

Ms KATE WASHINGTON: —given safe places.

The Hon. NATASHA MACLAREN-JONES: Obviously we know the IPART inquiry is going on. We've also seen, in some of the hearings, that foster carers have raised concerns around payment, particularly with cost of living pressures, but also because of complexities some of these young people that they're caring for have. Is there a priority for your Government to provide additional funding support for foster carers, particularly those looking after young people with complex needs, so they don't have to go into the high-cost placements—the residential care models?

Ms KATE WASHINGTON: There is an enormous amount of work that we need to do to support foster carers more. Having met with so many across the State, it's critical, because they are the very foundations of the entire system and I continue to be amazed by how they have felt the treatment in the system that we inherited.

The Hon. NATASHA MACLAREN-JONES: Minister, with all due respect, these are the same lines you give every estimates. I'm interested, specifically, in what you're actually doing and whether or not you'll be committing to provide that support. I also refer to recommendation from the audit report that said we need to train foster carers to support young people with complex needs. Have you done that? That is something that probably doesn't require a lot of money. Is that something you've implemented?

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Ms KATE WASHINGTON: With all due respect, Ms Maclaren-Jones, there is a lot of work underway, and the system review has made it very clear, and we've made it about the importance of ensuring that there is additional supports for careers. The IPART review that you've referred to, I'm sure it is looking not just at carer allowances, but additional supports that ought to be provided to carers. We are developing a carer strategy. We are also seeking to make the system more accountable and transparent for them in the critical roles that they play in caring for vulnerable children and young people.

The Hon. NATASHA MACLAREN-JONES: Disability housing properties is something I ask about at each estimates. I'm interested to know the number of properties that are currently in DCJ?

Ms KATE WASHINGTON: I believe that there are currently 800, but it might be 804.

The Hon. NATASHA MACLAREN-JONES: That's okay. That was the number last time. In relation to the supplementary question, I got a further breakdown that said 721 properties were occupied for people with disability accommodation and services. Of the remaining properties, 40 were allocated for out-of-home care, 10 currently used for transitional housing, one currently used to deliver a philanthropic-funded program and two are being privately rented. The transitional housing, is that for people with disability or in out-of-home care?

Ms KATE WASHINGTON: That's under the program. What we've ensured is that with any available stock that we've got, it is being used for government priorities. Right now, given that there's a housing and homelessness crisis, we did not want to see any of our housing sitting idle in that context. So we've ensured that when residents choose to leave the homes that they have been in, that stock is utilised either to help us in our goals in out-of-home care, as you mentioned, to find additional placements for children and young people or for temporary accommodation, which is under the responsibility of Minister Rose Jackson.

The Hon. NATASHA MACLAREN-JONES: It can be assumed that those 10 properties and the two privately rented ones are not for people with disability?

Ms KATE WASHINGTON: I would have to take that on notice.

The Hon. NATASHA MACLAREN-JONES: Is it a policy requirement that all those properties should be used and allocated to people with disability?

Ms KATE WASHINGTON: The policy requirement is ensuring that we are addressing the needs of the community where those properties are, and ensuring that we are delivering on our priorities as a Government to help address the housing and homelessness crisis or help address the crisis we inherited in the out-of-home care system.

The Hon. NATASHA MACLAREN-JONES: Minister, I'll refer to a question that was asked of Ms Campbell back in November 2023 in regard to whether the policy is that the properties should be used for people with a disability, and the answer was yes.

Ms KATE WASHINGTON: Where there is a need for people with disability for accommodation of that time, of course we will ensure that's where they go—that those properties are utilised. But in a setting where we know that there are people facing homelessness daily, and there is a vacant property that's not being used by someone with disability, then we will make sure that it's being utilised. I've got to say that when we came into Government, we inherited a number of vacant properties in the stock that was part of the disability housing stock. They were vacant. Like the Stockton Centre, where we have now turned seven of those homes into meanwhile use for families facing homelessness in the Hunter. So we have stopped these properties sitting idle, and now they're being utilised.

The Hon. NATASHA MACLAREN-JONES: In relation to Stockton, is that being used for people with disability?

Ms KATE WASHINGTON: They are being used, as opposed to sitting idle as they did under your Government—

The Hon. NATASHA MACLAREN-JONES: I'm just asking who's utilising it.

Ms KATE WASHINGTON: —when you closed it and you said it wasn't possible to turn it around into anything else for housing for homelessness. Your Government said in a budget estimates that that was not possible. We have made it possible.

The Hon. NATASHA MACLAREN-JONES: Minister, if you're not sure—

The Hon. CAMERON MURPHY: Point of order—

Ms KATE WASHINGTON: We've now got seven homes stood up on the Stockton Centre site.

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The Hon. NATASHA MACLAREN-JONES: I've got very limited time. Are you aware—

The Hon. CAMERON MURPHY: My point of order is, we've had a number of cases now where a question is being asked, the Minister's partway through an answer, and another question is being asked by the honourable member that runs over the top of the Minister.

The Hon. NATASHA MACLAREN-JONES: I'm happy to move on. He's wasting my time.

Ms SUE HIGGINSON: The member has taken the point of order. Carry on.

The Hon. NATASHA MACLAREN-JONES: Minister, are you aware that the current waitlist for public housing and social housing—there is over 1,000 people with disability waiting for social housing. That's an increase of 1,000 people in the last 12 months. Are you aware of that?

Ms KATE WASHINGTON: I'm aware that there is extraordinary pressure on the social housing availability for people, and particularly it's acute for people with disability. And that is because, like in areas like mine, there was no investment in social housing for over a decade.

The Hon. NATASHA MACLAREN-JONES: Minister, I'm asking specifically about—

Ms KATE WASHINGTON: We, as a Government, are doing what needs to be done to deliver social housing—

The Hon. NATASHA MACLAREN-JONES: —properties that are meant to be allocated for people with disability.

The Hon. EMILY SUVAAL: Point of order—

The Hon. NATASHA MACLAREN-JONES: Minister, these are properties that are meant to be allocated to people with disability—

The Hon. EMILY SUVAAL: Point of order—

The CHAIR: A point of order has been taken.

The Hon. NATASHA MACLAREN-JONES: There's a waiting list for them and they're not being utilised.

The Hon. EMILY SUVAAL: My point of order goes to the level of interruptions that we're now seeing.

The CHAIR: The same issue?

The Hon. EMILY SUVAAL: The same issue. I'd just ask that you remind the Hon. Natasha Maclaren-Jones of the responsibility to provide courtesy to witnesses at all times.

Ms SUE HIGGINSON: Courtesy all round. Thank you.

The Hon. NATASHA MACLAREN-JONES: Minister, will you give an undertaking to speak to Minister Jackson about prioritising that these properties in your portfolio are allocated to people with disability? There are thousands of people waiting for properties. Thousands more are waiting for modifications. Will you speak to the Minister to ensure that these properties, as they should be required, be allocated to people with disability?

Ms KATE WASHINGTON: Ms Maclaren-Jones, what I will ensure is that we are using every single space that we have available to meet the housing and homelessness crisis faced by people with disability, faced by people without disability. Our historic investment in social housing and accessible housing across the State is in stark contrast to your Government's record when it comes to social housing, which has led to this waitlist that you speak of.

The Hon. NATASHA MACLAREN-JONES: Minister, these are people with disability who are waiting to get access to public housing. You have housing—over 800 in your responsibility—and they're not being allocated to people with disability.

Ms KATE WASHINGTON: Ms Maclaren-Jones, I don't accept the premise of that question. In your opening statement you said, "How many of our properties are being used for people with disability?" It is the vast majority. Where people with disability are choosing—and using their choice and control under their NDIS packages—to move to more suitable housing, we will utilise housing in the best way possible to meet the Government priorities of helping people who are facing homelessness, whether they have disability or not.

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The Hon. NATASHA MACLAREN-JONES: Minister, is it true that these people are not necessarily choosing to move but—because you continue to have a month-by-month contract with these providers and provide insecurity of housing—that they're being forced to move out?

Ms KATE WASHINGTON: No-one is being forced to move out. I do not accept that at all. People are choosing. They have SDA packages and SIL packages under the NDIS that gives them the choice and control to move to properties that are more suitable to their needs.

Ms ABIGAIL BOYD: Good morning, Minister. You will have seen the recent media reporting of really appalling treatment of people with disability living in group homes. It's shocking but not surprising, because we do know from the disability royal commission—we've heard about this as being a huge issue. It's been eight months since New South Wales responded to the DRC's recommendations for phasing out group homes and putting in place transition pathways. What are you doing to build strong transition pathways for people so that they don't have to be in these group homes?

Ms KATE WASHINGTON: Can I say, Ms Boyd, I don't necessarily accept the premise of your question that group homes aren't always a suitable placement for people with disability. It's an offering that allows choice and control. If we're allowing people with disability to have choice and control, it is around the ability to choose to live in a group home if they so choose. There are people with disability who I've met who are in exactly that situation.

Ms ABIGAIL BOYD: But that's not what I said either. Can we be clear: I didn't say that it was unacceptable for any particular person. What is very clear from the disability royal commission is that there is a need to transition away from these group homes for most people with disability. That option is not being given unless governments work towards it. What are you doing to provide alternatives to group homes?

Ms KATE WASHINGTON: We're making sure that we are increasing the supply of accessible housing in the State with the largest ever investment in social housing, all of which will be accessible. That was the first step we took to increase accessible housing supply in the State. Then, of course, we've also ensured that, in the government architects' work around the pattern book, every single one of those designs will be at a silver level standard, if not higher.

Ms ABIGAIL BOYD: I would love to take up the accessible housing requirements, but I want to focus on the group homes and the ability to transition away. What we're talking about is creating homes with independent living, with tailored support and co-housing—those sorts of models. What is your Government doing to transition—to actually provide pathways for—people who are in these abusive group homes to allow them to move to something better?

Ms KATE WASHINGTON: Again, I respect the intent of the question in terms of—just painting a picture where every group home is abusive I think is an overreach.

Ms ABIGAIL BOYD: Again, that's not what I said, but we've all seen the media. There is a problem in group homes, there are people who want to move away from group homes, and the disability royal commission recommended we have transitional pathways away from group homes. So what are you doing to allow people to make that choice?

Ms KATE WASHINGTON: Of course, the instances that you speak of and that have been reported recently in terms of abuse in group homes is abhorrent and there is work, obviously, that needs to be done. But I want to be really clear that, as a government, what we do is invest in the NDIS. The NDIS has, as part of their system, the SDA packages and SIL packages. They are also responsible for the oversight of those arrangements in terms of the quality and safeguards commission.

Ms ABIGAIL BOYD: Yes, but the disability royal commission put an obligation on State governments to provide transition pathways, working with the Commonwealth, sure—I understand the Commonwealth has a bit to play in this. But, from what I'm hearing from you, Minister, it appears that you're not doing anything in terms of actually—if you can't acknowledge there's a problem with group homes, are you doing anything in order to move people away from these group homes? What are you doing in relation to group homes?

Ms KATE WASHINGTON: Again, in terms of the way you've put the question, I do acknowledge that there is a problem in some group homes, as there is in any setting. It can be in an individual setting as well. The responsibility for oversight of those does sit with the NDIS Quality and Safeguards Commission. In terms of working with the Commonwealth, of course we are doing that. Our co-governor, co-funder role with the NDIS is to ensure that the Commonwealth is delivering on its obligations to people with disability and with complex needs across the State. You don't get an SDA package or a SIL package unless you have complex needs. We will work

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with the Commonwealth on developing—and ensuring that people with complex needs have choice and control, as they are entitled under the NDIS.

Ms ABIGAIL BOYD: Under the current SDA program, under your Government group homes are continuing to be built as the standard for housing with people with disability. If there's not an option to do something else—because you keep building these group homes—how do you, on the one hand, say that you've got nothing to do with actually providing other options and, at the same time, allowing all of these new group homes to be built?

Ms KATE WASHINGTON: The group homes that you're referring to—what are you referring to?

Ms ABIGAIL BOYD: Under the SDA.

Ms KATE WASHINGTON: Which is a Commonwealth NDIS program.

Ms ABIGAIL BOYD: Yes, but they're being built in New South Wales. So what are you doing to develop a diverse range of inclusive housing options? We know that you're not implementing the silver minimum accessibility standards, because you keep refusing to do that, so what are you doing to allow more independent living and more co-housing?

Ms KATE WASHINGTON: Our response to the disability royal commission shows our clear commitment to ensuring that there is a diverse range of housing options for people with disability. We will work with the Commonwealth on our response to the disability royal commission recommendation but also ensure that, under the NDIS, the Commonwealth is meeting its obligations to the people in the scheme that have funding for SDA and for SIL.

Ms ABIGAIL BOYD: What I'm struggling with here, Minister, is it doesn't seem that you think that New South Wales Government has any role to play here. What did you do when you saw yet more—and I know that you've said there are perhaps some group homes that don't have these problems. But, given the huge number of group homes that were identified during the disability royal commission and continue to come out in the media, what have you done in response to New South Wales group homes where this sort of abuse is going on?

Ms KATE WASHINGTON: To be clear, we lease our stock to SDA providers. SDA providers get their funding from the NDIS. When the State Government signed up to the NDIS, the responsibility for people with significant and permanent disability became that of the NDIS. We take our role as a co-governor and co-funder of the NDIS seriously, and we want to ensure we've got the best outcomes.

Ms ABIGAIL BOYD: But your role as disability Minister goes well beyond funding. It goes to actually advocating for people with disability. The idea that this sort of horrific abuse can happen in New South Wales to people with disability and you're sitting there saying, "Well, it's a Commonwealth responsibility"—I'm asking what you have done, as New South Wales disability Minister, in relation to the abuse happening in these group homes?

Ms KATE WASHINGTON: We are supporting the Commonwealth's work to bolster the NDIS Quality and Safeguards Commission, which is the oversight and regulatory body for group homes in the State. The Commonwealth has done, in partnership with every State and Territory, a significant amount of work to bolster the resources in the NDIS Quality and Safeguards Commission so that they can have greater oversight of what's happening in these homes. I've also recently met with the Fraud Fusion Taskforce to understand what it is that we can do as a State to support their work to ensure that the NDIS is delivering what it ought to deliver to people with disabilities.

Ms ABIGAIL BOYD: Okay, let's turn to something easier then. What about when you heard about the abuse being directed at people by the taxi and rideshare industry? What did you do personally in response to that abuse?

Ms KATE WASHINGTON: There's been a lot of work that's been done on that, and you're right to say how appalling that behaviour is. I've spoken with the former Minister for Transport and the current Minister for Transport about the reported instances of abuse of people in taxis. Our Government has already done work to increase the fines and penalties for fare-related offences. Late last year we also announced the \$15 million emergency package around wheelchair-accessible taxis. Part of that \$15 million is designed to go to training and education for taxi drivers.

Ms ABIGAIL BOYD: Do you think that the people who are shoving people roughly in the back of taxis and not even securing them and all the rest of it are going to change their ways because of training?

Ms KATE WASHINGTON: We held wheelchair-accessible taxi round tables across the State, and so we—

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Ms ABIGAIL BOYD: It's definitely beneficial, and particularly in that context, but in terms of a response to this particular news, I would have expected something a little bit stronger than that.

Ms KATE WASHINGTON: We've increased penalties for—

Ms ABIGAIL BOYD: For the abuse of people with disability or for charge fraud?

Ms KATE WASHINGTON: For refusal, for entry as well, and there's also now stronger safety laws. It's all been done by the Point to Point Transport Commissioner around complying with standards. We're going to continue to look at other options available to us to strengthen safety for people with disability taking taxis. Unfortunately, we've had a lot of difficulty with the Uber industry and their engagement, but what became clear from the wheelchair-accessible taxi round tables that we held around the State, which was with people with disability, taxi operators and taxi drivers themselves, was that they were wanting to have more education and understanding about how they can transport people more safely. I take your point that there are going to be rogues in the industry and we need to make sure that they are called out and that they are pulled out, so we have got levers now in place to be able to do that.

Ms ABIGAIL BOYD: I will pick that up with the commissioner later. The thing that strikes me about the group homes and the issues that we've been having in taxi and rideshare industries is that in a lot of these cases these are restrictive practices being employed as well. It was interesting to me that the restrictive practices consultation paper that was put out didn't envisage actually covering people in those sorts of situations. It's got a very narrow focus. What was the reason for being so narrow?

Ms KATE WASHINGTON: As I recall, in the restrictive practices paper and the work that's being done on that in consultation with disability stakeholders, it does include conversations around education, health and justice, as well as other areas. It's a piece of work that is ongoing—and I'm aware that you've made a submission to that process, which has just closed. As you're aware, it's really complex. It also goes hand in hand with the work that we're doing around guardianship and supported decision-making, so it is very complex, and we will be looking at where restrictive practices are applied and where it's appropriate for us to be applying any changes.

Ms ABIGAIL BOYD: The final topic. I just wanted to ask you what are foundational supports?

Ms KATE WASHINGTON: I'm so glad you asked. I've seen you asking some other people about foundational supports, some of my colleagues.

Ms ABIGAIL BOYD: Yes, no-one seems to know.

Ms KATE WASHINGTON: How much time do we have? It is an enormous opportunity for our State to have additional resourcing going into foundational supports. We are eager for the deal to be landed. Obviously we already deliver a lot of foundational supports. They come in our mainstream services, in health, education and—

Ms ABIGAIL BOYD: What are they?

Ms KATE WASHINGTON: There are general foundational supports and targeted foundational supports. The work that we are now doing is to design foundational supports all contingent on landing a long-term health deal, and that was always part of the National Cabinet agreement back in December 2023. We are trying to land it, and we are doing the design work. Would you like me to tell you what they could be?

Ms ABIGAIL BOYD: I just don't understand how we can have an agreement with the Commonwealth for foundational supports, to understand what that is, and for the Commonwealth to have taken people off the NDIS already on the basis there's going to be these foundational supports, and yet no-one can actually tell me what the extent of those foundational supports are. It seems like something that could be easily manipulated for either the Commonwealth or the States to get out of providing some of the supports people already have. I guess the question is all of the supports that people had under NDIS before the changes, will they be provided by the State? If so, are they available now for those people who have come off of NDIS already?

Ms KATE WASHINGTON: It's a good question. I know that there's a lot of conversation in the disability community about where we're at and what's going on. The changes that have been made to date are around eligibility, and there's a lot more rule changes to come. But what we have made sure in this process is that we continue to have a say in those rule changes and the timing of those rule changes because, if people are coming out of the system, we need to ensure that there's a system outside so that they get the supports and services that they need.

Right now there are, obviously, mainstream services that State Government delivers. They are part of a foundational support system already. But there is a lot of work to do to design an ecosystem that sits outside the

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NDIS where people get the services that they need when they need them. The initial cohort is agreed that it will be nought to nine-year-olds, so it's an exciting opportunity for our State to ensure that young children are getting the services and support that they need when there's, say, a developmental delay, and its prior to a diagnosis. At the moment there are some families that can't access a diagnosis for a child. To get an appointment with a paediatrician can take two years.

Ms ABIGAIL BOYD: Yes, I know. I've been there.

Ms KATE WASHINGTON: So we want the services. We want children to be seen early. We want children to access the supports they need early.

Ms ABIGAIL BOYD: But for a child who's just come off of NDIS at the beginning of this year, do they have the foundational supports they need right now?

Ms KATE WASHINGTON: If you've got an example of someone that's been taken off the NDIS that ought to be in it, I'm keen to hear it because I'm hearing anecdotally from people in the community that there are instances of people coming off the system.

Ms ABIGAIL BOYD: It's been well reported as well.

Ms KATE WASHINGTON: If you've got examples, I'm really keen to see them because what we don't want to see is anyone who ought to be in the system that the NDIS was designed to serve coming out of it. At this point, like I say, I'm open to any examples that you've got. I'll be raising it with the NDIS because it should not be happening whilst we do not have the foundational support systems set up outside.

Ms ABIGAIL BOYD: I will send you some reps.

Ms KATE WASHINGTON: Please do.

Ms SUE HIGGINSON: Minister, just going back to where you referred to the deployment of caseworkers to the front line in relation to the tragic infant death some years ago now. Of the initial 77 specialist casework staff that were redeployed, I understand that there's only 44 of those left now. Is that your understanding? If that's the case, what's happened there?

Ms KATE WASHINGTON: Ms Higginson, the decision to deploy our casework specialist to the front line was so that we could help tackle the caseworker vacancies and ensure that more children are being seen. The casework specialists are part of the Office of the Senior Practitioner. Not all of the casework specialists are in the frontline roles and carrying casework. Some of them are sitting with the HCEA taskforce. Some of them have other specific roles in other divisions and are still undertaking those tasks instead of carrying a case load.

Ms SUE HIGGINSON: I'll come back to it.

The Hon. NATASHA MACLAREN-JONES: Back to the disability properties, in relation to the 40 that are currently used for out-of-home care, are five of those the Waratah cottages?

Ms KATE WASHINGTON: I will just have to check. I know that certainly the Waratah Care Cottages have come from our disability housing portfolio and have been repurposed to serve the new purpose of supporting these young children.

The Hon. NATASHA MACLAREN-JONES: Is it your intention that the remaining 35 will become residential group homes run by the department?

Ms KATE WASHINGTON: We don't run any group homes. I'm sorry, I don't understand the question.

Ms SUE HIGGINSON: Is it your intention that the remaining 35 will become more cottages?

Ms KATE WASHINGTON: At this stage, no. Those other ones that you refer to are being used for a purpose already with out-of-home care to provide safe, stable placements for children.

The Hon. NATASHA MACLAREN-JONES: Who's running those cottages or homes?

Ms KATE WASHINGTON: They would be with various NGO providers.

The Hon. NATASHA MACLAREN-JONES: And they're all for young people with disability in out-of-home care?

Ms KATE WASHINGTON: They are for children in out-of-home care.

The Hon. NATASHA MACLAREN-JONES: And just the two properties are currently for private rental?

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Ms KATE WASHINGTON: You asked me about those before and I said I would take that on notice.

The Hon. NATASHA MACLAREN-JONES: Sorry. Moving on to the Ageing and Disability Commissioner, given the commissioner's experience and the increase in heavy demand for services—we saw a 24 per cent increase in calls to the abuse helpline and a 13 per cent increase in reports since it commenced, and this is based on their annual report which was put out late last year—will you be committing to increase their funding?

Ms KATE WASHINGTON: The Ageing and Disability Commission plays such an extraordinarily important role and they do their work extraordinarily well. What we have ensured as a government is that they have the resources they need to do their important work.

The Hon. NATASHA MACLAREN-JONES: Minister, I'm not sure if you would have seen, but the landing page for the ADC has a warning. As soon as you open it up, the warning says that the abuse helpline is currently experiencing high demand and the response time for non-urgent reports is four weeks. What are you doing to support them to clear that backlog?

Ms KATE WASHINGTON: We are supporting the ADC by ensuring that they have the resources that they need to do their work. It's important work and they are continuing to do it with the resources that they need.

The Hon. NATASHA MACLAREN-JONES: Do you know how many reports were not responded to in that four-week period?

Ms KATE WASHINGTON: No, I don't.

The Hon. NATASHA MACLAREN-JONES: Have you asked?

Ms KATE WASHINGTON: I have conversations regularly with the acting commissioner but, as you would be aware, there has recently been a new commissioner appointed. Mr Jeffrey Smith starts on 21 April. I will certainly be having a conversation with him about where things are at with the ADC when he comes onboard.

The Hon. NATASHA MACLAREN-JONES: In your previous meetings with the acting commissioner, has she at any stage said that they're at capacity or that staff need additional support or resources?

Ms KATE WASHINGTON: She has certainly indicated that there is an increase in the number of calls that they are receiving but that they have the resources that they need to do the important work they do.

The Hon. NATASHA MACLAREN-JONES: Are you aware that their report revealed that, from October to December last year, 5.1 per cent of reports to the ADC were from Aboriginal adults with disability or older persons? This was higher than the previous quarter, at 3.9 per cent, and the yearly average of 2023-24, which indicated 3.7 per cent. I'm interested to know what targeted programs your Government has implemented to support people with disability in the Aboriginal community?

Ms KATE WASHINGTON: Whilst it seems a little bit odd, it is good news that there is an increase in the use of and the reporting to the ADC by Aboriginal stakeholders. It's starting to reflect the level of disability in the Aboriginal community. As you would be well aware, the disability royal commission, in volume 9, had a raft of recommendations in relation to increasing supports and services for Aboriginal families and people with disability. As part of our response to the disability royal commission, we held a standalone consultation with the First Peoples Disability Network to ensure that we were responding in accordance with their wishes as well and taking onboard the issues that they were experiencing.

We will continue to do the work that we need to do to support Aboriginal people with disability, whilst noting that anyone with a disability that is significant and permanent will and should get support from the NDIS. Again, there has been a pleasing increase in the number of Aboriginal people who have been seeking support from the NDIS from previous years. There has been an increase on that front as well. Those with significant and permanent disability ought to be getting support under the NDIS. We contribute \$3.96 million to the NDIS as a State just this year alone. We want to ensure that it is delivering for the people with disability in this State, whether they are Aboriginal or non-Aboriginal.

The Hon. NATASHA MACLAREN-JONES: Are you aware that the most reported alleged abuse is psychological abuse, at 39.7 per cent, with neglect at 22.1 per cent and financial abuse at 21.1 per cent? Again, I ask what, specifically, you're doing as a government to address this.

Ms KATE WASHINGTON: The Ageing and Disability Commission is obviously an organisation that has important statutory functions and is funded by the Government to support exactly these scenarios. If it is not within the—

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The Hon. NATASHA MACLAREN-JONES: Sorry, are you saying it's their job to do work around prevention of psychological abuse, neglect and financial abuse of a person with disability—

Ms KATE WASHINGTON: No, I'm not.

The Hon. NATASHA MACLAREN-JONES: —or is it your job as the Minister?

Ms KATE WASHINGTON: I am saying that it's the job of the Ageing and Disability Commission to receive these complaints so that we can understand what's happening in communities, and to ensure that they are getting the supports and services that they need.

The Hon. NATASHA MACLAREN-JONES: That was my question. The Hunter has one of the highest levels of reports—16.3 per cent—and south-western Sydney has 11.6 per cent. Again, I ask you what, specifically, you're doing to support people with disability in these communities, particularly around psychological abuse, neglect or financial abuse.

Ms KATE WASHINGTON: What we are doing across government is ensuring that we have got mainstream services that are accessible and inclusive, and are able to respond to issues that are faced by members of the community. We've got enormous amounts of work in terms of accessibility and inclusion in transport, in education—in all of our services—to make them more inclusive and accessible for people with disability across the State.

The Hon. NATASHA MACLAREN-JONES: But it's obviously not working, because we're seeing an increase. In fact, in relation to the reports that have come in, the ADC has advised that, because of the high volume, it's taking more than 30 days to close cases. This has been an increase of around 20 per cent over the last 12 months. The ADC in their report actually says that, due to the significant increase, there's also psychological risk to staff at the ADC associated with the high number of reports that they're dealing with, and particularly the complexity of cases. Again, I ask you what you're doing to support the ADC and their staff.

Ms KATE WASHINGTON: We will continue to provide them with the funding that they need to do the important work that they do, and I look forward to meeting the new commissioner when he starts on 21 April. He's going to be the first Ageing and Disability Commissioner in New South Wales who has a disability. I just want to correct the record. On the ADC landing page, it does not say that you will be responded to in four weeks, as you said. People making the report will hear back from us within four weeks. That's just being open, transparent and very clear about what people should expect when making a report to the ADC.

The Hon. NATASHA MACLAREN-JONES: I'll be asking the acting commissioner this afternoon about the length of time that it takes. Minister, I might move to education plans—again, something I ask about quite often in estimates. The Ombudsman's report, recommendation 5, said that DCJ should report publicly on the number of school-age children who are in out-of-home care. I asked you last estimates. You advised last year that 70 per cent of young people in out-of-home care were enrolled. What are the figures for this year?

Ms KATE WASHINGTON: I'm really glad you asked this question, Ms Maclaren-Jones. When I came in as Minister, I was shocked to see that we did not have this data being shared from Education to out-of-home care, because one of the critical ways to ensure children thrive is to ensure that they are engaging with their schooling and furthering their education. Current figures in terms of access to education—Mr O'Reilly has the exact figures in front of him.

PAUL O'REILLY: In the 2023 school year there were 12,215 school-age children under PR to the Minister, and 70.5 per cent of those were enrolled in government schools.

The Hon. NATASHA MACLAREN-JONES: That was the figure I gave you. I'm interested in this year's figure.

ANNE CAMPBELL: I can add to that. It's not due until February. We got the data last month, so our team in DCJ are just analysing those results at the moment.

The Hon. NATASHA MACLAREN-JONES: Perfect. I'm happy for you to take that figure on notice. This would probably be the same, but how many children have education plans in place that are currently in out-of-home care?

Ms KATE WASHINGTON: The expectation is every single child in out-of-home care is engaging with some form of schooling.

The Hon. NATASHA MACLAREN-JONES: I'm aware of that but I'm interested in the number of young people in care that have an education plan. I would expect that's data that the department should be sharing.

PAUL O'REILLY: We'll come back to you on that.

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The Hon. NATASHA MACLAREN-JONES: I refer to supplementary question 49 from budget estimates—and this is actually from 2023—in relation to the exits from out-of-home care to homelessness services. I also asked about it last year and was advised that the departments are working towards transparency. I'm interested to know what has been done in relation to better oversight of young people who have left out-of-home care and are going into homelessness, particularly the ones who are still under the age of 18.

Ms KATE WASHINGTON: It's a really important cohort to ensure that we have got visibility on and caring for. It is also one for which it is very difficult to have that visibility. But I might hand to Ms Dean in terms of the progress that we've made in ensuring that those children have the supports that they need.

The Hon. NATASHA MACLAREN-JONES: I'm interested to know, do you have that data? I'm happy to talk more broadly this afternoon, but are you actually getting that data from Minister Jackson in relation to it, or is anyone actually monitoring the number of young people presenting to SHS who are under the age of 18 who have come from out-of-home care?

MICHAEL TIDBALL: If I can assist, Minister, my recollection is this is a subsequent report by the Ombudsman?

ANNE CAMPBELL: Correct.

MICHAEL TIDBALL: There was a protocol for data collection, certainly, in respect of specialist homelessness services, which was instituted. I could take on notice a more granular response but a data capture protocol was implemented, and we can come back to you on that.

ANNE CAMPBELL: I can add to that. There has been a dashboard that has been developed. We've actually consulted with the NSW Ombudsman. It's being led by Homes NSW but there's obviously an intersection with child and family. In terms of the data, it's likely to be released in April or May this year.

The Hon. NATASHA MACLAREN-JONES: The other thing was in relation to the mandatory arrangements for SHS to report young people who are obviously under 18 to DCJ or that they've got a minor who is presenting to SHS.

Ms KATE WASHINGTON: Sorry, what's the question?

The Hon. NATASHA MACLAREN-JONES: It is in regard to reporting by an SHS or any youth service that a young person is presenting who is under the age of 18.

MICHAEL TIDBALL: I believe that that is a component of what we've just covered in responding to that previous question, but we might take that on notice.

ANNE CAMPBELL: I can add to that. I've got the most recent data. It has actually improved from last year. In terms of children under the parental responsibility of the Minister, there were 66 children that fell into that particular category. The previous year, it was 75. In terms of where those children are coming from, the largest proportion are from relative and kinship care. If there are issues in those SHS services where NGOs are concerned about those children and young people under parental responsibility, they get escalated to the deputy secretary in the Child Protection and Permanency area.

The Hon. NATASHA MACLAREN-JONES: I might move to caseworker vacancy numbers, which I understand are currently sitting at 9 per cent. In relation to the data of ROSH reports, the latest quarterly data, which is for last year, is 116,275. For the same quarter in 2023, it was 113,425. Minister, it seems that we still have a challenge in relation to caseworker vacancies and ROSH reports are going up.

Ms KATE WASHINGTON: Yes, Ms Maclaren-Jones. As Minister, I do have ongoing concern about the number of children—

The Hon. NATASHA MACLAREN-JONES: Can we stop the clock?

Ms KATE WASHINGTON: This place never stops surprising, does it? We've got bagpipes going on outside. In terms of the caseworker vacancies, whilst 9 per cent is not where we want to be still, it is a reduction from the peak that we saw in September 2023 of 12 per cent. We are heading in the right direction when it comes to caseworker vacancies, and there's an enormous amount of work that we are doing, including recruiting roughly 500 new caseworkers every single year. The work is being done in terms of both recruitment and retention, and trying to ensure that caseworkers and the incredibly important role that they play are valued in our system, because, as I said before, don't feel that they have been for a long, long time.

The Hon. NATASHA MACLAREN-JONES: Minister, I did ask you about this at the last estimates. Particularly around the Far West, Murrumbidgee and western New South Wales, they had a vacancy rate 12 months ago that I think was 1 per cent. That has gone to a staggering level of 10 per cent. I asked what you

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were doing then. I want to know now—we're another five months on and that vacancy rate is still there—what is being done, particularly around the Far West and Murrumbidgee?

Ms KATE WASHINGTON: I'm trying to answer your question, Ms Maclaren-Jones, in terms of the work that we are doing to support caseworkers and the incredibly important role that they do in keeping children safe. We have lifted the wages cap that your Government imposed on all public service workers—

The Hon. NATASHA MACLAREN-JONES: But it doesn't seem to be turning the case numbers around.

Ms KATE WASHINGTON: —and, as I've said, the caseworker vacancy rate is heading in the right direction. We've also seen an improvement in retention as well. It has fallen to 15.4 per cent in 2023-24 from the previous year, where it was sitting at 17.4 per cent. On both of those measures, we are moving in the right direction, but it's not to say we don't have an enormous amount of work to do to correct what was happening in the past. We have increased their salaries and given them a historic pay rise, which is 8 per cent over the past two years. We've got new caseworkers now receiving an additional pay bump of \$8,200. We've got a mentoring and leadership program being developed and co-designed by caseworkers to ensure that we're not just talking pay and conditions; we want to ensure that they have the pathways to succeed in their roles and to move in other directions as well.

The Hon. NATASHA MACLAREN-JONES: Thank you, Minister. We'll look forward to seeing the next data. In response to questions on notice at the last estimates, it was provided that in the 2022-23 year, 137,129 children had ROSH reports closed due to competing priorities. That was from the March 2024 estimates. Can you provide the updated data now?

Ms KATE WASHINGTON: It's not at my fingertips, but we can either provide it to you later or take it on notice.

The Hon. NATASHA MACLAREN-JONES: Could you also advise how many child protection cases are currently unallocated?

Ms KATE WASHINGTON: I don't exactly know what you mean. Can you be more precise in what you're asking for?

The Hon. NATASHA MACLAREN-JONES: It means where a case that is reported—a child at risk—has not been allocated to a caseworker because their workload is too high and they're unable to take any more cases.

Ms KATE WASHINGTON: Is that something that—?

LAUREN DEAN: It's the same as closed for competing priorities.

Ms KATE WASHINGTON: Yes, I think it's the same question.

The Hon. NATASHA MACLAREN-JONES: It's just called different things, closed for competing priorities? You're saying that when a case is not allocated, it is because it's been closed off because of competing priorities?

LAUREN DEAN: What I'd say in response to that question is that that number fluctuates. You might have a number of ROSH reports that move out of the helpline across the State into various offices today. Some of those cases will be allocated tomorrow. Some might be allocated at a later date. Some might be closed. In relation to providing you with a number, that's a moving—

The Hon. NATASHA MACLAREN-JONES: Yes, I'm specifically interested in the ones that are closed because of competing priorities.

Ms KATE WASHINGTON: But I think what Ms Dean is trying to say is that it is fluctuating. If you want a point in time, I think that would be virtually—

The Hon. NATASHA MACLAREN-JONES: I'm happy for you to choose a date of 28 February, if that makes it easier. But I'm interested to know specifically, as of 28 February or 1 January, how many cases were closed because of competing priorities.

Ms KATE WASHINGTON: Can I just say that what we have done, as a government, since coming into this role, is be as open, honest and transparent as we can. We have got more on the public dashboard than has ever been before—

The Hon. NATASHA MACLAREN-JONES: Except for permanency data.

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Ms KATE WASHINGTON: —and that includes a clear statement of the cases that we have not been able to allocate. It's a new way of operating. We want to be as transparent and open and honest about the system as possible. If we can get you what you are after, we will, but I'm still not clear what exactly is being asked of us.

The Hon. NATASHA MACLAREN-JONES: Minister, you provided that information at the last budget estimates, so I assume your department will be able to provide it again.

Ms KATE WASHINGTON: Okay.

Ms SUE HIGGINSON: Minister, how many times have you now met with the MAP Group members?

Ms KATE WASHINGTON: I have met with the MAP Group members a number of times. As recently as a fortnight ago was the first one for this year. I think we're up to nine meetings.

BIANCA JARRETT: Correct, yes.

Ms KATE WASHINGTON: Thank you, Ms Jarrett.

Ms SUE HIGGINSON: What are the priorities for reform identified by MAP Group members and the ones agreed with your office?

Ms KATE WASHINGTON: There's a number of priorities across the work that we're doing with the MAP Group. At every single meeting I will go through and report back on the nine priorities that came from the Aboriginal child and family wellbeing forum from August 2023 and provide the progress on every single one of those. The MAP Group members themselves undertook a strategic workshop last year and identified their key priorities as Aboriginal community decision-making; strong families, including reducing the use of emergency removal powers; bringing children home, including through increased focus on restoration; and bolstering ACCOs through investment. Those four areas are the high-level priority areas for the group, and certainly the work that Mr O'Reilly has been doing in terms of mapping the reform work and identifying the work that he's doing and where it falls into these priorities has been really helpful.

Ms SUE HIGGINSON: Is it fair to say they're also your priorities, those four key priorities of the MAP Group?

Ms KATE WASHINGTON: Indeed, and we are working together to work through a range of reforms that will see meaningful outcomes for Aboriginal children and families.

Ms SUE HIGGINSON: One of the things announced at the reform forum in August 2023 was safeguarding decision-making for Aboriginal children. How many SDMAC panels have been convened since the last time you provided numbers to this Committee, and how many Aboriginal and Torres Strait Islander children did that represent?

Ms KATE WASHINGTON: In terms of exact numbers, Ms Jarrett may be able to provide them to you, but there are enormous amounts of work going into ensuring we've got the SDMAC panels that you reference but also ACCMs, which is another group where community panels of Aboriginal stakeholders can guide decision-making of DCJ as well. AbSec has been funded by us to work on standing up ACCMs across the State, whilst also we've been looking at doing the SDMAC panels as well. What we want to ensure, though, in all of this work is that we have the right people around the table to be able to have the conversations—DCJ community representation, community representatives, NGOs, providers—about who can support this child or family at this point in time.

I've got to say, when I went to Moree earlier this year, I saw a wonderful example of that happening where we had community representatives, we had wonderful Jenny Swan from GMAR and we had NGOs, ACCOs and DCJ all having conversations about vulnerable children and about who is best placed in that community to provide the support that that child needs. For me, it was really heartening to see that community and the DCJ office there ensuring that their decision-making was being done in partnership with community. That's where we need to be getting to across the State. We can provide more detail to you—

BIANCA JARRETT: I can answer, Ms Higginson.

Ms SUE HIGGINSON: We can come back to it, if that's okay?

BIANCA JARRETT: No problem.

Ms SUE HIGGINSON: From the questions on notice from 4 September, the last hearing, in relation to how many children were recommended by the panel to enter care versus the number that were returned to parents, 337 Aboriginal children were recommended to enter care and only 161 were returned to family. Where did the

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other 344 of the 842 Aboriginal children discussed at the MAC panels go? What is happening in terms of the number of these children?

Ms KATE WASHINGTON: That is a good question, Ms Higginson, and we will endeavour to answer that this afternoon or take it on notice.

Ms SUE HIGGINSON: Thank you very much. Given one of the priority reforms under Closing the Gap is strengthening and growing the ACCO sector—and we've been talking about this—has DCJ given consideration to how they might encourage the transfer of Aboriginal staff of DCJ to the ACCO sector, consistent with the transfer of funds, resources and control envisioned by the transformed system? Is that a conversation or something you've given consideration to, Minister?

Ms KATE WASHINGTON: Certainly workforce issues are a critical part of the conversation across our entire sector, both in terms of department resourcing as well as NGO resourcing, and obviously ACCOs. As part of the transition, there are certainly conversations around workforce in NGOs and ACCOs and whether or not there's a willingness, and I believe there has been some transfer of staff from some NGOs to ACCOs to support transition.

Ms SUE HIGGINSON: As in, on a temporary basis? Is that what you mean?

Ms KATE WASHINGTON: Ms Jarrett might even correct me on this, but that particular question around our staff moving to ACCOs has never been raised with me before.

Ms SUE HIGGINSON: As part of re-entering the market as a foster care provider, and undertaking care assessment authorisations, do you propose to also adopt the recommendation of the system review that DCJ retain case management of placements where matters are before the court? I'm asking this in the context of any consultation with the peaks and the ACCOs about this, given the concerns that the New South Wales Audit Office Audit Office raised, that it's not effectively safeguarding the rights of Aboriginal children.

Ms KATE WASHINGTON: The system reform, as I've said, as soon as it landed, is providing our road map for reform. Yes, the recommendations in that are guiding our reform decisions. There is a lot of work to be done within our own system but, I've got to say, this was one of the most—there are lots of things that vexed me when I became the Minister responsible for out-of-home care and the child protection system. The idea that we have children in the care of NGOs who are still going through the court process, and before they've got final orders—we've got caseworkers who work with the children in an NGO, and we've got a DCJ, somebody representing the department in the courtroom that doesn't necessarily have that connection to that child who knows exactly what's going on.

It makes it a very difficult court process when we don't have direct responsibility and controls and an understanding of exactly where that child is at. We have a responsibility to the court, we have a responsibility to the child to make sure that we are representing their interests in the best way possible. When they aren't with us, and when we don't have that direct line of communication and responsibility for that child—I have always found that quite troubling, so I welcomed the recommendation from the system review.

Ms SUE HIGGINSON: It is your intention, then, that DCJ will retain case management of the placements when they're before the courts?

Ms KATE WASHINGTON: We are using the system review as the road map, and the recommendations in it, we are following. But everything is on the table. Obviously we need to have a lot more conversations with NGOs, peaks, providers. Those conversations are happening regularly. I've got to say, I meet with every single peak regularly, and their members. I've now got an arrangement where I'm meeting with their members twice a year and hearing from them directly about where things are at for them.

Ms SUE HIGGINSON: What intensive and professional foster carer models have been introduced since you've taken over?

Ms KATE WASHINGTON: We're working on our own delivery of that potential intensive care models. That's still in development at the moment.

Ms SUE HIGGINSON: Is the Government providing residential care to any Aboriginal children now in New South Wales?

Ms KATE WASHINGTON: Yes.

Ms SUE HIGGINSON: Have you got an idea of the number? Is that something you could get to me?

Ms KATE WASHINGTON: Yes, absolutely. Is it on the dashboard?

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Ms SUE HIGGINSON: It probably is. I'm also wondering what the current cost is as well.

Ms KATE WASHINGTON: Certainly the number is currently and publicly available on the dashboard. In terms of cost, we could get an estimate to you on that.

Ms SUE HIGGINSON: How many of the newly recruited family time workers and caseworkers since September 2024 are Aboriginal and/or Torres Strait Islander?

Ms KATE WASHINGTON: In terms of the family time workers, I'm not sure.

PAUL O'REILLY: We're still wrapping up the recruitment. We're not finished yet.

Ms SUE HIGGINSON: Right, so it's not finished. Is it looking like there are—

PAUL O'REILLY: There's a mix of people.

Ms KATE WASHINGTON: There is good news in terms of the family group conferencing.

PAUL O'REILLY: Aboriginal facilitators?

Ms KATE WASHINGTON: Yes.

PAUL O'REILLY: Yes. I don't have the numbers, but, yes, there has been.

Ms KATE WASHINGTON: As I last saw, the people on the panel, I think 46 per cent are Aboriginal.

PAUL O'REILLY: We can check that.

Ms KATE WASHINGTON: We can confirm that a bit later. I think that's what I saw. Certainly a high proportion of those workers are Aboriginal and are able to support important conversations with Aboriginal families.

Ms SUE HIGGINSON: The recommendation from the system review to consider a sector-wide strategy to attract, recruit, retain and recognise the value of DCJ workers—I know you are really passionate about this. At a time when DCJ is considering its statutory footprint and the role of ACCOs in working with families, why is there a drive to increase the DCJ workforce? What do you see in terms of that focus?

Ms KATE WASHINGTON: It's to ensure that we are ensuring that we can provide the support and services that families need at the right time, in the right place. We are absolutely recruiting and trying to do as much as we can to ensure that we have the people on the ground that can keep children safe across the State. What we're finding is that within the department, across the State, and the conversations I'm having—I've met with more than a thousand caseworkers across the State since I became Minister—is that there is a sense of change. They are feeling the change.

Even the work that we've done with removing ACAs from the system, that will be effective as at the end of this month. The workers on the ground are feeling that there is reform on the way. They've known that they've needed it for a very long time, and there is a sense of momentum. I do always meet with them and ask them to hang in there, because I know how difficult and complex and challenging their work is. At times, it can be heartbreaking. The people that are in the system now, I know that they are so dedicated in their roles. We want to ensure that they feel valued and that they have all the supports that they need in place to keep in the job and doing the important work they do.

Ms SUE HIGGINSON: In terms of the Legal Assistance for Families: Partnership Agreement, it's the partnership between DCJ, Legal Aid and the ALS, and it's intended to see the early referral by DCJ of families for legal advice. This was a recommendation of the FIC review report. It was also referred to last year at budget estimates as a positive step to improving outcomes for Aboriginal and Torres Strait Islander families in contact with the DCJ. Do you know—perhaps it's something for later—how many referrals has DCJ recorded that have been made?

Ms KATE WASHINGTON: The acronym is LAFPA. It's not the best acronym, but it is proving to be a great success. There have been an extraordinary number of referrals made.

BIANCA JARRETT: I've only got the July to September 2024 numbers in front of me but I can give you—

Ms SUE HIGGINSON: Perhaps even if we can talk about it some more, in detail, after the break when we've got a little bit more time. Minister, in terms of your oversight, you're saying that that's something you're looking at as a good outcome at the moment?

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Ms KATE WASHINGTON: Indeed. What I'm hearing from the people that are delivering the service is that they are getting in at the right time to give information to empower people who find themselves in some of the most stressful situations they might have in their lifetime. Empowering people and families at a time with legal information and advice is proving to be a real game changer.

Ms SUE HIGGINSON: Would you be willing to say, just from the lens you have, do you think it is possibly preventing children from being taken from families and so on? Do you think it's having that level of impact?

Ms KATE WASHINGTON: I truly hope so. It is yet to be evaluated. The only data I've seen so far has been the referrals. I have asked exactly the question that you're asking: What is that translating to in terms of decisions and placements? I await that advice eagerly.

Ms SUE HIGGINSON: We all do. I just know it was one of the recommendations from early on. It seems to be finally getting that traction now in terms of its implementation. In terms of the Active Efforts, do you see that those changes and reform are making a genuine impact, or do we have to go further? I am going back to Megan Davis and her recommendations around what had to change. We made partial changes. What is your tracking and view of where we're up to?

Ms KATE WASHINGTON: Because we proclaimed the Active Efforts, they became effective late last year.

BIANCA JARRETT: November 2023.

Ms KATE WASHINGTON: Apologies—I missed a year, which is not surprising given the amount we've got going on. We are tracking Active Efforts closely to understand the impact they are having in the system and on the decisions that are being made. I can speak to some of the conversations that I've had anecdotally with caseworkers, who have had some beautiful outcomes where they have found family, managed to engage family and children have not come into the system as a result—young Aboriginal people. That was a conversation I had in Tamworth. Caseworkers were genuinely saying that they were enjoying the work that they were doing because they were seeing better outcomes through applying Active Efforts.

Ms SUE HIGGINSON: Do you think they have a good understanding of Active Efforts and what is required? It's a big deal. It's asking a lot in terms of actually making it work. But we always knew that if it was well understood and implemented—do you think that it is looking good in that sense?

Ms KATE WASHINGTON: I think we've always got more work to do. We want to ensure that what is happening across the State is consistent and that there is good practice coming from every district in terms of ensuring that Active Efforts are being undertaken. Of course we've got a lot of work to do in terms of making sure that caseworkers have the time to be able to do the work that needs to be done as well. That goes to the focus that we've got on caseworker recruitment and retention. There are always many moving parts to this. I would say that combined with the proclamation of Active Efforts, we have also changed part of the practice amongst our caseworkers around risk assessment and the replacement of the risk assessment tool that had the actuarial element to it that stakeholders did not want to see any longer. That has been removed and we now have an interim risk assessment in place. The longer term risk assessment approach is going to be co-designed with a second ALS.

Ms SUE HIGGINSON: Did you want to add to that? I did see Ms Jarrett pass something.

Ms KATE WASHINGTON: Ms Jarrett has just reminded me that we've got our first annual report on Active Efforts due in December this year. That will be tabled.

BIANCA JARRETT: In December. I can talk to you more about that in the afternoon session.

Ms SUE HIGGINSON: Yes, let's talk about it some more. I'd love to know some more about what you're seeing in that sense. In terms of the interim tool and the tools that are being developed, are there any dangers at the moment in the transition or change from the tools that are now no longer being used—it was a good thing, obviously, and everyone welcomed that—while we are developing new tools?

Ms KATE WASHINGTON: Again, we are watching it so closely to ensure that we keep heading in the right direction when it comes to the reduction in the number of children coming into out-of-home care. There has been a reduction in the number of Aboriginal children coming into out-of-home care. There has been an overall reduction of Aboriginal and non-Aboriginal children coming into out-of-home care. Similarly, there has been that reduction. We want to ensure that all of the changes are being tracked and measured as best we can. Obviously, they are all intersecting with decisions being made on the ground and all of these changes will be in play. I might go back for a moment to the LAFPA referrals. I knew that I had been to a function to discuss progress and I couldn't remember what the number was. But there have been more than 2,000 referrals to LAFPA since November 2023.

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Ms SUE HIGGINSON: In terms of the use of emergency powers—I know that we spoke about this briefly in the last estimates—one of the nine priorities identified after the August 2023 reform forum was the review of those emergency powers. Have there been children removed by warrant, that you're aware of?

Ms KATE WASHINGTON: This is an element that, as I said, I report to the MAP Group at every meeting. In terms of the latest on that, I might ask Mr O'Reilly to—

Ms SUE HIGGINSON: We've only got a few minutes, then it's over to the other side. Perhaps we could talk about the use of the emergency powers after the lunchbreak.

Ms KATE WASHINGTON: We certainly prepare that data regularly. We can provide it to you.

The Hon. NATASHA MACLAREN-JONES: I just want to touch on the working from home policies—in particular, in light of the media around a district director that's working interstate. How many other senior staff are working interstate or not in the area where they're based to work?

Ms KATE WASHINGTON: If I can go to the question directly, the Premier was clear in his response to this issue, and I've got to say he's absolutely correct, and that's an unreasonable situation for taxpayers. But in terms of the particular individual that was highlighted in the recent media reports, I've got to say it was also an entirely unreasonable situation for him as well. I really do want to put it on the record that Mr Garrahy is an exceptional public servant and we are truly lucky to have him, and I know that he has been deeply uncomfortable with the length of time of his acting arrangement. He and his family, I understand, have been willing to make the move in the event that his position became permanent. So, in this particular instance, I've got to say, I as Minister and the department have got to take it on the chin, and not Mr Garrahy. And we will obviously be looking at what other arrangements there are but, in terms of employment arrangements, obviously that is a matter for the secretary.

The Hon. NATASHA MACLAREN-JONES: Are all officials here today located in the area where they are employed?

Ms KATE WASHINGTON: Before officials answer, I would say that their responsibilities cover the State. And when we've answered questions before about who does what where and about the working from home initiative, 75 per cent of our workforce is in the field. It's similar for our directors, across the board, that there is a lot of movement across the State, constantly, to cover positions, to be in other places. I would just say that more broadly.

The Hon. NATASHA MACLAREN-JONES: That's why I'm asking the question, Minister—to find out whether there are more senior staff that are based outside of the district that they're responsible for, or that the department is paying for their travel costs.

MICHAEL TIDBALL: Could I, at the head of that question, just on the interstate question, note that the circular that issued from the Premier's Department, Circular 3 of 2024, introduced a requirement that the secretary has to approve where an employee resides outside of New South Wales and is not principally attending a DCJ workplace—just to deal with that issue—so new obligations arose as a result of that. That speaks to the matter that's been highlighted in the media. I am, as a matter of urgency, conducting an audit of all those arrangements. In terms of all other staff, and staff here today, they are working totally within the guidelines.

The CHAIR: We'll go to Government questions.

The Hon. EMILY SUVAAL: No questions.

The CHAIR: No questions? We had one before.

The Hon. EMILY SUVAAL: I know, but we're very satisfied with the awesome results.

The Hon. GREG DONNELLY: We're banking our questions for later.

The CHAIR: You've got quite a large bank.

Ms SUE HIGGINSON: Mr Donnelly, he's the banker.

The Hon. GREG DONNELLY: I've been called other words like that before, but not "banker".

Ms KATE WASHINGTON: If I might, Chair, I might just take a leaf out of the Attorney General's book. I know that this Committee will always be respectful to all of the people giving evidence today, and particularly our public servants this afternoon. Again, I just want to urge that they are treated with the respect and dignity that they deserve, because these are some of the most hardworking, dedicated professionals that I have ever worked with, and I know that the Committee will continue to—

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The Hon. NATASHA MACLAREN-JONES: As we always have.

Ms KATE WASHINGTON: —treat them with the respect and dignity that they deserve, particularly given a lot of our workers are currently in evacuation centres. So if there's any opportunity for the team here to depart early, that would also be most welcome—not that anyone's trying to hide anything at all. They've just got important work to do, and I know that they're getting messages at the moment about evacuation centres, and so that's work that is underway whilst they're here as well.

The Hon. NATASHA MACLAREN-JONES: Minister, we actually had a conversation about that during the break, so it will be something we'll update at the next session.

The CHAIR: Thank you, Minister. This Committee is generally quite well behaved—not always.

Ms KATE WASHINGTON: Under your leadership, Chair.

The CHAIR: We'll return at two o'clock.

(The Minister withdrew.)

(Luncheon adjournment)

Ms KATHRYN MCKENZIE, Acting NSW Ageing and Disability Commissioner, NSW Ageing and Disability Commission, on former affirmation

Ms RACHAEL WARD, Acting Children's Guardian, Office of the Children's Guardian, sworn and examined

Ms SUE HIGGINSON: Thank you all and welcome back. We'll move to Opposition questions.

The Hon. NATASHA MACLAREN-JONES: As indicated before, I'm going to work to put a number of my questions on notice so that everyone can go by afternoon tea. Thank you very much to everyone. Mr Tidball, if you can please relay our appreciation, particularly from the Opposition, to everyone from your department but also to the voluntary organisations that are all working tirelessly on the ground. All your efforts are greatly appreciated. In line with that, have any discussions occurred around supports that may be made available to NGOs on the ground? I know in the previous floods there were some emergency packages. Have any of those discussions been had at this stage, or do you anticipate there might be a need?

MICHAEL TIDBALL: Since Thursday the focus has been on evacuation. It now pivots to recovery. This has all happened very quickly. At this juncture, simply, I just don't quite know specifically what I can add at this point. Clearly it's a very tightly and well coordinated response. DCJ has a role to play—a remit which is part of a broader ecosystem. Beyond that, I don't have knowledge of anything else at this stage, but that doesn't mean that there won't be things happening in coming days.

The Hon. NATASHA MACLAREN-JONES: Following on from this morning, in relation to the \$7.1 million for the disability taskforce, the Minister indicated that there are 19 full-time staff. That would work out to be around \$370,000 per person, so I'm assuming that there is an underspend.

MICHAEL TIDBALL: Over two years.

The Hon. NATASHA MACLAREN-JONES: Has there been an underspend in that \$7.1 million?

ANNE CAMPBELL: No, because it includes, as I said earlier today, 19 FTE across TCO and DCJ. But we also organised consultations. There are opex costs, we call it in government language, which are the on costs. I'm happy to provide on notice the average across that, but I think it's much less than what you've just said.

The Hon. NATASHA MACLAREN-JONES: Moving to residential care, the average placement costs have been previously provided by DCJ for the high-cost emergency accommodation across the residential care categories. But it only included ACA, the individual placement arrangements, the special out-of-home care and the short-term emergency placement, but not the Interim Care Model. Was there a reason for that?

PAUL O'REILLY: I don't know if there was a reason for that omission or not, but we can find out for you.

The Hon. NATASHA MACLAREN-JONES: Could you then provide the last 12 months, similar to the last question that was taken on notice? I think it's page 35 where the breakdown was provided across the quarterly average. If you could then include the ICM data that'd be great.

PAUL O'REILLY: Can do.

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The Hon. NATASHA MACLAREN-JONES: In relation to Intensive Therapeutic Care homes, you indicated this morning they're extending. Is that correct?

PAUL O'REILLY: Are you talking about the increase to 900—the increase in numbers? Is that what you're talking about?

The Hon. NATASHA MACLAREN-JONES: I think you indicated there's an expansion of the program. Is that right?

PAUL O'REILLY: There has been, yes. We're still finishing the rollout of the expansion. But the increase that we discussed this morning, from dashboard, to 900—I should add the counting rules for that include other residential care categories, not just ITC. They include some of the high-cost arrangements—not all of them, but some. They include IPAs and ICMs. They also include STEP and special care as well. That's the other reason why the number is much higher.

The Hon. NATASHA MACLAREN-JONES: On the residential care subcategories, the answer to question on notice No. 1846 indicated at the bottom that there are lots of different types of residential placement: disability group home, disability residential, family group home, individual placement arrangements, Intensive Therapeutic Care, Interim Care Model, the legacy, pre-existing PSP and then short-term emergency. Could you outline what goes into the HCEA and what is purely the subcategories of residential?

PAUL O'REILLY: Yes, I certainly can. HCEA includes some specific categories: alternative care arrangements, which is the one that we're about to close down later this month. It includes the STEP—the short-term emergency placement, which is a one-to-one or a two-to-one placement for high-needs children. It's accredited, of course, with resicare staff from those providers. It's up to 12 weeks. We can give you more details but I'll go through the list. ICM, which you mentioned earlier, which is interim care, is for placement breakdown in resicare or new entries who are waiting for a spot in ITC. Then there's special care, for children with disability support needs. This is a quite a specific category—low numbers, and some of the oversight and monitoring is through the Children's Guardian, and the providers need to be accredited disability providers.

The Hon. NATASHA MACLAREN-JONES: Waratah cottages will not fall under HCEA?

PAUL O'REILLY: No.

The Hon. NATASHA MACLAREN-JONES: They'll go under residential care?

PAUL O'REILLY: Yes, a different kind of residential care. It's run by DCJ. It has a facility for younger children because we are targeting sibling groups.

The Hon. NATASHA MACLAREN-JONES: What's the age group for that type of residential care?

PAUL O'REILLY: For the DCJ resicare?

The Hon. NATASHA MACLAREN-JONES: Yes.

PAUL O'REILLY: It's sibling groups who need to be housed together. As you know, for ITC the age group is 12 and up. We are much more flexible with DCJ resicare because it means we can get sibling groups together, so the children could be younger than 12.

The Hon. NATASHA MACLAREN-JONES: So they could be newborn or six months?

PAUL O'REILLY: It's very unlikely that a newborn would be in resicare, but they could be younger than 12. They are 11 or 12.

The Hon. NATASHA MACLAREN-JONES: So what's the youngest you would take?

PAUL O'REILLY: I'm not sure what the policy is off the top of my head—the youngest we would take. But, again, these are judgement-based decisions about trying to keep kids together wherever we can. For newborns, we would normally go for emergency foster care instead. Then there's a consideration about the importance of that compared with the importance of keeping siblings together—balancing all of that.

The Hon. NATASHA MACLAREN-JONES: If you could take on notice what the policy is about the youngest age. I'm obviously interested if you've got three-year-olds, eight-year-olds and 10-year-olds with 15-year-olds or 16-year-olds that are from different families, and how that mix—

PAUL O'REILLY: Yes, you might recall earlier today I was talking about the matching process. That's really important, which is why we sometimes carry vacancies in ITC and most likely will in DCJ resicare as well—a small amount of vacancies—because we won't be matching children where there's not an appropriate

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match. An extreme age difference, when the kids are not related, would be inappropriate. There are safeguards in the decision-making to make sure that we don't put kids at risk.

The Hon. NATASHA MACLAREN-JONES: With the ITC, you said the average stay is 13 weeks. Is that correct?

PAUL O'REILLY: ICM?

The Hon. NATASHA MACLAREN-JONES: ITC.

PAUL O'REILLY: I don't think I talked about an average stay for ITC.

The Hon. NATASHA MACLAREN-JONES: Is there an average stay?

PAUL O'REILLY: ITC can be longer than that.

The Hon. NATASHA MACLAREN-JONES: What's the longest amount of time that a young person has stayed in an ITC placement?

PAUL O'REILLY: ITC can be very long—until 18, potentially.

The Hon. NATASHA MACLAREN-JONES: Do you have an average age or the youngest age of a young person currently in—

PAUL O'REILLY: ITC is for 12 and up.

The Hon. NATASHA MACLAREN-JONES: So there isn't anyone under 12?

PAUL O'REILLY: There could be some under 12. Sometimes they are approved by exception. Particularly if they are in a small house with only their siblings, they could be approved with different approval mechanisms. That's possible, but the policy position, generally, is 12.

The Hon. NATASHA MACLAREN-JONES: Can you just take on notice if there is, and how many are under 12?

PAUL O'REILLY: Yes, absolutely. Just again, they are individual decisions based on family connection, if they are approved.

The Hon. NATASHA MACLAREN-JONES: Just in relation to ITC, I came across on the website four different types: ITC significant disability therapeutic care, the supported independent living, the therapeutic sibling option placement and then the therapeutic home-based care. Could you explain the difference between the four?

PAUL O'REILLY: I can try, certainly, but some of this I might need to take on notice. ITTC, that's a transitional care model for children who need a particularly intensive kind of therapeutic service before they return to an ITC or somewhere else, but that is a very small program. There are less than 30 places across the State and they're distributed in different locations in four-bedroom houses. There is disability ITC, which I mentioned earlier, and therapeutic home-based care, where we are providing services in the home with children and carers.

The Hon. NATASHA MACLAREN-JONES: With that one, do they have rostered staff?

PAUL O'REILLY: I might come back to you, just for completeness, about the range of scenarios where therapeutic home-based care is provided because there would be a range. We'll take that on notice.

The Hon. NATASHA MACLAREN-JONES: I might move on to ROSH reports. Looking at the dashboard data, which I know comes up to, I think, September last year, it says that during that quarter 9,639 children needed a response within 24 hours. I'm interested to know how many received a response within 24 hours.

MICHAEL TIDBALL: We would need to take that on notice.

The Hon. NATASHA MACLAREN-JONES: I assume you'll need to do the same for the 29,544 children that required a response within 72 hours.

MICHAEL TIDBALL: Yes, happy to take that on notice.

The Hon. NATASHA MACLAREN-JONES: I might move on to care plans. How many cultural care plans are in place at the moment?

PAUL O'REILLY: Eighty-one per cent of kids under DCJ out-of-home care have cultural care plans and 74 per cent of children under NGO out-of-home care have cultural care plans.

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The Hon. NATASHA MACLAREN-JONES: How does that compare to last year?

PAUL O'REILLY: I don't have last year's figures right here, but I'll see if I can find it.

The Hon. NATASHA MACLAREN-JONES: While you're doing that, I might have a question for Ms Campbell. In relation to the Aboriginal Child and Family Centres, an answer from last year indicated that contracts were being finalised last December, and there's a second round early this year. I just wanted to get an update in relation to that. That's the additional one, so I think it was six.

BIANCA JARRETT: We've committed to two rounds of a request for tenders. The first stage is just about to be finalised, so it's still open, and that was targeting three priority locations that PricewaterhouseCoopers had identified in the report that they developed for the department. We have committed that the six new centres will be built by December 2026 and the enhancement funding which is attached to that program will also be completed by December 2026 as well.

The Hon. NATASHA MACLAREN-JONES: So all up and running by the end of next year?

BIANCA JARRETT: In terms of handing keys over to new buildings. But actually operational—some of those centres might not be operational until June 2027.

PAUL O'REILLY: I have that response on cultural care plans. At the end of June 2021, 60.3 per cent of Aboriginal children in care had a cultural care plan. At the end of June 2022, it was 75.5 per cent. At the end of June 2023, it was 79.7 per cent. And at the end of June last year, 77.5 per cent of Aboriginal kids had cultural care plans.

The Hon. NATASHA MACLAREN-JONES: Just back to ROSH reports closing because of competing priorities, I previously asked a question—I think it came through as a supplementary—in relation to the breakdown by district. It was over the 2023–24 period. I just wanted to get a better understanding. Across the Central Coast-Hunter, by putting the two figures together, close to 26,500 reports were closed due to competing priorities, which is significantly higher than for any other district. This is ROSH reports closed due to competing priorities by district 2022-23.

MICHAEL TIDBALL: Can you just repeat it?

The Hon. NATASHA MACLAREN-JONES: In answer to a supplementary question put in last year in regard to the number of reports that were closed due to competing priorities, the combined figure for the Central Coast-Hunter district was 26,466 reports closed due to competing priorities, which is quite high. In this dashboard it actually has it broken down: Central Coast, I think, 7,500, and the Hunter, I think, is 18,000. But it is quite high. So I'm just interested to know—

MICHAEL TIDBALL: I understand the question. I think we would like to give it a considered response, if we may. If I can take that on notice?

The Hon. NATASHA MACLAREN-JONES: That would be good. The other one is in relation to the south-west. They had 14,000, and the reason I'm asking is that if you look at the staff vacancy rates in some of these areas, particularly for the Hunter, they weren't that high, and yet they're still not able to get to the ROSH reports. Is it about staffing allocation? Is there something more that's happening?

LAUREN DEAN: If I could attempt to answer? Thank you for the question. There's a few things that happen. Largely we sit in a space where essentially we have a supply and demand issue. So we shouldn't work on the basis that we take all of the ROSH reports coming in with the allocation or available caseworkers that we have and work on a premise where we would be able to see everybody. We know that we sit in a space where the child protection system does have a supply and demand issue where we are seeing a year-on-year increase of ROSH reports. That really then sits in the space around what does the department do in regard to delivering our best child protection service. But also, from a broader reform agenda, we need to determine, for instance, early intervention, family preservation and a range of other things that need to be available to us to be able to see as many children and young people reported at ROSH.

The Hon. NATASHA MACLAREN-JONES: Could I get the update for the last year, the 2023-24 figures based on that same breakdown by district?

LAUREN DEAN: Yes, of course. We can supply that.

The Hon. NATASHA MACLAREN-JONES: I'm interested in contract variations, and this relates to PSPs. How many contracts have been varied in the last 12 months with NGOs?

ANNE CAMPBELL: I think we'll take that on notice.

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The Hon. NATASHA MACLAREN-JONES: In relation to the portable long service leave, you'd be aware that a number of NGOs have raised concerns in relation to the implementation of this and the costs that it's going to have on staff. What discussions have been had in relation to providing assistance and support to these organisations?

ANNE CAMPBELL: I think this came up at an earlier hearing. As you know, most other States and Territories who have this provision haven't provided additional funding. We're obviously developing the election commitment about funding certainty and secure jobs, so we'll be looking at all those impacts on NGOs and on staff, but I think our calculations were about a 0.7 per cent increase, and the NGOs should be factoring that into their existing funding envelopes.

Ms ABIGAIL BOYD: Back to some questions around specialist disability accommodation, there have been some reports that the New South Wales Government is preparing to tender for the sale of its legacy stock of SDA. Can you confirm whether that's the case?

ANNE CAMPBELL: No.

MICHAEL TIDBALL: No.

Ms ABIGAIL BOYD: That makes it easier.

ANNE CAMPBELL: At the moment we're consulting with SDA providers in New South Wales around currently leased properties to look at—going to your question this morning about are there other ways in which we could have more contemporary housing options for people with disability currently in DCJ-owned properties.

Ms ABIGAIL BOYD: That's good. Because a lot of that legacy stock is group homes, I understand that they're not accessible and don't really meet a lot of the standards.

ANNE CAMPBELL: They're pretty old, some of the properties. I think the average age is about 27 years. We know that there are a number of vacancies cropping up as people move into other options. I wouldn't say that they don't meet standards, but they wouldn't be what we would consider contemporary and fit for purpose for people with disability.

Ms ABIGAIL BOYD: Is the plan to sell them?

ANNE CAMPBELL: Not at this stage.

Ms ABIGAIL BOYD: Are you able to tell me, maybe on notice, how many SDA participants currently reside in the New South Wales legacy SDA stock?

ANNE CAMPBELL: I do have that in my folder, so I can come back to you.

Ms ABIGAIL BOYD: Also the estimated value of that stock, if that's possible.

ANNE CAMPBELL: Yes, okay.

Ms ABIGAIL BOYD: That would be great. The rest of my questions were around a tender process which apparently doesn't exist, so I don't need to ask you that.

ANNE CAMPBELL: I can actually answer one of your questions. The number of SDA participants or NDIS participants is 2,587 currently residing in SDA properties, and 686 of the DCJ-owned properties are enrolled with the NDIS commission for use by the SDA through registered providers, so they're occupied for SDA use.

Ms ABIGAIL BOYD: Ms McKenzie, I'm sure you've seen the restrictive practices consultation paper that came out. I understand the current proposal is to establish the role of a senior practitioner. Have you had any involvement in the development of that consultation paper?

KATHRYN MCKENZIE: The ADC provided some input or feedback on a couple of drafts of the consultation paper.

Ms ABIGAIL BOYD: Do you have any understanding as to whether that senior practitioner will be established under DCJ or as an independent statutory authority?

KATHRYN MCKENZIE: I don't. There haven't been any recent conversations with the ADC about it sitting with us and I don't have any information about where it would likely be sitting.

Ms SUE HIGGINSON: Ms Jarrett, in the last budget estimates in 3 September 2024, Mr Tidball said Transforming Aboriginal Outcomes was being evaluated. He stated:

... we're really interested to see how TAO is configured to really sharply respond to the Closing the Gap agreement ...

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Have changes been made to the Transforming Aboriginal Outcomes structure as a result of the evaluation? Where's that work up to? It may be you, Mr Tidball, who is best to answer it first, or Ms Jarrett.

MICHAEL TIDBALL: I think we can jointly have a crack at it.

BIANCA JARRETT: Yes.

MICHAEL TIDBALL: We are, as indicated at those estimates, working through a process. Quite rightly, TAO has had a high degree of ownership of that work. There has been only one tweak to the structure of TAO, which is the anti-racism unit, for reasons that we'd talked about and agreed, and it needing to be, clearly, a DCJ-wide unit. That has moved out of TAO, but structurally, everything else is the same. Natalie Walker, who is highly regarded, is undertaking that review. She's progressing that review. I think Ms Jarrett can probably more precisely advise the Committee on exactly where it's at.

BIANCA JARRETT: The secretary is right. The anti-racism unit has recently transferred over to Mr O'Reilly's division—system reform. Inside Policy were engaged to conduct an independent review. That review has been completed. We're just waiting on the final report to come back. Then we will look at what that review proposes. We do know that we've got a number of temporary roles in the division that were added to help stand up the more robust coordination of Closing the Gap across the department. The review will certainly look at how we can build in those really critical roles into our budgeted structure. That's the work that will be happening over the next few weeks.

Ms SUE HIGGINSON: When you say the next few weeks, do you think we'll get to a point where we're looking at the structure and system and saying it is the very best we believe we can do right now, and is there then a system of continuous improvement?

BIANCA JARRETT: It's kind of multifaceted. We need to think about where can we have the greatest impact and where can we ensure we're doing the work that is not duplicating work that's happening across other divisions. You might have noticed Minister Washington was directing a lot of Aboriginal-focused questions to me, but we are the smallest divisions in the department so we can't possibly be across everything Aboriginal because there are Aboriginal impacts in everything that we do in the department. I think it's really thinking about where can we have the most impact and really drawing a line in the sand and saying, "Here are the things that we won't do, but here are the things that we will do because we believe that it's going to create the best outcomes for Aboriginal children and families."

Ms SUE HIGGINSON: With your oversight of things at the moment, do you have a high or medium degree of confidence that we will actually transform outcomes?

BIANCA JARRETT: Yes, I do. I'm cautiously optimistic. I think there's some really great work happening in the child protection out-of-home care system reform. I think the Minister has been very upfront that the system needs to change, but it's going to take a long time. But we're starting to see a lot of those changes starting to happen. I think it's working towards a bigger picture. So, yes, I do have a level of confidence that we are heading in the right direction.

Ms SUE HIGGINSON: Of the eight children who are still in alternative care arrangements—

PAUL O'REILLY: ACAs.

Ms SUE HIGGINSON: Yes. Are any of those children Aboriginal?

PAUL O'REILLY: Three of them are Aboriginal.

Ms SUE HIGGINSON: What are the ages of the eight children?

PAUL O'REILLY: The youngest is six. I don't have the detail of the others, but the youngest is the number I was most focused on.

Ms SUE HIGGINSON: What about the oldest? Did you have that figure?

PAUL O'REILLY: No.

Ms SUE HIGGINSON: The youngest, I agree, is the one to be looking at. The recommendation that the New South Wales Government and DCJ should create effective models of care within the out-of-home care system to cater for all children and young people across the continuum of care—this is probably a question for you, Mr O'Reilly. In relation to this, are you partnering with Aboriginal peaks, Aboriginal community controlled mechanisms formally under the Aboriginal Case Management Policy, ACCOs and community in relation to what is a large program of work?

PAUL O'REILLY: You're referring to recommendation 7 from the system review?

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Ms SUE HIGGINSON: Yes.

PAUL O'REILLY: Yes, we absolutely are. It's a good point that the review has found in terms of there needing to be more clarity and direction in terms of acceptable service models. I think that's a really good point, because one of the impacts of, particularly, the funded services model is that it is very broad and diverse, with all sorts of practice approaches. It is important to use this opportunity of big reform to make decisions about what the standard of practice is that we're willing to accept in this work, particularly when we look at the findings in the review, and a lot of the public discussion about some of the conditions that carers and children in care report, and some of the slow, slow progress in terms of restoration, which arises sometimes from slow progress in building family connections while kids are in care. I think all of those factors mean we absolutely must have more direction around the service models.

We work closely with AbSec, the Aboriginal Legal Service and other Aboriginal stakeholders. I want to be really clear: We partner with CAPO on all of this Closing the Gap work, but any Aboriginal group or stakeholder in New South Wales has a seat at the table with reform. They're very welcome, and we are getting great input from lots of people. There are a number of key policy areas where we are looking to partner now on developing the model of working, not only in the child protection area but in those key areas around prenatal policy, risk assessment, triage of risk reports, and review and revision around the use of emergency removal powers. Those matters are really important to Aboriginal stakeholders, and all of that work will be co-designed with those stakeholders. In the out-of-home care area, it is similar. We work closely with AbSec, again. We work with ACCOs. We work incredibly closely with the TAO team—Bianca's area—and we report to the MAP Group regularly on progress on that work.

We will be supporting the Minister to return to Cabinet later this year with a more detailed out-of-home care strategy for the future, for consideration of Cabinet. That is a critical milestone because the current contracts expire in June 2027. We need to do some program redesign and recommissioning ahead of that milestone. The reform plan, which was launched a couple of weeks ago, makes some pretty clear statements about the way that we need to work differently in out-of-home care, particularly giving children a voice and working on models of relational care, which is a central part of our new way of working.

Those key design elements, if you like, need to be consistent in our reform work, our reform narrative and the way we work with those partners between now and getting an out-of-home care strategy approved through the Cabinet process, redesigning the program, redesigning the contracts and then going back out for a recommissioning in a couple of years. It is a very linear process in one sense, with those clear milestones, but it needs to involve lots of consultation if we are to deliver on those design elements in the reform plan.

Ms SUE HIGGINSON: How many Aboriginal community controlled mechanisms have been set up as part of the case management policy?

BIANCA JARRETT: AbSec have been funded under Strong Families, Our Way to establish 15 Aboriginal community controlled mechanisms. I believe three are currently operational, but there are another several that will be operational imminently. I can provide you some more specific information on notice.

Ms SUE HIGGINSON: At the moment, is there a view that there will be sustained funding for the Aboriginal community controlled mechanisms?

BIANCA JARRETT: Nothing has been committed.

PAUL O'REILLY: That's a decision for the Government down the track.

Ms SUE HIGGINSON: I always get in trouble here with asking and digging. I wish we could all just ask all the things. With that, please only answer what you think you can. At this point of time, do you anticipate that there might be some advice forming around the future sustained funding for the Aboriginal community controlled mechanisms?

PAUL O'REILLY: We can't comment on future funding. We just can't. But we absolutely—

Ms SUE HIGGINSON: Perhaps what I'm asking is whether there is an analysis that this is good bang for buck.

PAUL O'REILLY: Yes. As Ms Jarrett said, we're early days with the ACCMs, but we're really excited about that work. We work closely with AbSec, who's implementing it, and we are watching closely alongside them. Any analysis of their impact and effectiveness will be done with AbSec. But we can't comment on future funding, obviously.

Ms SUE HIGGINSON: No, I appreciate that and I'm sorry for asking. It's the unsophisticated nature of trying to get some information that is not the thing I'm actually asking for. Has there been consideration about the

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recommendations of the ACWA in their September 2024 paper *The Future of Foster Care in NSW*? Have you looked at that?

PAUL O'REILLY: Yes, we have. I won't be able to comment in detail on them because, as you might appreciate, we are responding to some recommendations from the Audit Office and the Ombudsman right now. We have some reporting deadlines looming. There are about 250 or 260 recommendations from various regulators and others that we are responding to. We are trying to synthesise our response to those because there is so much overlap and obviously input from other sources, like the ACWA paper, coronial findings and serious case review findings, and all those inputs are valuable, as well, as we respond to all of that.

Ms SUE HIGGINSON: I know you're very busily trying to respond to all of these very important recommendations. Do you have a time in your mind's eye for all the responses to the current systems, reviews and recommendations, so that we can be at a point where we're not looking back as much as we have had to and we're looking forward? Is that a place where you've got a line drawn for yourself?

PAUL O'REILLY: It's crystal clear on our horizon, in one sense, because all of these reports have public reporting deadlines. We're reporting in May on the Ombudsman's review into complaint handling in child protection. We're reporting in June on the Audit Office report into oversight of child protection. We're reporting in June on the Audit Office report into safeguarding Aboriginal children. We'll be presenting to a committee of Parliament in August on those two Audit Office reports as well. In December we're reporting on the Ombudsman's report into protecting children at risk. That's in December.

The Ombudsman is working on other reports as well. They're currently working on responses to ROSH. They're currently working on a review on ITC, and they're working on a review on children absent from placements. Those reports will land in about nine months from now, we think, roughly. Then there will be a fresh set of recommendations from those reports that we will need to work on, but we don't wait for those. We must have responses to those statutory reports in May, June, August and December this year.

Ms SUE HIGGINSON: I think Ms Maclaren-Jones touched earlier on education outcomes for children in out-of-home care. Has the work commenced on reviewing the model? I think there was some touching on it earlier, but it was proposed in the systems review.

PAUL O'REILLY: Yes, it was recommendation 11 in the systems review—sorry, recommendation 12, I think, in the systems review.

Ms SUE HIGGINSON: One of them.

PAUL O'REILLY: Recommendation 1 also talked about a different governance approach for out-of-home care, where government agencies work together to oversee the out-of-home care system. Those two recommendations work together. Yes, we have started talking to Education and also Health about the HealthPathways work. In the next few weeks we will have to firm up a stronger position on that. The complexity there, of course, is that we have to optimise and improve the work that's underway so that we don't lose momentum, but we also have to respond to the systems review report, which asks for a new and better way of supporting kids in out-of-home care and their education.

Ms SUE HIGGINSON: Have the children and young people in out-of-home care been involved? Are they built into this work in terms of the review?

PAUL O'REILLY: There certainly will be consultation with children. We're not at that point yet but, yes, we are very interested in consultation with children, and carers and parents.

Ms SUE HIGGINSON: I'm not being cynical but in terms of that, whenever I hear the word "consultation", I know all of us just say, "Oh, gosh." Is that later? Is that so far down the track that—I think there's a particular case for the lived experience of young people in the system being before we've even thought about what it is we're designing in terms of review. Is that something that everyone is committed to in terms of very early engagement?

PAUL O'REILLY: Yes, but I should add, the third element in the out-of-home care reform plan, which was published a couple of weeks ago, talks about creating mechanisms to give children a voice in this work. That's about ongoing mechanisms as well as in this design phase. We absolutely do want to do that early, but I also need to highlight the complexity of this. This is about changing the way that DCJ delivers services, Education delivers services, Health delivers services, and is subject to decisions of Ministers and Cabinet and Government. There is a balance to be achieved in terms of consultation and providing options to the decision-makers, so we are careful not to make commitments around co-design which are not real co-design. We are working hard to make sure the voices of young people and children are included in this work, but we will need to come up with a model that

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responds to the findings in the report in a substantive way, quickly. That's the challenge here. It will be consultation with some transparent limitations.

Ms SUE HIGGINSON: There will be a specific channel or avenue for the experiences of Aboriginal and Torres Strait Islander children?

PAUL O'REILLY: Yes.

Ms SUE HIGGINSON: Given the system review has recommended a review of some of the functions of the Office of the Children's Guardian and a collaboration with DCJ to clarify those roles and responsibilities, has there been any further consideration—I did touch on this with the Minister, who was quite specific, but I'm just curious—or any fleshing out about this as an opportunity for broader review in relation to a broader function for the child "protection" system?

MICHAEL TIDBALL: The straight answer to that question is just that I refer you to the Minister's answer this morning.

Ms SUE HIGGINSON: Fair enough. Thank you. Slap me down.

The Hon. NATASHA MACLAREN-JONES: I might just follow on from the plan that's come out—in relation to column eight, delivering value for money, and a time frame around the out-of-home care program design and recommissioning more broadly. Did you say that's going to start next year?

PAUL O'REILLY: I can talk about the time frame, the timeline. The first dot point in that column around delivering value for money is really about pricing. This program has been referred to the Independent Pricing and Regulatory Tribunal, which is currently working through all of the pricing issues in relation to care pricing and carer pricing, or the cost of caring. There was an interim report delivered in September. We anticipate a more fulsome draft report in the next few weeks. Then I believe the final report is due in May. With any IPART report, Government then needs to consider its response to that. Then there may be a process of factoring that into the ongoing setting of the budget for the program. Those pricing inputs are really important before we make decisions or make recommendations to the Minister and the Government about what the future design is going to be. That's the importance of the IPART work happening now. Options to Government at the end of the year, and then redesign following that, ahead of a recommissioning process in 2026-27.

The Hon. NATASHA MACLAREN-JONES: Then in relation to any changes in modelling that may occur, have you done any work around potential NGOs that would leave the sector—what impact that could have and what additional resourcing the department would need?

PAUL O'REILLY: The Government hasn't made any decisions or announcements about the market mix, if you like—about if or the extent to which NGOs may leave the market, or the Government may take on more market. Those decisions are not yet made. Typically, when such decisions are made in a market model, the impact has to be modelled. That hasn't happened because the decisions have not been considered yet.

The Hon. NATASHA MACLAREN-JONES: When it says "establish new fit-for-purpose residential housing assets", I assume that's the Waratah cottage. Is it any other?

PAUL O'REILLY: It also relates to ITC in terms of therapeutic care. It's a large program. We talked about it a lot today. It is on a similar recommissioning cycle, and it is ready for evaluation and also review and design work as well. I mentioned recently the Ombudsman's review into ITC is happening. DCJ is also committed to a program evaluation next year. It makes sense to hold that until the Ombudsman has delivered their findings, of course. That evaluation of the ITC, the work we've done to eliminate ACAs and refine temporary placements—we're currently doing some work to develop some far more appropriate accredited interim care models for when placements break down.

Those changes are happening now, and they will form a future diverse residential care system alongside the review of ITC. They need to be fit for purpose, contemporary, safe, addressing all of the issues in ITC that that people talk about now, and that the Ombudsman's report might reveal and that our evaluation will reveal. It's recognising that residential housing and care is a critical part of the system. While we're doing a broad system reform, we have to include that as well.

The Hon. NATASHA MACLAREN-JONES: Is the aim that the department would then bring residential care in house?

PAUL O'REILLY: No. Again, there's been no announcement or decision or anything along those lines. It's a frequently asked question, absolutely, but no, there's been no work done in that area. The system review delivered in December is about identifying some of the key issues. This reform plan published two weeks ago is about saying this is the vision for the future. We're focusing really hard on stabilising what is a difficult and

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challenging system. We start rebuilding where we can, and then we look at investment in other outcomes. That's a future decision around investment, a future decision about the role of government compared to the role of the market. We're not near that decision yet.

The Hon. NATASHA MACLAREN-JONES: These fit for purpose is purely looking at the asset that the department would still—

PAUL O'REILLY: It's about looking at the asset. It's about looking at placement options that require a residential component. It's about all of those elements of the program. I would advise anybody listening to not read too much into one dot point. It's just about flagging that residential elements are an important part of the reform work.

The Hon. NATASHA MACLAREN-JONES: You can understand—as my colleague raised about that consultation—that there is concern out there in the sector. They're not sure what's happening.

PAUL O'REILLY: Sure. We speak with sector leaders multiple times every single day about this. We speak with the peaks, we speak with CEOs, all the time. We are hearing the concerns, absolutely. But we're also seeking engagement from them about some of the challenges in the system that we're dealing with now, and how we're all going to have to work together to fix some of those problems. Part of the conversation is about, yes, concerns about the reform, but I'm much more interested in how we are going to fix the situation that we have in front of us now, because it really is a stabilising period.

The Hon. NATASHA MACLAREN-JONES: Just going back to the disability homes, I just wanted to clarify the number that are currently being used or being occupied for disability accommodation. Did you say 687?

ANNE CAMPBELL: No, 646 of those enrolled properties as SDA are occupied for SDA use.

The Hon. NATASHA MACLAREN-JONES: The answer to a supplementary question I got last year said it was 721 as of 31 July 2024. Does that mean there has been another shift of properties to—

MICHAEL TIDBALL: What was that figure, Ms Maclaren-Jones?

The Hon. NATASHA MACLAREN-JONES: I had a total of 721 properties are occupied for disability accommodation services as of 31 July 2024.

ANNE CAMPBELL: I think the remaining properties may not be SDA ones because, as you know, there are people who are over 65 who don't actually get access to NDIS but do get access to aged care services.

MICHAEL TIDBALL: The figure I have is 715 for disability accommodation.

The Hon. NATASHA MACLAREN-JONES: So, it's still the 700. Good. Thank you. Just back to the 40 properties that are used for out-of-home care, could you elaborate what they're actually used for? Are they vacant for renovation at the moment?

ANNE CAMPBELL: Can you just repeat that question for us?

The Hon. NATASHA MACLAREN-JONES: This is the 40 currently used properties for out-of-home care.

ANNE CAMPBELL: There are currently, actually, in out-of-home care—because I think you were quoting last year's numbers.

The Hon. NATASHA MACLAREN-JONES: I've just got the figure as of 31 July.

ANNE CAMPBELL: I've got 45 for out-of-home care, 10 for transitional housing, two for long-term housing and one for the women's refuge pilot. That is of 31 December 2024.

The Hon. NATASHA MACLAREN-JONES: Do you have a breakdown of what the 45 in out-of-home care are used for?

ANNE CAMPBELL: Predominantly for residential care homes.

The Hon. NATASHA MACLAREN-JONES: But they are not managed by the department, but NGOs?

ANNE CAMPBELL: Mainly NGOs, yes.

The Hon. NATASHA MACLAREN-JONES: Is there any plan for the remaining 721-odd properties, as people vacate, to remain supporting out-of-home care or to turn them over to Homes NSW?

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ANNE CAMPBELL: I think you made that comment this morning in terms of the use of disability accommodation for other program types. Obviously, those particular houses are under the Community Welfare Act, which you would be familiar with. This is the meanwhile use. It is actually slightly different. Obviously we have got these vacant properties at the moment. We are looking at what we should be delivering in terms of contemporary residential services for people with disability under STA. We're using those properties where needed to address the issue that the Minister talked about this morning in terms of the lack of housing across New South Wales. We are obviously looking at the other vacant properties and looking at what the best use of them is. But there has been no decision at this point.

The Hon. NATASHA MACLAREN-JONES: But they are remaining still under the Minister for Disability Inclusion and not with Homes NSW?

ANNE CAMPBELL: Correct. There are actually—I think I mentioned it last year, too—12 properties that are owned by Homes NSW that we manage the leases on with the STA providers.

The Hon. NATASHA MACLAREN-JONES: I might move to some questions for the commissioner. One of the recommendations out of the disability royal commission—recommendation 11.3—referred to a one-stop shop complaint reporting, referral and support service. The response by the New South Wales Government was that it was the responsibility of the Ageing and Disability Commissioner. Are you adequately resourced to be able to do that role?

KATHRYN McKENZIE: My understanding of the response was that the ADC fulfils a lot of that role already. Part of the responsibility of the ADC—and the legislation being so broad—is that we do bring in a lot of matters relating to adults with disability and older people broader than the gap that we are designed to fill. We did note in our feedback to the recommendations that what has been proposed is broader than what we do fulfil. For example, it isn't limited to adults, whereas our legislation is solely about adults. Looking at the ADC as fulfilling that role as a one-stop shop more broadly for people with disability does present some challenges for us on top of what our existing mandate is. There would need to be further consideration about where that role would sit if it progresses to the ADC. Certainly, if we were to take that on, it would require additional resourcing.

The Hon. NATASHA MACLAREN-JONES: Have any discussions occurred to date in relation to that and how it would be implemented?

KATHRYN McKENZIE: The discussions so far have been more to inform the initial response to the DRC recommendations—what our views are. They are in line with what I've just said—that we fulfill many elements of that, but there are some key parts where we don't. In addition to children and young people, the additional piece was really that what is proposed by the DRC is very much a hands-on role for that body and for matters coming in, you are more intensively working on them to get them to the right place and engagement with relevant agencies. We do a lot of that in relation to, obviously, abuse, neglect and exploitation matters. But for broader concerns relating to, for example, conduct of government agencies, there are a lot of considerations around what is expected of that one-stop shop that certainly go beyond what we can fulfil at the moment.

The Hon. NATASHA MACLAREN-JONES: In relation to reports that have come in, looking at your last report, I am interested to know the comparison with the previous year. In your report last year, you talked about a significant increase in reports more broadly and the pressure it has had on staff.

KATHRYN McKENZIE: This is not limited to the last financial year; this has been throughout the life of the ADC. For the 5½ years so far, we have experienced year-on-year growth and an increase in demand for our services. A lot of that is to be expected. We did a lot of work—certainly in the early years—to get out to let the community know about the role we have, to let people know about the helpline and to increase awareness, as is our responsibility, around abuse, neglect and exploitation of adults with disability and older people. Understandably, that has an impact. The work that we do on reports, given that most of the reporters are service providers or staff, helps to then drive repeat contacts about other matters that come to us. I should flag at the outset that we are happy with increased reporting and we are happy that there is greater awareness of the ADC and that there is greater awareness of the abuse, neglect and exploitation of our cohorts.

The challenge for us is that the original budget of the ADC was understandably based on the paucity of data at that time. There was not a lot of data other than the number of calls to the pre-existing elder abuse helpline, which was way under what we experience and way under what we experienced in the first year. It was not adequate for even the first year of our operation. It certainly wasn't adequate for all of the subsequent years. In the first five years, just the volume of calls had a two-fold increase on what we had in the first year. There was a 109 per cent increase on the number of reports. There was a 66 per cent increase in the number of calls. The budget just does not support that. We are very glad to have the assistance of the DCJ in providing us with temporary funds each

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year, but that is not a sustainable arrangement for the ADC and really prevents us from doing the type of planning and work that we need to do on an ongoing basis to fulfill our responsibility.

The Hon. NATASHA MACLAREN-JONES: I noticed on your website you've got a warning to say the length of time it will take. How many cases are not being reviewed in the time frame that is required?

KATHRYN McKENZIE: There is no required time frame. I am a strong believer in transparency and accountability. What we have really sought to do—certainly towards the end of last year—is try to be much more transparent with the community about the demand and the impact on the ADC and our helpline, and to also manage expectations around how quickly we can respond. I would flag that the message on the website is very much about non-urgent matters being responded to within four weeks. That continues to be the case. I would say that we have been doing and are continuing to do a lot of work in the ADC to improve our systems. Wherever we can gain efficiencies, we are seeking to do that.

One of the things that we have done is improvements in responding to calls. Calls to the ADC are now responded to either the same day or the next business day. There are continuing delays though in responding to web reports to the ADC. We do respond as fast as possible to non-urgent reports, but it is a longer time frame before we can get back to them. But I would say that every matter that comes in—regardless of whether it is a call, web report, email et cetera—is assessed for risk and is given a risk rating and a priority rating. It is only the non-urgent matters that have a delay in response. The urgent matters are assessed as priority 1 or 2 and are responded to and allocated as a matter of priority.

The Hon. NATASHA MACLAREN-JONES: Do you have a policy around time frame for the urgency of category 1 and 2?

KATHRYN McKENZIE: We do. I'm happy to provide that information, yes.

The Hon. NATASHA MACLAREN-JONES: And then also if there has been a delay or an extension in that period of time that you haven't been able to get to.

KATHRYN McKENZIE: Sure, happy to do that.

The Hon. NATASHA MACLAREN-JONES: Around the Official Community Visitors visits in relation to out-of-home care residential homes, how many were conducted in the last 12 months, and what type of homes were they?

KATHRYN McKENZIE: In the last financial year, visitors conducted 3,376 visits to 1,864 visitable services. The locations that they visited were a combination of ITC services and a small proportion of—I always call it voluntary out-of-home care—specialised substitute residential care settings where the child or young person was in care for more than three months.

The Hon. NATASHA MACLAREN-JONES: And what were the findings from those visits?

KATHRYN McKENZIE: It's a range of issues that the OCVs identify. The most common issues that are raised by OCVs, including in relation to out-of-home care, relate to the health needs and the individual needs of children and young people, and they continued to be the main issues raised last year. The visitors, though, have also for the last couple of years been focusing on a range of longstanding systemic issues. For residential out-of-home care services in the past, that's been leaving care planning, in particular, compatibility, and last year we also looked at preventative health care.

There's a range of issues identified in the last annual report that go to those issues. Last financial year they were also focusing on education and the access to education. So there's a range of, I guess, key issues relating to the day-to-day support for children and young people, the adequacy of care that they're provided, and the impact on children and young people, some of which relate solely to individual children or to that particular residence, and a whole host of which are broader systemic issues that OCVs are raising and contributing to, hopefully, the work that's being done to address those.

The Hon. NATASHA MACLAREN-JONES: And what is this year's focus?

KATHRYN McKENZIE: This year's financial year focus is, again, leaving care planning for children and young people. It's involvement in decision-making. And the other is staff training—the adequacy of staff training.

Ms SUE HIGGINSON: Can I just ask now about the work being undertaken for the restoration of Aboriginal children and young people? I did speak with the Minister briefly about it earlier, but is there work that you can explain tangibly in terms of reviewing what DCJ is doing to review restoration options now, and what that looks like in terms of those children in care now?

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PAUL O'REILLY: Yes. The first thing I would say is we are working with Dr Newton on the restoration taskforce work that she is leading. My team is embedded with her and her team closely, looking at casework practice and identifying a new model. I won't speak for her, of course, and the work that she's doing, because she can describe it. It's her work, but that is a critically important piece of work that we're collaborating with her on. DCJ also needs to, as you kind of suggested, do its own work around restoration practice.

There are pockets all around the State where restoration practice is great, but what we really require is a policy and practice framework and a resource plan for restoration work, so that's one of the things that we've started doing recently. That involves drawing on expertise from our legal team, who are heavily involved in the Children's Court process and bring a particular perspective to restoration work. It involves casework practitioners; it involves families; it involves carers. But it is challenging to very quickly shift to suddenly doing a whole program of restoration work across the State in a consistent way because, while we're trying to build this model, we're also trying to improve performance around child protection response and we're trying to improve performance in out-of-home care.

Those three things are happening at the same time, but what we intend to do in the next few weeks is take some people offline who can work full time on the restoration work and develop a model, in close consultation with Dr Newton and her work, so the two pieces of work are connected and have visibility of each other. In the next few weeks we hope to be in a better position to describe what a DCJ-led model could look like. But the work has commenced, and one of the first things we will do is map examples of excellence and see what difference they are making.

There's another key element here around connection to families and the role of families, and giving families a voice—the family inclusion principle in driving restoration practice—and making sure that the parents of children who have been removed have a say and have a voice in the process, so that we can make sure that we are adding enough weight to that. Particularly parents who've been through a process of working with caseworkers, following a plan, making changes in their life—they need to have a strong voice in the restoration process, and that's a bit of a culture change for everybody.

Ms SUE HIGGINSON: Is it fair to say that it is a priority program of DCJ right now to be looking at restoration?

PAUL O'REILLY: Yes, it is a huge priority—in a group of other huge priorities, but it absolutely is a priority, yes. Our number one placement priority is restoration, as you know from our public information, and we can't really achieve that unless we start re-engineering our operations and our policy work to drive that work.

Ms SUE HIGGINSON: How many Aboriginal children in out-of-home care have a case plan goal of restoration, as it stands? I acknowledge that in 2023-24, I think it was 496 of 1,148?

PAUL O'REILLY: I have slightly different figures. I have case plan restoration for Aboriginal kids who are PR to the Minister. At 30 June 2024, 210 Aboriginal children had a case plan goal of restoration, and 247 non-Aboriginal children had a case plan goal of restoration.

Ms SUE HIGGINSON: So what would be the difference in my number to yours?

PAUL O'REILLY: It could have been the point in time of the snapshot, maybe.

Ms SUE HIGGINSON: Possibly. I mean, 496 is more than 210, so I'm just curious as to where—anyway, okay. Would it be the intention to have a goal of 100 per cent of kids in care having a restoration plan, with some provisional major exceptions?

PAUL O'REILLY: I think there are going to be exceptions. Most certainly, yes. Not every child is suitable for restoration, and that is the sad truth, but it's simply not the case that every child is ready or suitable for restoration. But, certainly, it needs to be very high. Our goal is to make it very high—not just to set a case plan goal of restoration but to establish those building blocks around family connection.

Ms SUE HIGGINSON: Of how you get there, yes.

PAUL O'REILLY: Yes, and then informed casework that actually maintains those. It also relates to our work in terms of recruiting and supporting carers, who are motivated to support restoration and skilled in the complexity of working in a case plan that is focused around restoration. It requires a lot more connection, which can be challenging, but some carers are particularly interested in that work.

Ms SUE HIGGINSON: How many Aboriginal children exited care by way of restoration?

PAUL O'REILLY: I have that number, if you just give me a moment.

MICHAEL TIDBALL: In 2023-24, I have 159.

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PAUL O'REILLY: Yes.

Ms SUE HIGGINSON: Do we have any numbers about how we're tracking this year, since then? Do we have a point in time now?

PAUL O'REILLY: I don't yet.

Ms SUE HIGGINSON: Would you only get that figure of 2024-25 at the end of—

PAUL O'REILLY: Generally, yes. But part of our work in this restoration reform work is going to be about accessing real-time data more effectively.

Ms SUE HIGGINSON: I'm obviously asking you to have a bit of a lens over it, but do you think that there would be a similar figure, a higher figure or a lower figure for how we're tracking now? Or we just can't know?

PAUL O'REILLY: I don't think we can know, and I would note that the percentage of Aboriginal children restored is the same as the percentage of non-Aboriginal children restored in the last year. The restoration rates are very similar, and we absolutely want to see far more restoration. That is our vision and our goal—what we're working towards—but it's not a promise that we can make, because there are so many variables in each case.

Ms SUE HIGGINSON: I think the idea that there's still such a significant over-representation means that we would be trying to exceed that number for Aboriginal children being restored.

PAUL O'REILLY: I completely agree.

Ms SUE HIGGINSON: I say that from the advocacy that I know. The Grandmothers Against Removals consistently still—

PAUL O'REILLY: Yes, and I can tell you there is advocacy within the department as well, amongst many hundreds of staff.

Ms SUE HIGGINSON: Could I ask you about the switch-off of the Structured Decision Making tool? I know the Minister was—we had a brief exchange. Have you received feedback from the caseworkers about the interim tool and what they're doing now?

PAUL O'REILLY: Yes, we have had a lot of feedback from practitioners. We have not yet had outcomes data. We're expecting that in the next few weeks.

Ms SUE HIGGINSON: Are there emerging trends?

PAUL O'REILLY: Again, the trends will be in the data, which will be available soon. It is not available yet. But certainly a few observations from staff—I may have reported some of this at the last hearing; I can't remember. Maybe I didn't. But certainly staff—like any significant change process—took a bit of time to adjust to the process. A judgement-based decision approach around risk assessment requires lots of consultation, and one of the challenges is that it's often the same people being consulted internally, and that is something that—

Ms SUE HIGGINSON: Yes, I think we did have a bit of a discussion about this.

PAUL O'REILLY: We do need to manage that. It is not our intention for this to be the enduring approach. We are committed to working with AbSec and ALS on an enduring risk assessment model, which puts in much more sustainable safeguards around decision-making to support judgement.

Ms SUE HIGGINSON: Do you think there are real differences with what's happening now compared to under the tool?

PAUL O'REILLY: Yes.

Ms SUE HIGGINSON: If so, what are some of those tangible examples?

PAUL O'REILLY: It stems from dropping the actuarial model, and all of those elements of a person's life and past don't factor into the decision as they did before. The idea is to focus people on the current risk but also, and most importantly, the strengths and protective factors in the family and the broader family, and to bring the family to the table. That is the intention of the work, and that's what people are experiencing. But for some people it's a new way of working, and it requires support. We don't pretend that it is the answer. It is an interim approach, which has enabled us to switch off a system that was found to be biased.

Ms SUE HIGGINSON: What are you doing in terms of Aboriginal caseworkers and carrying that additional cultural load that comes with that level of—it's, "This is what we want. We know this is the system that will ultimately lead to more humane and more realistic approaches." But what are we doing to support those

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people that are having to make those really hard decisions on the spot, particularly Aboriginal caseworkers in terms of the cultural—

PAUL O'REILLY: It's part of our reform work but I might throw to my colleague, Ms Dean, who's managing those caseworkers.

LAUREN DEAN: Firstly, a shout-out to our Aboriginal workforce, because they're amazing. I acknowledge that they carry a significant cultural load. As they talk to me, they are 24/7. Lots of us get to go home and away from work but our Aboriginal staff don't have that. For us, we're working in close collaboration with the State ARG. The ARG is the Aboriginal Reference Group, which are representatives from across New South Wales in the child protection division, where they are nominated and supported members, and representatives from their local areas. A special call-out to them, because they're celebrating 40 years this year, which is a significant achievement, especially acknowledging the past history of this agency and their ability to keep working with us. We are working to acknowledge the cultural load. We are working in consultation with the State ARG to develop a strategic plan that will help take us forward, in true collaboration, to acknowledge what they bring to the table and what they need to continue to contribute to a safe workplace where we are collectively working to get better outcomes for Aboriginal children, young people, their family and communities.

In addition to that, we are working in regard to cultural supervision. Obviously that's not a white person—me—sitting here telling them what it is they need. I'm listening to them around how the department can facilitate support and help them engage for cultural supervision, as well as increasing the cultural competency of our staff. That's incredibly important, whilst also acknowledging anti-racism action. So we are collectively working to make sure that our cultural leaders and our Aboriginal staff are safe and supported in the workplace by acknowledging the cultural load and really working with them strategically to help them feel valued in the workplace and safe in the workplace.

Ms SUE HIGGINSON: I asked the Minister earlier about the use of the emergency powers. One of the nine priorities identified by the Minister following the reform was to review the use of those powers. I am informed that it's a serious issue, still of concern, for the FIC group and, in particular, the ALS. I'm wondering if you have numbers about the number of children that were removed by warrant, if any?

LAUREN DEAN: Ms Higginson, for that question I've got a breakdown of emergency removals by district in recent times. Is it okay if I read that out to you?

Ms SUE HIGGINSON: Yes, that would be great.

LAUREN DEAN: In relation to the proportionate rate for 2023-24, for Western Sydney and Nepean Blue Mountains, there were 91; for Sydney, South Eastern Sydney and Northern Sydney there were 38; for Illawarra Shoalhaven and Southern NSW there were 63; for South Western Sydney there were 44; for Murrumbidgee, Far West and Western NSW there were 66; for Hunter and Central Coast there were 55; for Mid North Coast, Northern NSW and New England there were 63; and for statewide services, which would be the overall umbrella for the Joint Child Protection Response Program—JCPRP—there were 34. So the total for 2023-24, there were 454 Aboriginal children and young people removed via emergency powers.

Ms SUE HIGGINSON: Given removal of children without a warrant is supposed to be an exception to the normal practice, what is the comparison figure? I don't know if you have to do it by the district?

LAUREN DEAN: I can give you a total if you'd like, Ms Higginson. If I take the earliest available data I have, it's 580 total for the year 2019-20.

Ms SUE HIGGINSON: So that's not a comparison for the 2023-24 totals.

LAUREN DEAN: For 2019-20, the total was 580. There were significant increases for the three years following, so it went to 742, 618, 614, and then for 2023-24, it was 454.

Ms SUE HIGGINSON: What are the numbers of children that were removed without a warrant, though?

LAUREN DEAN: I'd have to come back to you. As I understand it, the total entry into care number for 2023-24 was 1,767 children. I don't have the Aboriginal versus non-Aboriginal breakdown, though, in that cohort, so I can take that on notice.

Ms SUE HIGGINSON: I think one of the points that keeps being made to me is if the removal without warrant is supposed to be an exception to the normal practice, then what actions are DCJ taking to enforce that requirement that it is only in an emergency?

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LAUREN DEAN: In response to that, I'm obviously reiterating what Minister Washington said this morning. We know we still have a lot more work to do. The things that we're doing though obviously are the SDMAC panels. They've been established in all districts. You did ask for some updated numbers. I think we have those. Ms Jarrett might help me with those. While she's looking for those, in addition to the SDMAC panels, obviously we're working hard to understand the impact of Active Efforts. I would say that we're still immature in relation to really enhancing the Active Efforts requirements. So making sure that we do avoid the use of emergency powers.

The SDMAC panels are due for review as well in coming months. We're keen to understand whether they are still early enough in the process. If they're too late in the process, what the community representation looks like and how we can help ensure that we are still working to avoid the use of emergency removals. I note that it is highly likely there will still need to be some emergency removals throughout the course of time, and that's because there are some situations where children and young people are at immediate risk who are unable to stay at home.

Ms SUE HIGGINSON: If I can get the district breakdowns, that would be great.

BIANCA JARRETT: It's only from July to September 2024. We'll get the next quarter data at the end of this month. From July to September 2024, 129 Aboriginal children and young people completed a SDMAC panel. But we can take that on notice and get you more fulsome data from the previous year as well.

Ms SUE HIGGINSON: Yes, it would be good. Maybe if it could be taken on notice to try and get the figures, just so that we can track and get some idea of what are the outcomes and what is happening.

LAUREN DEAN: I actually just have found it. I understand there's been 685 panels. There have been 1,001 Aboriginal children discussed, and 595 did not enter care.

Ms SUE HIGGINSON: I get it now. That sounds a bit more like what I was trying to get to.

PAUL O'REILLY: If I could just add something to that. It is a central part of our child protection policy reform work. I heard your comment earlier about the ALS. ALS are a key partner in our policy redesign. They bring to the policy table all that experience and advocacy around emergency removals, which will be central to that work. I also need to add the level of oversight on this policy reform work. I report, and the Minister also reports, to the Ministerial Aboriginal Partnership Group every month on the reform work and specifically on emergency removal and how it trends every month. So those Aboriginal leaders are monitoring and holding us to account for that work.

The Hon. NATASHA MACLAREN-JONES: In relation to permanency goals, we've already covered off restoration. I'm interested in the numbers around guardianship and adoption as well.

PAUL O'REILLY: The total restoration goal up to June 2024 was 457. The total for children under PR to the Minister with permanency goal of guardianship was 585. The case plan goal for adoption was 196. The case plan goal for long-term care was 9,583. That's the breakdown.

The Hon. NATASHA MACLAREN-JONES: What is the difference between de-identified and misidentified when it comes to Aboriginal children and young people in care?

BIANCA JARRETT: I guess de-identified is the action we would take if a child was misidentified on the system, so incorrectly identified through administrative error.

The Hon. NATASHA MACLAREN-JONES: But there's no difference in pathway or anything like that? It's a term that is used interchangeably?

BIANCA JARRETT: Yes, it's a term we're leaning more towards using because we're steering away from using de-identify.

The Hon. NATASHA MACLAREN-JONES: To use misidentified?

BIANCA JARRETT: Yes.

The Hon. NATASHA MACLAREN-JONES: In the last 12 months or the last financial year, how many Aboriginal children have been misidentified?

BIANCA JARRETT: In terms of actually having their cultural status changed on the system, on ChildStory, since January '23 up until March last year when the Minister ordered a pause, there were 101 children that had their cultural status changed. My division has just commenced a review of those decisions to make sure that we made the correct decisions. The pause was put into place until a final policy position is in place.

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We've been working with our community partners, including AbSec, ALS and the Aboriginal Leadership Group, on that policy, which is in draft, but they've asked for further community consultation. We've agreed to that and we're coordinating that in partnership with them. We do recognise that while that work is happening—and it really isn't up to government to impose time frames on that—there are children in the system that have been misidentified, and that impacts casework and court decisions. So we are proposing to implement an interim process which applies greater cultural safeguards, and those cultural safeguards include approvals by senior Aboriginal leaders in DCJ, including myself, and also sharing final decisions with local ACCOs or a local ACCO from the child's community. We're just almost at the point of getting that approved and implemented, which means the pause will be lifted.

The Hon. NATASHA MACLAREN-JONES: The pause will be lifted for an interim policy, but there is no time frame for the—

BIANCA JARRETT: We're working to as soon as possible, but really it's up to the community who are going to participate in the consultation process. As you would appreciate, the topic of identification is a very fraught and contentious issue for many Aboriginal people and communities, so we need to approach the work really sensitively.

The Hon. NATASHA MACLAREN-JONES: But do you have a time frame of actual consultation or anything like that?

BIANCA JARRETT: We're scheduling and we hope that they'll be completed before the end of October to December this year.

Ms SUE HIGGINSON: I don't think we've covered it, but how many Aboriginal children have been transitioned from NGOs to ACCOs since the last time the Committee met?

BIANCA JARRETT: We do our counts from 22 July, which is when the Government made a commitment to extend the time frame. Since 22 July to February this year, there have been 163 transfers from NGOs to ACCOs. It's important to note that, of those, 129 occurred between January last year and February this year, I think, which indicates the additional efforts we're making to expedite transitions.

Ms SUE HIGGINSON: What about transitions from DCJ case management to ACCOs?

BIANCA JARRETT: Between 1 July 2022, again, and the end of February this year, 283 children were transferred from DCJ to ACCOs. Of those, 89 occurred in the last 12 months.

Ms SUE HIGGINSON: How many Aboriginal children have been transitioned from NGOs back to DCJ case management?

BIANCA JARRETT: I don't have those figures. I've got figures from transfers out of ACCOs to NGOs and DCJ. From 22 July to 24 December, there were 186 children transferred out of ACCOs, including 100 transferred to NGOs and 86 transferred to DCJ. The reasons are varied. It might include children living away from placement, it might be children who were determined not to be Aboriginal or Torres Strait Islander or it could be children with high needs that the ACCOs are unable to support those high needs—so, yes, varied reasons.

Ms SUE HIGGINSON: In terms of the reasons that are given, are they put into a kind of feedback system that then helps understanding, and is there a formalised system for that?

BIANCA JARRETT: Yes, we have a dashboard. It's not publicly available, but NGOs and ACCOs have access to it. But we don't publicly report on the dashboard.

Ms SUE HIGGINSON: This is a bit broader, but what progress is being made at the moment on the development of the ACCO sector development strategy, and enhancing and assisting with the ACCO development?

BIANCA JARRETT: I can talk to that. Anne might want to talk to that too. Anne's area are leading—in partnership with AbSec, ACCOs and other community partners—the development of an Aboriginal sector strengthening strategy or sector development strategy. There's that commitment, and some early scoping has been done. I think they're about to start consultations around that. Something that has come through strongly from our community partners is that they don't want to be over-consulted on things that we already know what the issues are and where the growth needs to be. Certainly, across districts, there has been a concerted effort to support communities who do want to increase their service footprint. There have been, I think, two new ACCOs established in the child and family sector in the last 12 months. I think a big part of that sector strengthening strategy is how do we support new and emerging ACCOs to increase their future sustainability—a key focus. I don't know if you want to add to that.

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ANNE CAMPBELL: No. I think you've covered it well, Bianca.

Ms SUE HIGGINSON: We're going to take a short 15 minute recess and then we'll come back.

(Short adjournment)

The Hon. NATASHA MACLAREN-JONES: I'll be putting my remaining questions on notice, particularly in light of the work that the department needs to do up north. Again, thank you very much for your time today.

Ms SUE HIGGINSON: On that basis, we will wrap up the hearings early. You will be contacted by the secretariat in the usual course about all questions that were taken on notice and all our supplementary questions.

The Hon. GREG DONNELLY: There are no Government questions. I'm banking my questions.

Ms SUE HIGGINSON: All those questions are banked until the next budget estimates hearing. On behalf of the whole Committee, I thank all of you. We understand how much work goes into preparing for budget estimates in this very important accountability role that we all hold. We're very grateful to all of you.

(The witnesses withdrew.)

The Committee proceeded to deliberate.