

**BUDGET ESTIMATES 2016-2017:
AGEING AND DISABILITY**

Questions taken on notice at the hearing

Question from the Hon. Sophie Cotsis

1. Do you know when the next Ombudsman's report will be tabled?

Excerpt (p.3 transcript):

The Hon. JOHN AJAKA: As part of the safeguards that have been put in place, any serious cases of abuse are to be referred to the Ombudsman. The Ombudsman has the discretion to investigate those matters if he believes they warrant investigation. The Ombudsman is required to report back.

The Hon. SOPHIE COTSIS: Does he report to you or to the Parliament?

The Hon. JOHN AJAKA: There are reports made to me, and there is the Ombudsman's report that is tabled in Parliament.

The Hon. SOPHIE COTSIS: Do you know when the next Ombudsman's report will be tabled?

The Hon. JOHN AJAKA: No.

The Hon. SOPHIE COTSIS: Would you take that on notice?

The Hon. JOHN AJAKA: I am happy to.

ANSWER:

I am advised that the NSW Ombudsman plans to table the next Reviewable Deaths report by the end of 2016.

Question from the Hon. Sophie Cotsis

2. How many reportable incidents are you aware of to date?

Excerpt (p. 3 transcript):

The Hon. JOHN AJAKA: Yes, I am aware of them. It is for that reason that I am the Minister who brought in the Disability Inclusion Act, which tightened employment screening for Disability Services staff. It is that Act that introduced in legislation the New South Wales Ombudsman's Disability Reportable Incidents Scheme, which is the first and only legislated scheme. Yes, I not only took those matters seriously but I also brought in legislation to cover this.

The Hon. SOPHIE COTSIS: We, the Opposition supported you wholeheartedly—

The Hon. JOHN AJAKA: Because you accepted the fact that it was a good Act that I brought in.

The Hon. SOPHIE COTSIS: No, all members accept that it is important to report these very serious allegations of abuse and violence against and neglect of people with disability in government-funded care and in non-government supported care. Will you tell us how many of those disability reportable incidents you are aware of to date?

The Hon. JOHN AJAKA: I will take that question on notice and provide an exact number.

ANSWER:

I am advised as of 31 August 2016, 485 reportable incident notifications have been submitted by ADHC to the NSW Ombudsman.

Question from the Hon. Sophie Cotsis:

3. How many of those incidents have been referred to the police?

Excerpt (p4 transcript):

The Hon. SOPHIE COTSIS: But you have claimed that you have read the disability e-newsletter that comes from the Ombudsman. The May newsletter indicated that there were 878 reportable incidents. Of those, more than 451 are allegations in relation to sexual assault and sexual offences. How many of those incidents have been referred to the police?

The Hon. JOHN AJAKA: That is a completely different question. I will go back to the first question that I said I would take on notice because I did not have the exact number in my memory and I wanted to make sure that I provided the right number. However, you have just provided the number.

The Hon. SOPHIE COTSIS: From May.

The Hon. JOHN AJAKA: I take it that you no longer require that answer.

The Hon. SOPHIE COTSIS: No, I do. We are in August and I want that figure.

The CHAIR: I think the Minister needs to be very clear about the question so he can answer it.

The Hon. JOHN AJAKA: That is exactly right. I want to make sure I am answering her questions before the Hon. Sophie Cotsis asks me another question. There are strict obligations of reporting matters to the Ombudsman. The Ombudsman will investigate those matters, just as the official visitors also investigate and undertake random checks. They are reported to me. Serious matters are also reported to the relevant authorities. That is the Ombudsman's obligation when I meet with him. It is for those reasons that I brought in the Disability Inclusion Act to empower the Ombudsman in legislation to be able to undertake those tasks. It is why we have provided additional funding to the Ombudsman. It is why the Commonwealth and other States see our safeguards as the primary safeguards for people with disability. That is why we are working with the Commonwealth to ensure that these safeguards are also made part and parcel of the National Disability Insurance Scheme. Yes, I am well aware of them. Yes, I know they are serious. It is for that reason I took serious action and brought in legislation, empowered the Ombudsman and provided further resources to the Ombudsman.

The Hon. SOPHIE COTSIS: How many of these incidents have been referred to the police?

The Hon. JOHN AJAKA: I will take that question on notice, unless someone here can answer that question.

ANSWER:

I am advised 155 ADHC incidents have been referred to the police.

Question from the Hon. Sophie Cotsis

4. Have there been any prosecutions or criminal charges laid?

Excerpt (p. transcript):

The Hon. Sophie Cotsis: Have there been any prosecutions or criminal charges laid?

The Hon. JOHN AJAKA: I will take that on notice.

ANSWER:

I am advised three Department of Family and Community Services' employees were charged and convicted in relation to allegations involving reportable incidents. The employment of all three was terminated as a consequence.

Question from the Hon. Sophie Cotsis

5. Are you aware if any of the perpetrators are repeat offenders?

Excerpt (p.5 transcript):

The Hon. SOPHIE COTSIS: Are there repeat offenders? Are there people who are looking after the most vulnerable repeat offenders?

The Hon. JOHN AJAKA: I understand the question now. I will refer that to the department or I will take it on notice.

ANSWER:

I am advised of the 12 employees who were notified to the Department of Family and Community Services in relation to reportable incidents on more than one occasion, six were reported to Police more than once.

Question from Mr Justin Field

6. Is the Disability Council feedback on Disability Inclusion Action Plans publicly available?

Excerpt (p.7 transcript):

Mr JUSTIN FIELD: In preparing for my questions today I had a bit of difficulty in locating the action plans of some departments. Just to confirm, the justice and transport departments have completed their action plans at this time?

The Hon. JOHN AJAKA: Correct. If you have any difficulty please contact my office and Ms Rogers will assist you in identifying how to locate them.

Mr JUSTIN FIELD: What role does your office or the department play in reviewing those plans and providing any feedback to ensure that they meet the requirements of the Act?

The Hon. JOHN AJAKA: I will ask Ms Rogers to add to my answer, but my department was the first department required to prepare its disability inclusion action plan. In fact, it was more of whole-of-government as well as my department. My department then assisted the other departments as and when necessary, and when the plans are lodged they are being reviewed.

Ms ROGERS: There are a couple of actions in place to monitor and improve on agencies' disability inclusion actions plans. Firstly, all of the action plans were required to be presented to the Disability Council, the Minister's advisory council on disability issues, and those members of the Disability Council have analysed and provided feedback to agencies on ways in which their action plans may be improved for the future. In addition to that, there is a whole of governance framework set-up around the disability inclusion plan—namely, the Disability Inclusion Plan Implementation Committee, which comprises senior representatives across government and some non-government representatives as well—that has responsibility for overseeing the implementation of the broader plan and also ways in which we might be able to find synergies between the different agency plans to work together to improve service across government.

Mr JUSTIN FIELD: Would the Disability Council have reviewed all the plans?

Ms ROGERS: All of the plans have been reviewed by the Disability Council, yes.

Mr JUSTIN FIELD: Is that feedback available publicly?

Ms ROGERS: There is a working group within the Disability Council which is looking at that ongoing. I would have to take on notice exactly what is available publicly.

ANSWER: The Disability Inclusion Action Plans can be found at www.disabilitycouncil.nsw.gov.au. The Council's main responsibilities under the *Disability Inclusion Act 2014* are to advise the Minister about the content and implementation of the State Disability Inclusion Plan and disability inclusion action plans; and advise public authorities about the content and implementation of their disability inclusion action plans.

Question from Mr Justin Field

7. We had some difficulty accessing the action plan for Justice.

Excerpt (p.8 transcript):

Mr JUSTIN FIELD: I am pleased to be able to ask these questions on her behalf. We had some difficulty accessing the action plan for justice. I appreciate the comments that you made around access, which is a really important element of the plan, but research shows a disproportionate number of incarcerated people, particularly Aboriginal prisoners, have psychiatric or intellectual disabilities. So the action plan for justice will be crucial as to how it impacts the lives of those incarcerated people. Can you give me any anecdotes or experiences from your reviews of these plans as to how some of those issues will be dealt with under the action plan for justice?

The Hon. JOHN AJAKA: I will take the question on notice. I would rather be very specific for you and prior to sending that reply I will also ensure that we are able to deal with the access issue. I want to ensure that there are no difficulties for either you or Ms Jan Barham or anyone being able to access the plans. I can also indicate that quite a bit of work has been undertaken with my department and the Department of Justice in the Community Justice Program and other programs as to inclusiveness for people with disability and ensuring that appropriate action is taken in that regard. I will take most of your question on notice.

ANSWER:

I am advised the Department of Justice's Disability Inclusion Plan can be found at: www.justice.nsw.gov.au/diversityservices.

Disability Inclusion Action Plans can be found at www.disabilitycouncil.nsw.gov.au.

Question from Mr Justin Field

8. Research shows a disproportionate number of incarcerated people, particularly Aboriginal prisoners, have psychiatric or intellectual disabilities. So the action plan for justice will be crucial as to how it impacts the lives of those incarcerated people. Can you give me any anecdotes or experiences from your reviews of these plans as to how some of those issues will be dealt with under the action plan for Justice

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ANSWER:

I am advised the Department of Justice's Disability Inclusion Action Plan includes a range of measures to make its services more inclusive, such as training of staff and updating systems and processes.

I am further advised the Department of Justice has also started work on a Disability Justice Strategy, which will aim to address the overrepresentation of people with disability in the criminal justice system.

Question from the Hon. Sophie Cotsis

9. In 2014-15 how many people with disability died in residential care?

Excerpt (p.10 transcript):

The Hon. SOPHIE COTSIS: There were 239 people with disability in residential care that were reviewed: 121 people lived in ADHC, 101 people lived in non-government, 14 people lived in assisted boarding and three lived in private or community housing. In 2014-15 how many people with disability died in residential care?

The Hon. JOHN AJAKA: You are not asking me a question on the report?

The Hon. SOPHIE COTSIS: No. I have outlined the report. That was 2012-13.

The Hon. JOHN AJAKA: I think it is important when you quote a figure of the deaths that you also indicate that 89 per cent were the result of natural causes.

The Hon. SOPHIE COTSIS: I am asking how many deaths in 2014-15.

The Hon. JOHN AJAKA: I do not have that information to hand. I do not believe anyone in my department does. I am happy to take that on notice.

ANSWER:

I am advised the Department of Family and Community Services (FACS) reported 124 client death notifications to the Ombudsman in 2014/2015. This included notifications of people living in FACS operated and funded supported accommodation, and assisted boarding house services.

Question from the Hon. Sophie Cotsis

10. Have the actions taken by the Department in relation to the Ombudsman's recommendations in relation to the report of Reviewable Deaths been made public?

Excerpt (p.10 transcript):

The Hon. JOHN AJAKA: Can I indicate that the New South Wales Government departments, including Health and Family and Community Services [FACS], have reviewed the New South Wales Ombudsman's report and have provided detailed responses to each of the recommendations to the New South Wales Ombudsman. I also indicate that in 2015 NSW Health and FACS, working together, developed a joint implementation plan and continue to work together to implement responses to the recommendations. They also continue to work together in relation to any aspects relating to the National Disability Insurance Scheme. So, in response to the report, recommendations have either been completed or remain on track to improve services within accommodation services, health and disability support services. Members from the group within my own department continue to work with disability residential care staff management within FACS districts, to work with the New South Wales Ombudsman, various local inter-agency and cross-agency working groups, and of course local NSW Health counterparts, to continue to develop local relationships to promote initiatives and address issues.

The Hon. SOPHIE COTSIS: Have those recommendations been made public?

The Hon. JOHN AJAKA: The recommendations of the report are public.

The Hon. SOPHIE COTSIS: No, your action—what you have just outlined.

The Hon. JOHN AJAKA: As I indicated, the report itself has been made public, as you know. And the work that the department is undertaking in relation to the report—I will take that on notice if they have been made public but I might just ask my management.

Mr COUTTS-TROTTER: To be honest, I am not sure but we would have no concerns with reporting publicly on our progress.

The Hon. JOHN AJAKA: I will take it on notice.

ANSWER:

In response to the *Recommendations from NSW Ombudsman's Report of reviewable deaths in 2012 and 2013, Volume 2: Deaths of people with disability in residential care*, I am advised the Department of Family and Community Services recently provided a Status Report to the NSW Ombudsman. The Department regularly monitors the progress of actions responding to recommendations and I am advised the actions are either complete or on track.

Question from the Hon. Sophie Cotsis

11. Provide advice on the type of work being undertaken between NSW Health and FACS to reduce gaps in health care planning and coordination

Excerpt (p.11 transcript):

The Hon. SOPHIE COTSIS: You are saying that work is currently going on between FACS and Health in relation to—

The Hon. JOHN AJAKA: Work continues to go on between FACS and Health, not only in relation to issues that were raised by the Ombudsman, but also you will appreciate inter-agency work is being undertaken in relation to our transition to the NDIS.

The Hon. SOPHIE COTSIS: Can you advise the type of work? Can you specify the type of work?

the Ombudsman is saying here that, "There are substantial gaps in health care planning and coordination." What work are you doing to reduce those gaps?

The Hon. JOHN AJAKA: I will take that on notice, Ms Cotsis.

The Hon. SOPHIE COTSIS: You have had this report now for a year, and I asked a similar question at last year's budget estimates. I was hoping that you would be able to enlighten the public about the work that you are doing in relation to the health outcomes of people with disability. The Ombudsman states that, "There is inadequate support to facilitate access to health services and treatment." Can you tell me what you are doing with respect to that matter?

The Hon. JOHN AJAKA: I have indicated to you that both agencies have been working very closely to deal with those recommendations, have dealt with many of those recommendations—

The Hon. SHAOQUETT MOSELMANE: She is asking about you, Minister, she is asking you.

The Hon. JOHN AJAKA: Mr Moselmane, you may be surprised but when my department undertakes work, it is undertaking work on my behalf, as the Minister is undertaking work on behalf of the Government. It is also undertaking work in accordance with the policy directions that the Government sets. So I think it is a bit silly to be saying to me, "I am asking you, Minister." I cannot be separated from my department, Mr Moselmane. Ms Cotsis, I have indicated to you that I will take that aspect on notice and I will come back to you.

ANSWER:

I am advised the Department of Family and Community Services (FACS) is undertaking National Disability Insurance Scheme readiness activities within the FACS Districts and working collaboratively with NSW Health and other NSW and Commonwealth Government agencies through various working groups and committees. Local interagency working groups continue to operate with the National Disability Insurance Agency, meeting with health on a regular basis. Local issues are addressed as they arise.

Question from Mr Justin Field

12. How many people or businesses received funding packages under the Employment Enablement strategy in 2014-15?

How many people or business received funding packages under the Employment Enablement Strategy in 2015-16?

How many packages are expected to be allocated in 2016-17?

Provide a metropolitan and non-metropolitan breakdown.

Excerpt (p.14 transcript):

Mr JUSTIN FIELD: Minister, in last year's budget the Government abandoned the payroll tax rebate scheme and announced an employment enablement strategy.

The Hon. JOHN AJAKA: Correct.

Mr JUSTIN FIELD: How many people with disability received funding packages under the employment enablement strategy in 2014-15?

The Hon. JOHN AJAKA: While I wait for that figure, can I indicate to you I had a good look at what had occurred with the payroll tax scheme. My view is it was sadly not working. It was not changing the mindset of employers to hire people with disability. I am pleased to report that the feedback I am getting with the employment enablement strategy, as a result of the allocated \$6 million over three years, has been incredibly positive. Under the strategy more than 200 employment enabling packages have been allocated and will be provided over a 12-month period. I have had organisations such as NOVA Employment contact me to tell me that payroll tax scheme was not successful and did not assist them in any way, but the employment enablement strategy has worked for them from day one and they have been able to place employees under that strategy. I do not have an exact figure to date. I am happy to take that on notice.

Mr JUSTIN FIELD: The 200 packages over three years have been allocated, but you do not have a number for how many people or businesses received packages under the strategy in the last financial year?

The Hon. JOHN AJAKA: As of today I do not. I will take it on notice.

Mr JUSTIN FIELD: If we could have that information for the last financial year and I am interested to know how many of those 200 packages you would expect to allocate in this financial year. Do you have an idea of the breakdown between what has happened previously and how that is breaking up?

The Hon. JOHN AJAKA: That breakdown does exist. I will provide it to you.

ANSWER:

How many people or businesses received funding packages under the Employment Enablement strategy in 2014-15?

I am advised 125 job seekers with disability.

How many people or business received funding packages under the Employment Enablement Strategy in 2015-16?

I am advised 75 job seekers with disability.

How many packages are expected to be allocated in 2016-17?

I am advised 75 job seekers with disability.

Question from Mr Justin Field

13. How many applications have been received for funding packages under the Employment Enablement strategy have been received to date?

What is the length of time between an application being received and a decision being made?

Excerpt (p.14 transcript):

Mr JUSTIN FIELD: Would you also provide, either now or on notice, information on how many applications have been received to date?

The Hon. JOHN AJAKA: I will provide that information.

Mr JUSTIN FIELD: Do you know how long it is taking from point of application through to a decision on allocation?

The Hon. JOHN AJAKA: I do not have the exact information, but I will provide it on notice. Within three weeks of the announcement I was contacted by NOVA Employment to congratulate us on the move. It is one of the organisations that have done tremendous work in this area. It was very unhappy with the payroll tax scheme but is incredibly happy with the new scheme.

Mr JUSTIN FIELD: The scheme has been in place for a little while. You said that you did not think the previous scheme was changing the mindset of employers. Do you think the new package has changed the mindset? If so, I wonder why you do not have clear information on how many of these packages have been rolled out.

The Hon. JOHN AJAKA: Let us look at this. Consider the change of mindset by employers. The Transition to Work program has been an incredibly successful way of employing people, especially students with disability. I recall the figure of 3,000 to date. We had hoped that the payroll tax scheme would be a positive add-on. Sadly, it was not. From speaking to employers it was clear to me that it had not changed their mindset. It did not assist them. We then commenced the employment enabling strategy, and from day one a number of organisations like NOVA told me that they were able to make it

work with employers. They were able to convince employers. As a result, that strategy is proceeding. I do not have an exact figure. I attended the graduation of a number of NOVA clients who graduated under Transition to Work. I have been told that a number will graduate under this strategy. I would like to be specific with the figure, so I will provide it on notice.

ANSWER:

I am advised the Department of Family and Community Services does not collect data on the number of applications for Employment Enablement packages received.

I am further advised the time between receipt of an application and approval of a package will vary with each individual application.

Question from Mr Justin Field

14. Employment Enablement Strategy - How much funding was allocated for business capacity building in 2014-15?

Mr JUSTIN FIELD: Part of the strategy includes building the capacity of businesses to employ people with disability. Would you confirm how much funding was allocated for business capacity building in the 2014-15 year? I am happy for you to take that on notice. Would you speak to how that funding is being allocated? How do businesses apply for that, or how do you look for opportunities to build capacity within businesses?

ANSWER:

I am advised a total of \$270,852.51 was paid as part of the Capacity Building component of the Employment Enablement Strategy in 2014/15.

The Department of Family and Community Services contracted Social Ventures Australia in partnership with Australian Network on Disability to build the capacity of business to recruit, employ and retain employees with disability and to develop pathways to employment.

**BUDGET ESTIMATES 2016-2017:
MULTICULTURALISM**

Questions taken on notice at the hearing

Question from the Hon. Sophie Cotsis

15. How many complaints does Multiculturalism NSW receive a week in relation to racial, religious or ethnic attacks or abuse?

Excerpt (p. 18 transcript):

The Hon. SOPHIE COTSIS: How many complaints does Multicultural NSW receive a week in relation to racial, religious or ethnic attacks or abuse? How many do you receive?

Mr HARMAN: We do not have a register recording complaints being received. Two years ago we did set up a helpline and I can get statistics on that particular helpline.

ANSWER:

The Multicultural NSW Speak-Out Line operated through the NSW Police Force call centre (PoliceLink). Crime matters were responded to by the NSW Police Force. The Speak-Out line received 104 calls during its period of operation.

Question from the Hon. Sophie Cotsis

16. Has the Minister had contact with members of the Islamaphobia Register?

Excerpt (p. 20 transcript):

The Hon. JOHN AJAKA: I take appropriate action. I believe that some in my office have spoken to this organisation but I am happy to meet with them. My door is open. If they request a meeting with me, I meet with them. I do not reject a meeting with a good organisation that wants to come to my attention. The question is: Have they asked to meet with me? If they have, I can assure you that I will meet with them but I am more than happy to have a look at this when I get back to my office and find out what connections they have had with my office.

ANSWER:

Meeting are disclosed in accordance with the Ministerial code of conduct and necessary disclosure requirements. This information is publically available.

Question from the Hon. Paul Green

17. Please provide a list of the 12 Regional Advisory Councils and 12 Regions.

Excerpt (p. 23 transcript):

The Hon. JOHN AJAKA: One of the biggest aspects of it - it is legislated in the Act—are the regional advisory councils [RACs]. Each of the directors on the board of Multicultural NSW chairs a particular RAC in a different region. As a result of that, the RACs comprise not only senior government officials in Education and Police, but senior community members in different ethnic communities. I have visited most of them now.

The Hon. PAUL GREEN: How many regions?

The Hon. JOHN AJAKA: We have 12 RACs in 12 different regions. I can easily send you those regions later.

ANSWER:

- East Sydney RAC
- Hunter & Central Coast RAC
- Illawarra RAC
- Murray Lower Darling RAC
- New England North West RAC
- Northern NSW RAC
- North Sydney RAC
- Riverina RAC
- South Sydney RAC
- South West Sydney RAC
- Western NSW RAC
- West Sydney RAC

Further information on the 12 Regional Advisory Councils can be found on the Multicultural NSW website at multicultural.nsw.gov.au.