

**BUDGET ESTIMATES 2017-18  
QUESTIONS ON NOTICE TAKEN DURING THE HEARING  
EARLY CHILDHOOD EDUCATION  
ABORIGINAL AFFAIRS  
ASSISTANT MINISTER FOR EDUCATION**

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**QUESTION - PAGE 5**

**CHILD SWAPPING – WALT SECORD**

**The Hon. WALT SECORD:** I do not expect you to have this information at hand. You can take it on notice, or if you do have it I would like it. How many cases of child swapping have come across your inspections?

**Ms LOBLE:** In general I will take that on notice. But again, those numbers and data are held by the Commonwealth. I will take on notice whether the Commonwealth has notified us of any.

**The Hon. SARAH MITCHELL:** We will see what we can get for you.

**The Hon. COURTNEY HOUSSOS:** A question to Ms Loble, how many inspections does the Federal Government do of family day care centres?

**Ms LOBLE:** I would have to take that on notice.

**ANSWER**

The Australian Government holds all information on child swapping and the number of inspections they have undertaken.

## **QUESTION – PAGE 6**

### **FAMILY DAY CARE LOSS OF LICENCES – JUSTIN FIELD**

**Mr JUSTIN FIELD:** Are all their educators automatically unable to operate if the provider loses their licence?

**The Hon. SARAH MITCHELL:** I will have to ask Leslie Loble to answer that.

**Ms LOBLE:** The educators are employed by the service.

**Mr JUSTIN FIELD:** The educator is the house where the children are going to. The provider coordinates a group of educators?

**Ms LOBLE:** Yes.

**Mr JUSTIN FIELD:** How many houses have been closed effectively for access by children by this many providers losing their licence?

**Ms LOBLE:** I am happy to take that on notice.

## **ANSWER**

Data on the number of educators or “houses” that were closed as a result of the cancellations is held by the Australian Government.

## **QUESTION – PAGE 7**

### **FAMILY DAY CARE CLOSURES SAFETY CONCERNS – JUSTIN FIELD**

**Mr JUSTIN FIELD:** It was New South Wales's responsibility to cancel but it may have been because of financial irregularities that were identified by the Commonwealth Government. Have any been closed for safety concerns in the last 12 months?

**The Hon. SARAH MITCHELL:** We can take that on notice and come back to you.

### **ANSWER**

All services cancelled by the NSW Government were due to non-compliance with the National Law and Regulations. It is not possible to extrapolate if safety reasons were the only non-compliance.

## **QUESTION – PAGE 9**

### **COSTS OF EARLY CHILDCARE EDUCATION – FRED NILE**

**Reverend the Hon. FRED NILE:** Even though the Commonwealth has the primary responsibility for providing the funding, what have been the trends in the cost of early childhood education in New South Wales over the past 10 years?

**The Hon. SARAH MITCHELL:** Past 10 years. As I said, in the—

**Reverend the Hon. FRED NILE:** The most recent period.

**The Hon. SARAH MITCHELL:** The most recent one. The community preschool sector, as I said, is the area we fund—those figures that I gave for \$35 a day for children and \$18 for equity. We do every year with preschools an August census where we look at things like costs and fees. As I said, we are expecting the next round. We have just finished that most recent census and we would expect the results within the next month or so. In terms of the long day care sector, we have similar information, but if you wanted a breakdown of the last period of time in relation to fees and any changes or trends, we can certainly get that information for you on notice.

**Reverend the Hon. FRED NILE:** If you take that on notice, could you relate it to these categories: public secular, public religious, private secular and private religious?

**The Hon. SARAH MITCHELL:** If that is possible, we can do that for you, Reverend. Is it possible?

**Ms LOBLE:** Yes. I am happy to take that on notice. Can I also clarify you are interested in long day care as well as preschooling?

**Reverend the Hon. FRED NILE:** No, this is early childhood education.

**Ms LOBLE:** Okay.

**The Hon. SARAH MITCHELL:** Okay, because there are differences—as I said earlier, we have long day care, community preschools, department preschools, mobile services. But we can take that on notice and give you a breakdown for what we have available in terms of information.

**Reverend the Hon. FRED NILE:** What have been the trends in the educational outcomes in the same period, broken down into those four categories?

**The Hon. SARAH MITCHELL:** In terms of educational outcomes, is there any specific information that you wanted?

**Reverend the Hon. FRED NILE:** How are you measuring the success?

**The Hon. SARAH MITCHELL:** How are we measuring what, sorry?

**Reverend the Hon. FRED NILE:** The success of those programs.

**The Hon. SARAH MITCHELL:** The success of early childhood education. We can certainly have a look at what is available. But one of the things that I see as I visit services—and particularly when we look at transition to school—is when children who have had that quality early childhood education, particularly for the 600 hours in the year before school, in things like their Best Start assessment when they begin in kindergarten, is a marked improvement in terms of where those children are up to. Some recent data that I saw was that, if a child has had one year of quality early childhood education, they start school about three to five months ahead of a child who has not had any. If they have had two years, they start school about eight months ahead of a child who has not had any. [*Time expired.*]

## **ANSWER**

The Department of Education does not collect information on the religious affiliations of early childhood education services.

## QUESTION – PAGE 10

### PAY RATES FOR EDUCATORS IN DEPARTMENT OF EDUCATION PRE SCHOOLS - JUSTIN FIELD

**Mr JUSTIN FIELD:** Over 90 per cent of early childhood educators are women. They are paid around about \$30,000 less per year than school teachers, despite the fact that the National Quality Framework is looking to increase the capacity and skills in the early education sector. What can the New South Wales Government do to improve the pay rates for women working in this sector?

**The Hon. SARAH MITCHELL:** Obviously the issues around pay parity and the difference between those in the early childhood sector and schools is something that is very topical. It does come up and is raised with me as the Minister. As you would probably know or be aware, the rates of pay are set by the Fair Work Commission at a Federal level. We do not have a direct role to play in how much early childcare workers are paid. That is set by the Fair Work Commission. In New South Wales, most recently we have brought in a couple of things, making sure that educators understand how valued and important the services that they provide for our kids are. We have accreditation, so they are accredited in the same way as teachers are. We also have scholarships available for people who want to upskill.

**Mr JUSTIN FIELD:** For clarification, I am sure the acknowledgement is great; but being able to afford to live in Sydney would be a challenge, despite that. You have departmental preschools.

**The Hon. SARAH MITCHELL:** Yes.

**Mr JUSTIN FIELD:** I assume that the educators in those centres would be paid the rates of a school teacher under the State award. Whereas early educators in a long day care centre, who would be providing a preschool program, are probably paid significantly less. Would that be the case?

**The Hon. SARAH MITCHELL:** I will ask Ms Harrison to reply to that.

**Ms HARRISSON:** I will have to take on notice the specifics of the salary arrangements under the award for our staff in department-run preschools. I will be happy to come back to you.

## ANSWER

Pay rates for teachers in NSW Government Schools are in accordance with Schedule 1A of the Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2017. This includes teachers in NSW Government preschools.

The Early Childhood Education Directorate within the NSW Department of Education monitors, supports and regulates early childhood education and care services in NSW however are not the employer for any staff outside NSW Government preschools. The pay rates for the work of educators in long day care centres are administered by the Fair Work Commission in the federal industrial jurisdiction.

## **QUESTION – PAGE 11**

### **INDIGENOUS DEATHS IN INSTITUTIONS - COURTNEY HOUSSOS**

**The Hon. COURTNEY HOUSSOS:** How many Indigenous deaths have there been in New South Wales institutions since 1 April 2011?

**The Hon. SARAH MITCHELL:** I will take that question on notice; I do not have that information with me. Do you mean in New South Wales institutions more generally?

**The Hon. COURTNEY HOUSSOS:** Yes.

**The Hon. SARAH MITCHELL:** Obviously I will have to get information from my colleagues who have responsibility for the institutions. I will take the question on notice.

**The Hon. COURTNEY HOUSSOS:** How many Indigenous deaths have occurred in New South Wales institutions since you were made Minister?

**The Hon. NATASHA MACLAREN-JONES:** Point of order: The Minister has taken that question on notice.

**The Hon. COURTNEY HOUSSOS:** My first question related to deaths since 1 April 2011. This question relates to deaths since she was made Minister. It is a new question and the Minister can take it on notice.

**The Hon. SARAH MITCHELL:** In terms of deaths in Corrective Services NSW facilities since I have been the Minister, I am aware of two. However, in terms of New South Wales institutions in general, I would have to seek advice from my colleagues who have responsibility for institutions and provide a response on notice.

## **ANSWER**

Aboriginal Affairs does not hold this information.

## **QUESTION – PAGE 15**

### **REMOVAL OF ABORIGINAL HEALTH FUNDING LINE ITEM - COURTNEY HOUSSOS**

**The Hon. COURTNEY HOUSSOS:** Minister, the Auditor-General and the NSW Ombudsman have both called for greater transparency and accountability in the design and delivery of programs and services to Aboriginal people. Why then in the budget papers this year was Aboriginal health funding as a line item removed?

**The Hon. SARAH MITCHELL:** Aboriginal health funding would be the responsibility of the Minister for Health, not me as Minister for Aboriginal Affairs, so you will have to direct that question to him.

**The Hon. COURTNEY HOUSSOS:** So you were not consulted on this change?

**The Hon. SARAH MITCHELL:** I will have to take that on notice.

**The Hon. COURTNEY HOUSSOS:** You can take it on notice.

**The Hon. WALT SECORD:** Can the adviser—

**The Hon. SARAH MITCHELL:** Is there anything that you can add?

**Mr ARDLER:** No.

**The Hon. SARAH MITCHELL:** No. We will have to take that on notice.

## **ANSWER**

The presentation of detail in the State Budget papers for the Health Cluster is the responsibility of the Treasurer, in consultation with the Minister for Health.



## **QUESTION – PAGE 15**

### **GOAT ISLAND - ME-MEL - COURTNEY HOUSSOS**

**The Hon. COURTNEY HOUSSOS:** What is the current status of negotiations for the formal hand back of Me-mel to the original owners?

**The Hon. WALT SECORD:** Goat Island.

**The Hon. COURTNEY HOUSSOS:** Goat Island.

**The Hon. SARAH MITCHELL:** I will have to ask Mr Ardler to update you on that.

**Mr ARDLER:** I do not know the current status of that.

**The Hon. COURTNEY HOUSSOS:** Are you able to take that on notice?

**Mr ARDLER:** Absolutely.

**The Hon. SARAH MITCHELL:** We will take that on notice for you.

## **ANSWER**

This is a matter for the Minister for the Environment, Minister for Local Government and Minister for Heritage

## **QUESTION – PAGE 17**

### **HEALING FUND – DAWN WALKER**

**Ms DAWN WALKER:** Moving on to the "Unfinished Business" stolen generation report, the Government committed to establishing the Stolen Generations Healing Fund following recommendation No. 3 of the "Unfinished Business" report. Can you tell us how far you are with allocating funds?

**The Hon. SARAH MITCHELL:** The healing fund specifically?

**Ms DAWN WALKER:** Yes.

**The Hon. SARAH MITCHELL:** I can get the details on that for you. More broadly, the payments that were going to survivors has started. We have had 136 survivors receive those payments since the beginning of the program. The healing fund, as you rightly point out, was also about what support was available for the families more broadly. We have set up the Stolen Generations Advisory Committee. We have had the first meeting of that group, which I attended. The second meeting is coming up in a couple of weeks. That is going very well. It is an opportunity for those organisations to sit with me as Minister and the heads of many government departments to talk through issues.

I will see what we have on the specifics around the Stolen Generations Healing Fund. We have allocated \$5 million over 10 years, and there is \$500,000 allocated each financial year from 2017-18 onwards. It is all about supporting collective healing initiatives, as you said. If you are after some specific examples we can take that on notice and come back to you.

### **ANSWER**

The Government response committed reparations funding to establish a grant-based Stolen Generations Healing Fund to support priority collective healing initiatives for the Stolen Generations. The Government has allocated \$5 million over 10 years, and there is \$500,000 allocated each financial year from 2017-18 onwards.

Aboriginal Affairs is working with the Stolen Generations survivor organisations to scope and develop the Stolen Generations Healing Fund guidelines to ensure that reparations funding supports collective healing self-determined and led by the survivors, for the survivors, their descendants and their families and communities. The distribution of funds will commence once the guidelines are established.

It is expected the funding will cover initiatives that are healing and trauma informed, focused on healing intergenerational trauma and developed with the leadership of stolen generation survivors. Based on interest already indicated by survivors we can expect examples could include activities related to healing centres, collective healing including survivors and their descendants, reunions, memorials and Apology, recognition of Stolen Generations and the impacts of intergenerational trauma.

I can also advise the below about the Stolen Generations Reparations Scheme and the Funeral Assistance Fund both of which officially commenced on 1 July 2017:

- Since this date Aboriginal Affairs has received approximately 600 applications.
- The Stolen Generations Reparations Unit is fully staffed, with a team of 6 people working in the Unit.
- As of 31 August 2017, a total of 149 Stolen Generations survivors have received reparations payments, totalling over \$11 million. This includes 118 survivors who received fast-tracked payments prior to 1 July 2017.
- The \$11 million paid is for reparations payments alone, and does not include Funeral Assistance Fund payments. An additional amount of over \$1 million has now been paid in funeral assistance payments.

## **QUESTION – PAGE 17**

### **LALCS UNDER INVESTIGATION - DAWN WALKER**

**Ms DAWN WALKER:** Finally, I had some questions on Aboriginal land councils. Under the Aboriginal Land Rights Act you have the power to appoint administrators—

**The Hon. SARAH MITCHELL:** Yes.

**Ms DAWN WALKER:** —and investigators into local Aboriginal land councils with the approval of the New South Wales Aboriginal Land Council. How many land councils are currently being run by administrators?

**The Hon. SARAH MITCHELL:** There are three that are currently under administration: Mungindi Local Aboriginal Land Council, Awabakal Local Aboriginal Land Council and also Albury and District Local Aboriginal Land Council. As of this week those are the three.

**Ms DAWN WALKER:** In the past five years, how many?

**The Hon. SARAH MITCHELL:** I will have to take that on notice. I do not have that with me.

**Ms DAWN WALKER:** That is fine. The other thing I am interested in is how long each of them has been run by administrators.

**The Hon. SARAH MITCHELL:** We can take on notice the detail for those three under current administration. Did you want those for the past five years as well?

**Ms DAWN WALKER:** Yes, in the past five years.

**The Hon. SARAH MITCHELL:** That is fine. It depends on the nature of the investigation and how long the administrator needs to help resolve those issues. There is not a set time. There are opportunities for extension if there is more work that needs to be done. We can get a breakdown of that for you on notice. That is fine.

## **ANSWER**

Please refer to the answer provided to supplementary question 231.

**ABORIGINAL LAND CLAIM DELAYS - FRED NILE**

**Reverend the Hon. FRED NILE:** Following up in that general area, in regard to Aboriginal land claims I was pleased to be able to vote for that legislation in 1983 but I hear reports of very long delays—sometimes up to 20 years—for approvals. What is the current situation? How many claims have been approved, how many are awaiting approval and what are the time delays? What is your Government doing, and what are you doing to speed up that process so that members of the Aboriginal community can get some benefit while they are alive?

**The Hon. SARAH MITCHELL:** Obviously the main responsibility around the administration and processing of land claims falls to Minister Toole as Minister for Lands and Forestry. But the figures that I have—as until 25 August this year—is that the number of claims that were lodged by Aboriginal land councils were 44,930. Claims granted by Crown Lands were 2,709. Claims refused by Crown Lands were 7,932. The current number of claims that are undetermined is 33,350. Obviously there are some 33,000 outstanding land claims. Most recently we have been able to bring in a process of Aboriginal Land Agreements. The idea behind that is that a voluntary agreement is entered into between the land council and the local council, effectively to expedite bulk numbers of claims.

They can sit down and negotiate and work through the claims in their areas and see what they can do to help resolve that number. That is something we have brought in recently. There are four local government areas in which we are piloting that. We are hopeful that that will result in a more expedient settlement of a larger number of claims when that is the desire of the land council and those involved. It is a voluntary process, as I said. We have to be aware that every land claim that has been submitted needs to be considered. It is about how we can put in place a more effective process. We feel that the Aboriginal Land Agreements process will help with that number.

**Reverend the Hon. FRED NILE:** It is a good move. What is the time delay for those 33,000 outstanding claims? How many are 20 years old, 10 years old and five years old?

**The Hon. SARAH MITCHELL:** I will have to refer that question to Minister Toole because, as I said, his agency is responsible for processing land claims. That is not something in which we have a role in Aboriginal Affairs.

**Reverend the Hon. FRED NILE:** Could you inquire why some of them, if they are 10 years old or 20 years old, have not been processed—either approved or rejected?

**The Hon. SARAH MITCHELL:** We can ask that question. We can take it on notice. As I said, I will have to get that information from Minister Toole and his agency.

**ANSWER**

The Minister responsible for these matters is the Minister for Lands and Forestry and Minister for Racing.

## **QUESTION – PAGE 20**

### **SOLUTION BROKERAGE – WALT SECORD**

**The Hon. WALT SECORD:** Earlier my colleague the Hon. Courtney Houssos asked about solution brokerage. You went through four items that were referred to it.

**Mr ARDLER:** Yes.

**The Hon. WALT SECORD:** Given that there have been three Aboriginal deaths in custody in the past two years, why have you not referred preventable deaths in custody to that?

**The Hon. SARAH MITCHELL:** Through solution brokerage? Do you want to explain the mechanisms for solution brokerage?

**Mr ARDLER:** Yes, sure. Solution brokerage was not established as a mechanism for escalation of issues that are clearly the responsibility of particular agencies or portfolios. Solution brokerage is more a mechanism for finding innovative solutions to issues that tend to fall through the gaps and are the responsibilities of particular agencies. If there was an agency that had a particular responsibility for an issue and it was not dealing with that issue appropriately in the eyes of some there would be—

**The Hon. WALT SECORD:** But do you not think that preventable deaths in custody would be an example of something that would warrant attention like this?

**Mr ARDLER:** It could be.

**The Hon. WALT SECORD:** Are you aware that there are three tiers to the solution brokerage?

**Mr ARDLER:** Yes, I am.

**The Hon. WALT SECORD:** So what would be a tier one?

**Mr ARDLER:** Tier one is generally a local issue; probably a local coordination issue.

**The Hon. WALT SECORD:** Okay. What would number two be?

**Mr ARDLER:** Number two tends to be more regional in nature or a more complex local issue.

**The Hon. WALT SECORD:** And number three?

**Mr ARDLER:** Number three would be an issue with significant statewide implications.

**The Hon. WALT SECORD:** I refer to the opportunity, choice, healing, responsibility and empowerment [OCHRE] program which states:

...Tier Three for major policy reform, including statewide issues.

Would not preventable Aboriginal deaths in custody warrant a tier three

referral by you or the Minister?

**Mr ARDLER:** It could be. The items that are declared are usually items that are referred to me.

**The Hon. WALT SECORD:** Give me an example of a tier three then.

**Mr ARDLER:** A tier three would be the work we are doing with the Department of Planning around planning solutions to economic outcomes on Aboriginal lands, because those lands are obviously all over the State.

**The Hon. WALT SECORD:** Would you say that it is an oversight or neglect not to refer preventable deaths? We went 16 years from 1991 with no Aboriginal deaths in custody in New South Wales and then there have been three in the past two years. Do you not think that preventable deaths in custody would be a tier three, to quote your own document—a major policy reform?

**Mr ARDLER:** It could be.

**The Hon. WALT SECORD:** Do you think it should be?

**The Hon. SARAH MITCHELL:** I think Mr Ardler has answered that question

**The Hon. NATASHA MACLAREN-JONES:** Point of order: I think the Hon. Walt Secord is asking a member of a department about policy and his opinion on policy.

**The Hon. WALT SECORD:** I will ask the Minister about that. Minister, is not preventable deaths in custody a tier three item? Should it not have been referred by you?

**The Hon. SARAH MITCHELL:** Solution brokerage decisions are made by the department, not by me as the Minister. Mr Ardler answered the question and said that it could be.

**The Hon. WALT SECORD:** It could be?

**Mr ARDLER:** It could be.

**The Hon. WALT SECORD:** Will you then look at—

**Mr ARDLER:** Yes, sure. I am happy to. We would have to scope a clear issue and a problem that would be resolved. So yes, I am inclined.

**The Hon. WALT SECORD:** Sorry, would be or should be?

**Mr ARDLER:** That would be the process.

**The Hon. SARAH MITCHELL:** There are parameters around solution brokerage, as Mr Ardler has explained. He said that he is happy to give consideration to what you have said.

**Mr ARDLER:** Yes, happy to give consideration.

**The Hon. WALT SECORD:** So you would give consideration to making preventable deaths in custody a tier three as part of the solution brokerage?

**Mr ARDLER:** Sure, absolutely. The way that a solution brokerage works is that anybody can nominate any issue.

**The Hon. SARAH MITCHELL:** That is correct.

**The Hon. WALT SECORD:** Would you accept that it is an oversight not to have put it in that category now?

**Mr ARDLER:** Not necessarily.

**The Hon. SARAH MITCHELL:** We have already answered that.

**The Hon. WALT SECORD:** I am trying to make the point that it is an oversight; it should have been in there and you should have done that.

**The Hon. SARAH MITCHELL:** That is your view. Mr Ardler, as the person who has responsibility for solution brokerage, said that he would take that under consideration. We will take it on notice.

## **ANSWER**

As mentioned during the hearing, Aboriginal Affairs will give consideration to the issues raised.



## **QUESTION – PAGE 21**

### **WATERMARK MINE - COURTNEY HOUSSOS**

**The Hon. COURTNEY HOUSSOS:** Minister, as Minister for Aboriginal Affairs and as a resident of Gunnedah what have you done to assist the protection of local Aboriginal culture in connection with the proposed Watermark mine?

**The Hon. SARAH MITCHELL:** I will take that on notice because your time has expired.

### **ANSWER**

This is a matter for the Minister for Planning and the Minister for Environment and Heritage.