

## QUESTIONS ON NOTICE

### Questions from the HON. Daniel Mookhey

#### 1. How many other roles has the secretary approved for private employment, and how many other directorships?

##### Excerpt (pg. 3 of transcript)

**The Hon. DANIEL MOOKHEY:** I have a follow-up question. How many other roles has the secretary approved for private employment, and how many other directorships?

I will ask **Mr RAY WILLIAMS:** the secretary to answer that.

**Mr COUTTS-TROTTER:** I am happy to take that on notice so I can be exact. As you would understand, requests for secondary employment are approved by a staff member's manager. I have direct management responsibility for nine other people. I will double-check, but I cannot recall providing similar approval for any of my other direct reports. If you are asking about the approval for secondary employment within the Department of Family and Community Services [FACS], that would be a larger number and I need to take it on notice.

##### **RESPONSE:**

I am advised that disclosures about secondary employment and directorships are made in accordance with the *Government Sector Employment Act 2013*, Directions of the Public Service Commission, and relevant FACS policies.

**2. Is there anything called the New South Wales disability inclusion plan accessibility working group? Who is on it? Can you provide us with a list? When did it start meeting?**

**Excerpt (pg. 5 of transcript)**

**The Hon. DANIEL MOOKHEY:** Perhaps, Mr Coutts-Trotter, you can shed some light on this: Is there anything called the New South Wales disability inclusion plan accessibility working group.

**Mr COUTTS-TROTTER:** There certainly is, and my colleague Helen Rogers is very closely involved.

**The Hon. DANIEL MOOKHEY:** Before you go too far into the detail, I will ask another few questions so you can answer them all at once. Who is on it?

**Ms ROGERS:** I think you are referring to the Disability Inclusion Plan Implementation Committee.

**The Hon. DANIEL MOOKHEY:** Okay, sorry.

**Ms ROGERS:** It is a committee of senior officers. All of the Government clusters are represented on that committee and there are also representatives from Local Government NSW and representatives from the non-government sector—

**The Hon. DANIEL MOOKHEY:** On notice, can you provide us a list?

**Ms ROGERS:** Yes, certainly. I am the chair of that committee.

**The Hon. DANIEL MOOKHEY:** When did it start meeting?

**Ms ROGERS:** If memory serves me correctly, it started meeting in late 2015, but I would need to take on notice the exact dates. We can provide the dates of all of the meeting times and the current membership.

**RESPONSE:**

Implementation of the NSW Disability Inclusion Plan is guided by the Disability Inclusion Plan Implementation Committee.

Disability Inclusion Plan Implementation Committee representation includes:

NSW public authorities

- Department of Education
- Department of Family and Community Services
- Department of Family and Community Services – Ageing, Disability and Home Care
- Department of Finance, Services and Innovation
- Ministry of Health
- Department of Industry
- Department of Justice
- Department of Planning and Environment
- Department of Planning and Environment – Office of Local Government

- Department of Premier and Cabinet
- Department of Transport
- The Treasury
- Public Service Commission
- Mental Health Commission

#### Disability and community organisations

- Disability Council NSW
- Physical Disability Council of New South Wales
- NSW Council of Social Services
- NSW Council for Intellectual Disability
- Australian Network on Disability
- Local Government NSW

It started meeting in 2016.

**3. What is the percentage of New South Wales Government employees that have a disability?**

**Excerpt (pg. 5-6 of transcript)**

**The Hon. DANIEL MOOKHEY:** Minister, what is the percentage of New South Wales Government employees that have a disability?

**Mr RAY WILLIAMS:** Not as good as it should be.

**The Hon. DANIEL MOOKHEY:** What are you defining as "not as good as it should be"?

**Mr RAY WILLIAMS:** I will happily get the correct figure. I believe it is below 3 per cent.

**RESPONSE:**

The percentage of NSW public sector employees with disability is 2.8 per cent.

## Questions from Ms Dawn Walker

### 4. Is there a time frame for evaluating the transition fund to determine whether it has been effective and whether regional communities have been able to access a similar service to that available in metropolitan areas?

#### Excerpt (pg. 9 of transcript)

**Ms DAWN WALKER:** I presume that you and your department will have extensive input into the evaluation of this process. Is there a time frame for evaluating the transition fund to determine whether it has been effective and whether regional communities have been able to access a similar service to that available in metropolitan areas?

**Mr RAY WILLIAMS:** The only answer I can give is that at this time 70,000 have transitioned to the NDIS, and some 50,000 people or more have a plan. I use the words "I am advised", but I am happy to get accurate information in response to that question. If the record needs to be corrected, I will do so. However, they are the figures in my head.

#### RESPONSE:

The NSW Government is working closely with the National Disability Insurance Agency (NDIA) to ensure people with disability who live in regional, rural and remote locations can access the National Disability Insurance Scheme (NDIS) and effective, appropriate supports regardless of where they live. The NDIA has developed the Rural and Remote Strategy 2016-2019, and is finalising a Rural and Remote Implementation Plan.

These strategies have guided the development of transitional working arrangements, which have been agreed by NSW and the NDIA.

The Disability Reform Council is also monitoring risks and issues associated with market development in relation to national implementation of the scheme.

The NSW Government continues to support rural and remote communities through programs including the Transition Assistance Program (TAP), which funded more than 130 small regional and remote providers to undertake readiness activities. In addition, the Transition Assistance for Local Councils made funds available to support local councils, including regional councils, transition to the NDIS. Currently, the NSW Government is rolling out the Disability Sector Scale Up program, which aims to assist businesses, workers, and local communities to maximise economic opportunities from the NDIS roll-out. Rural and remote service delivery is one of the focus areas of the program. Funding has also been allocated specifically to Aboriginal disability providers and capacity building programs.

**Questions from Ms Dawn Walker (Mr Coutts-Trotter reframed question)**

**5. So we are on the lookout to see whether demand for social housing from people with disability is on the rise**

**Excerpt (pg. 10 of transcript)**

**Mr COUTTS-TROTTER:** So we are on the lookout to see whether demand for social housing from people with disability is on the rise. I am happy to respond to this question on notice, but at this point we have not seen a significant change in demand for social housing from people with disability.

**RESPONSE:**

This is a matter for the Minister for Social Housing.

## Questions from the HON Courtney Houssos

**6. Given that Family And Community Services [FACS] is a disability confident employer, what percentage of people currently employed by FACS have a disability?**

**a. And how many in 2009?**

*Figures obtained from workforce profile report 2008/2009 and 2016/2017.*

**Excerpt (pg. 10 of transcript)**

**The Hon. COURTNEY HOUSSOS:** Given that Family And Community Services [FACS] is a disability confident employer, what percentage of people currently employed by FACS have a disability?

**Mr COUTTS-TROTTER:** Too few; about 2.8 per cent.

**The Hon. COURTNEY HOUSSOS:** And how many in 2009?

**Mr COUTTS-TROTTER:** I will take that question on notice.

**RESPONSE:**

**6.** 2.6%

**a)** 2.9%

## Questions from the HON Daniel Mookhey

**7. Given that we have just learned that 643 reportable instances of physical assault, sexual assault, neglect or fraud have been committed by FACS staff, how many FACS staff have lost their job as a result?**

**a. Is that the threshold? Is it possible that you could be discharged from your employment without being prosecuted by the police?**

**b. How many people fall into that category?**

**Excerpt (pg. 11-12 of transcript)**

**The Hon. DANIEL MOOKHEY:** No, I am not there yet. Given that we have just learned that 643 reportable instances of physical assault, sexual assault, neglect or fraud have been committed by FACS staff, how many FACS staff have lost their job as a result?

**Mr LEACH:** There have been 152 reports about FACS employees to the NSW Police Force. Of that, 43 people were charged and seven were convicted. That is between the start of the scheme in December 2014 and March 2017.

**The Hon. DANIEL MOOKHEY:** It is helpful to know how many have been reported to the police and how many have been convicted and discharged. How many have been discharged from their employment?

**Mr LEACH:** Anybody who is convicted of an offence under the reportable incidents scheme is—

**The Hon. DANIEL MOOKHEY:** Is that the threshold? Is it possible that you could be discharged from your employment without being prosecuted by the police?

**Mr LEACH:** Yes.

**The Hon. DANIEL MOOKHEY:** How many people fall into that category?

**Mr COUTTS-TROTTER:** We can get that information for you.

**The Hon. DANIEL MOOKHEY:** I am happy for you to find that information now or take the question on notice.

**RESPONSE:**

I am advised employees who are the subject of a reportable incident of physical assault, sexual assault, neglect or fraud against a disability client living in supported group accommodation and are not charged by the Police, may have their employment terminated. The decision to terminate an employee is based on a number of factors, including the seriousness of the incident and the risk to clients.

## Questions from the HON Daniel Mookhey

**8. Can you provide on notice the list of actions that have been applied, when they were applied, to whom they were applied, what standards are available for monitoring and, in addition to that, the location of the outlets that you just referred to?**

**Excerpt (pg. 13 of transcript)**

**The Hon. DANIEL MOOKHEY:** Secretary, can you provide on notice the list of actions that have been applied, when they were applied, to whom they were applied, what standards are available for monitoring and, in addition to that, the location of the outlets that you just referred to?

**Mr COUTTS-TROTTER:** Can I ask over what time period you are seeking the information?

**The Hon. DANIEL MOOKHEY:** Let's do the reporting period on notice and of course please tell us on notice if there are problems with getting the data.

**Mr COUTTS-TROTTER:** So you are talking about from the point of introduction of the legislation that established the reportable incidents scheme?

**The Hon. DANIEL MOOKHEY:** I think we will go from the proclamation of the legislation and when the scheme went into legal effect.

**Mr COUTTS-TROTTER:** Okay.

### **RESPONSE:**

All Department of Family and Community Services (FACS) funded disability service providers must comply with the NSW Disability Services Standards or equivalent standards. The Standards aim to improve the quality of the supports and services provided to people with disability and deliver a consistent approach to quality assurance across the sector.

As part of this, disability funded service providers are required to implement a quality management system and attain Third Party Verification to confirm their performance.

100% of funded specialist disability service providers achieved Third Party Verification against the Standards under the 2012-2015 Funding Agreement. All funded specialist disability service providers are again required to confirm organisational performance against the Standards and achieve Third Party Verification under the 2015-2018 Funding Agreement.

FACS has supported the sector under the Industry Development Fund to support non government providers to meet the NSW Quality Framework requirements. The subsidy has been made available to all NGO providers.

There are several categories under which FACS has been requested by the NSW Ombudsman to investigate an organisation.

## Questions from the HON Daniel Mookhey

### 9. Can you tell us the value of the land and building portfolio of disability housing?

#### Excerpt (pg. 13 of transcript)

**The Hon. DANIEL MOOKHEY:** Minister, can you tell us the value of the land and building portfolio of disability housing?

**Mr RAY WILLIAMS:** I will have to take that on notice.

**The Hon. DANIEL MOOKHEY:** Does the secretary or anyone else know?

**Mr COUTTS-TROTTER:** I will confirm on notice, but my memory of the published book value is around \$700 million to \$800 million.

#### RESPONSE:

Below is a breakdown of the Disability Portfolio owned by Minister for Disability Services at 30 June 2017.<sup>1</sup>

#### LAND & BUILDINGS 30 JUN 2017

	\$000's
Total Land	674,601
Building NBV	711,259
Total Land & Building	1,385,860*

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<sup>1</sup> Source: ADHC (co 2000) SAP Trial Balance which forms part of the consolidated FACS Financial Statements for 2016-17

## Questions from the HON Daniel Mookhey

### 10. How many people have applied recently that have not yet been placed? (the number of people who are applying).

#### Excerpt (pg. 14 of transcript)

**The Hon. DANIEL MOOKHEY:** How many people are currently waiting to be placed in a group home?

**Mr LEACH:** We do not keep a waiting list.

**Mr COUTTS-TROTTER:** We do not keep a waiting list.

**The Hon. DANIEL MOOKHEY:** How many people have applied recently that have not yet been placed?

**Mr LEACH:** I could take that on notice, but the general point to make is that due to compatibility in location and consent, it is not like you pick the name off the top of the list. You have to work through a series of criteria.

**The Hon. DANIEL MOOKHEY:** Of course, but I was not asking about the specific names; I was just asking about the number of people who are applying.

**Mr LEACH:** We can get that information for you on notice.

#### **RESPONSE:**

In the last six months, 39 people have requested 24/7 accommodation support. In the same period, three people have requested immediate drop-in accommodation support.

It is likely that many people on this list have now been allocated National Disability Insurance Scheme (NDIS) funding for Specialist Disability Accommodation and would have chosen or are seeking accommodation placement via their support coordination service.

Commencing 1 July 2017, the Department of Family and Community Services (FACS) refers people with disability who do not currently receive disability supports from the NSW Government to the National Disability Insurance Agency (NDIA) to apply for access to the Scheme.

## Questions from the HON Paul Green

### 11. How many young people with disability are in nursing homes?

#### a. What is the Government doing to ensure that adequate age-specific nursing homes are available for young persons with disability?

#### Excerpt (pg. 16 of transcript)

**The Hon. PAUL GREEN:** How many young people with disability are in nursing homes? What is the Government doing to ensure that adequate age-specific nursing homes are available for young persons with disability?

**Mr RAY WILLIAMS:** You may be referring to people whom we would identify as having out-of-home care.

**Mr COUTTS-TROTTER:** No. The Hon. Paul Green is referring to young people who, for the lack of an alternative, end up in nursing homes.

**The Hon. PAUL GREEN:** Yes. Do you have something on that?

**Mr COUTTS-TROTTER:** Yes. I am happy to take the question on notice and respond to you with the number of young people who are still in that situation. Obviously, our fervent hope is that those people with the benefit of an NDIS package will have a choice other than to live in a nursing home, which is entirely inappropriate.

#### **RESPONSE:**

189 younger people with disability are accommodated in residential aged care facilities in NSW. There are no 'young people' as defined in NSW, that is, people aged less than 18, in residential aged care facilities.

The age break up of younger people in residential aged care, as advised by the Commonwealth is:

i. Younger than 20 years of age	0
ii. Between 20 years and 30 years	7
iii. Between 30 years and 40 years	21
iv. Between 40 years and 50 years	160

a) Residential aged care is the responsibility of the Commonwealth. It is expected that all younger people in NSW residential aged care will be eligible for National Disability Insurance Scheme (NDIS) plans which will meet their reasonable and necessary support needs. In many cases this is expected to include support related to accommodation.

Younger people in residential aged care who are funded from the NSW Younger People in Residential Aged Care (YPIRAC) Program are being transitioned to the NDIS as part of the general transition of services from NSW to the NDIS. Many have already transitioned.

**12. Are there any statistics about sexual abuse in group homes? Are the numbers of reports of sexual abuse growing? Have they been dealt with? Is there anything you can tell us?**

**Excerpt (pg. 16 of transcript)**

**The Hon. PAUL GREEN:** That is very good news for those people. Are there any statistics about sexual abuse in group homes? Are the numbers of reports of sexual abuse growing? Have they been dealt with? Is there anything you can tell us?

**Mr COUTTS-TROTTER:** The Ombudsman reports on that. Sexual abuse is one of the types of abuse that must be notified to the Ombudsman. The Ombudsman's report disaggregates reports based on the type of abuse. Reports of sexual abuse include a staff member abusing a resident or a resident sexually assaulting another resident. The data is, I think, broken down to reveal that. We would be more than happy to provide it to you. The number of reports is rising but that does not necessarily mean that the number of incidents is rising, because for the first time we have a legislative responsibility and a great deal of transparency, which means things that were perhaps not reported in the past are now reported.

**RESPONSE:**

Details of statistics about sexual abuse in group homes can be found in the NSW Ombudsman Annual Report which is available on the NSW Ombudsman's website.

The NSW Government takes allegations of abuse and neglect within residential care very seriously.

The Department of Family and Community Services (FACS) is working closely with the NSW Ombudsman to implement the recommendations set out in the Ombudsman's 2015-16 Annual Report.

## Questions from the Hon Dr Mehreen Faruqi

**13. I understand that Fairness in Religions in Schools [FIRIS] did copy you into communications to the education Minister regarding this issue and they also emailed your office on 17 July this year, but have not heard back. Is there a particular reason for it?**

**Excerpt (pg. 18 of transcript)**

**Dr MEHREEN FARUQI:** I understand that Fairness in Religions in Schools [FIRIS] did copy you into communications to the education Minister regarding this issue and they also emailed your office on 17 July this year, but have not heard back. Is there a particular reason for it?

**Mr RAY WILLIAMS:** I am happy to take the question on notice. I am not aware that I have seen anything like that come across my desk, but I will caution at the moment that I do receive some correspondence. I cannot recall that correspondence coming before me or the fact that I have answered, so I am more than happy to take that on notice and provide you with a response.

**RESPONSE:**

I can confirm that a copy of this letter was received by my office. The letter was addressed to the Hon Rob Stokes MP, Minister for Education, and as the issues raised related to matters falling within the Minister's portfolio, it was appropriate that he respond.

#### 14. Have you met with the Multicultural Disability Advocacy Association?

##### Excerpt (pg. 18-19 of transcript)

**Dr MEHREEN FARUQI:** That would be great. The Multicultural Disability Advocacy Association [MDAA], who advocate for the rights of people with disabilities from diverse cultural and linguistic backgrounds, met with me recently. They are really concerned about potential funding cuts when the transition. I understand that they may have met with you. Is that correct? Do you remember meeting the MDAA at all?

**Mr RAY WILLIAMS:** I would have to go back and check. I have met with a large number of groups in the past eight months.

##### **RESPONSE:**

Yes.

## Questions from the HON Paul Green

**15. The Multicultural Disability Advocacy Association of NSW is the peak body for all people in this State with disability and their families and carers... Does the New South Wales Government provide any funding to this organisation through your Disability Services and Multiculturalism portfolios?**

**Excerpt (pg. 27 of transcript)**

**The Hon. PAUL GREEN:** The Multicultural Disability Advocacy Association of NSW is the peak body for all people in this State with disability and their families and carers. It has a particular focus on those from a culturally and linguistically diverse, non-English speaking background. The association gratefully acknowledges funding provided by the Australian Government through the Department of Social Services and Ageing, Disability and Home Care. Does the New South Wales Government provide any funding to this organisation through your Disability Services and Multiculturalism portfolios?

**Mr RAY WILLIAMS:** If they are an advocacy group that is now supported under the FACS arrangement, they will have access to funding. There is a component of \$10.6 million and some other funding. The question was posed by one of your colleagues. I again make the point that because funding is secured—in fact, it is double what was previously available to people with disabilities—a person with disability from a culturally and linguistically diverse background—

**The Hon. PAUL GREEN:** It would be better if you were to take that question on notice.

**Mr RAY WILLIAMS:** I am happy to do so.

### **RESPONSE:**

Details of funds granted to non-government organisations by the Department of Family and Community Services (FACS) can be found in the FACS Annual Report.