

Report: Budget Estimates 2006-2007

The Hon. Robyn Parker tabled report No 24 of General Purpose Standing Committee No. 2 entitled "Budget Estimates 2006-2007", dated November 2006 together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice.

Ordered to be printed.

The Hon. ROBYN PARKER [3.13 p.m.]: I move:

That the House take note of the report.

The budget estimates process for General Purpose Standing Committee No. 2 has been a busy period. The committee has had a number of the usual budget estimates hearings and supplementary hearings for the Department of Community Services [DOCS]. It has investigated Nardy House and issues in relation to the Children's Court, DOCS caseworkers and issues that were relevant to recent Adoption Bill and the Children and Young Persons (Care and Protection) Bill that have been before the House. The committee held supplementary hearings for the Department of Aboriginal Affairs and raised issues in relation to Darkinjung Aboriginal Land Council. I note that this House has recently passed legislation to amend the Aboriginal Land Council Act and the questions raised with the department in terms of Darkinjung Aboriginal Land Council were important to the people of New South Wales, particularly the people of Darkinjung who wanted more answers from the department about their treatment under departmental administration.

The budget estimates for General Purpose Standing Committee No. 2 makes interesting reading, and I ask all honourable members to take note of the transcripts of hearings. As chair of the committee I am concerned that one issue has been poorly dealt with by the Minister for Community Services and her department and I know that several other members of the committee share my concern. At the hearing on 7 November 2006 the Director General of the Department of Community Services, Dr. Neil Shepherd, was asked a series of questions by the Hon. Dr Arthur Chesterfield-Evans relating to the need for the Children and Young Person's (Care and Protection) Miscellaneous Amendments Bill. The response of Dr Shepherd was:

Dr SHEPHERD: No. The way this works is that an appeal court determined that the similar fact evidence could not be taken into account. That binds at the Children's Court, even if the Children's Court wanted to take it into account, which previously the Children's Court had wanted to do. Previously we used to roll up with the evidence of the previous half dozen children or whatever and the Children's Court would say, "Yes, this child is clearly at risk of harm." Someone appealed that decision and the appeal court said, "No, you cannot take that into account." It is still the court that will make the decision, not DOCS. All this does [referring to the legislation proposed] is allow the court to take that evidence into account. It reverses the appeal court decision and so it is a positive step in the protection of children.

The Hon. CATHERINE CUSACK: Is it possible to cite the case? Has it been published?

Dr SHEPHERD: Yes. I can get the case, but I do not have it off the top of my head, and I will get the citation right.

At the next hearing on 13 November the Hon. Catherine Cusack followed up this matter and asked for the ruling in relation to protective removal of siblings. Dr. Shepherd replied:

Dr SHEPHERD: Higher court, yes. I said that we would get that for you, which we are in the process of doing. I need to get the judgment and also need to try to get the transcript from that case. I can certainly get the judgment, but what you will really need in order to get your head around it is the transcript.

The committee through the Secretariat only received the judgment at 4.45 p.m. on Wednesday 22 November 2006, at the very end of the time requested by the committee for answers to be returned from those hearings, and long after the debate on the bill to which it pertained. At 5.41 p.m. last night the department emailed the Secretariat to advise that the electronic copy of the answers had been delayed due to technical problems. This email included a request for the judgment and transcript to be kept confidential. This request was reiterated in a later fax. Despite the director general's advice that legislation was brought forward on the basis of the case, the committee is unable to make this judgment available as it found out only today it was held in a closed court, on the day the report is to be tabled. The committee respects the rights of the court to make whatever decisions are appropriate as part of the mutual respect between the Parliament and courts, so has taken the unusual step of writing to the judge to request consideration of release of parts of the judgment, given the public interest.

However, I am very disappointed that the committee, in the dying hours of this Parliament, is in the position of still not being able to make available for public access the basis for the legislation that has already passed through this House. Had it been available to all members, the debate on the bill may have been far better informed. The Parliament needs to be given full information when it debates bills—not be provided with highly relevant information after the bill has gone through the House.

Debate adjourned on motion by the Hon. Robyn Parker.