

# GENERAL PURPOSE STANDING COMMITTEE NO. 3

Monday 31 August 2015

Examination of proposed expenditure for the portfolio area

## EARLY CHILDHOOD EDUCATION, ABORIGINAL AFFAIRS

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### UNCORRECTED PROOF

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The Committee met at 9.00 a.m.

#### MEMBERS

Ms Jan Barham (Chair)

The Hon. B. C. Franklin

The Hon. C. Houssos

Dr J. Kaye

The Hon. N. Maclaren-Jones (Deputy Chair)

The Hon. S. Mitchell

The Hon. Shaoquett Moselmane

Reverend the Hon. F.J. Nile

The Hon. W. Secord

Mr D. Shoebridge

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#### PRESENT

**Mrs Leslie Williams**, *Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education*

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**CHAIR:** Before we commence I acknowledge the Gadigal people, the traditional custodians of this land and I pay respect to the elders past and present of the Eora nation and extend that respect to other Aboriginal people who may be present. I welcome Minister Williams and her accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Early Childhood Education and Aboriginal Affairs. Today's hearing is open to the public and is being broadcast via the parliamentary website. A transcript of today's hearings will be placed on the Committee's website when it becomes available. We also have some journalism students in the public gallery from the University of Technology, Sydney.

In accordance with the Legislative Council guidelines for the broadcast of proceedings, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside this hearing. I urge witnesses to be careful about any comments they make to the media or to others after they complete their evidence, as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for the broadcast of proceedings are available on the table by the door.

There may be some questions that witnesses could only answer if they had more time or if they had certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any messages from advisers or members of staff seated in the public gallery should be delivered through the Chamber and support staff or the Committee secretariat. I remind the Minister and those officers accompanying her that they are free to pass notes and refer directly to advisers seated at the table behind her. Transcripts of this hearing will be available on the web from tomorrow morning. I ask everyone to turn off their mobile phones for the duration of the hearing. I have a reminder for anyone proposing to use social media, including Twitter. We know it provides a vital role but I ask everyone to be courteous in the way they relay information on social media. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. The Minister does not need to be sworn as she has already sworn an oath to her office as a member of Parliament.

**PHILIP WEST**, Chief Financial Officer, Department of Education and Communities, sworn and examined:

**LESLIE LOBLE**, Deputy Secretary, External Affairs and Regulation, Department of Education and Communities,

**JASON ARDLER**, Head of Aboriginal Affairs, and

**MURAT DIZDAR**, Relieving Deputy Secretary, School Operations and Performance, Early Childhood Education, affirmed and examined:

**CHAIR:** I declare the proposed expenditure for the portfolio of Early Childhood Education and Aboriginal Affairs open for examination. As there is no provision for a Minister to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

**The Hon. WALT SECORD:** Minister, how many people are employed in your ministerial office, in total?

**Mrs LESLIE WILLIAMS:** Currently I understand that nine people are employed, including departmental staff.

**The Hon. WALT SECORD:** How many of those work on early childhood education?

**Mrs LESLIE WILLIAMS:** A policy adviser focuses on early childhood education and a departmental liaison officer.

**The Hon. WALT SECORD:** Two?

**Mrs LESLIE WILLIAMS:** The Chief of Staff is involved with both Aboriginal affairs and early childhood education.

**The Hon. WALT SECORD:** Where are they based?

**Mrs LESLIE WILLIAMS:** They are based in my ministerial office, either in Martin Place or, when we are in Parliament, at the Parliament House office.

**The Hon. WALT SECORD:** Do they work out of your Port Macquarie office?

**Mrs LESLIE WILLIAMS:** No.

**The Hon. WALT SECORD:** Is your department or your agency working on, or doing any preparations for, any overseas trips for you?

**Mrs LESLIE WILLIAMS:** Are they currently preparing for any overseas trips?

**The Hon. WALT SECORD:** Are they doing any work on the possibility of overseas trips for you?

**Mrs LESLIE WILLIAMS:** It might be possible in the future that we will take an overseas trip to investigate issues not related to early childhood education but more likely Aboriginal affairs.

**The Hon. WALT SECORD:** Where would you be intending to visit on those trips?

**Mrs LESLIE WILLIAMS:** At this point in time we have not made a decision. We think it is important for us to continue to investigate other jurisdictions.

**The Hon. WALT SECORD:** Has the recent *Daily Telegraph* coverage of overseas trips made you delay your consideration of your overseas trips?

**Mrs LESLIE WILLIAMS:** No.

**The Hon. COURTNEY HOUSSOS:** Minister, I refer you page 2-2 in Budget Paper No. 3 where it states that the education cluster's responsibilities include "raising the quality of, and driving continuous improvement in, the provision of early childhood education and care through the implementation of the National Quality Framework". Would you be able to highlight which areas of the National Quality Framework you have identified as needing improvement?

**Mrs LESLIE WILLIAMS:** As you know, we make no apology for setting very high standards for our early childhood education services. Currently, through Ms Loble's department, we are assessing and rating all of the early childhood care services in the State. There are over 5,000 of them so, as you can imagine, it is a considerable task. Ms Loble might be able to highlight exactly how many have gone through the rating process.

**The Hon. COURTNEY HOUSSOS:** I might just stop you there, Minister. My question was specific. At a ministerial level what you are doing to improve the National Quality Framework?

**Mrs LESLIE WILLIAMS:** We are providing a number of support mechanisms for early childhood education services. I am sure you would know about our operational support program and the funding we have invested in the sector development grants. All those are opportunities for support and continual improvement, through the National Quality Framework, to the early childhood education sector.

**The Hon. COURTNEY HOUSSOS:** Turning to the seven specific areas of National Quality Framework outcomes, can you identify which of those you think need improvement?

**Mrs LESLIE WILLIAMS:** That will depend entirely on individual services. As I said, there are over 5,000 services. They are all assessed on those seven areas that you have identified. They will be developing and working towards them at different rates. Some are working towards those outcomes and some are already exceeding them. We want to achieve the highest quality early childhood education service that we can. That is what we are working towards in New South Wales.

**The Hon. COURTNEY HOUSSOS:** I appreciate that we are working towards that, and that we support high-quality early childhood education.

**Mrs LESLIE WILLIAMS:** As I said, some of the services that have been assessed are working towards those outcomes and some are already in the "excellent and exceeding category" in regard to the National Quality Framework.

**The Hon. COURTNEY HOUSSOS:** Have specific areas been identified for future improvement within the National Quality Framework?

**Mrs LESLIE WILLIAMS:** I think all of the seven areas are important. We should be aiming to have high standard of reach with all our early childhood services across the State.

**The Hon. WALT SECORD:** Minister, I take you to your announcement and your re-announcement on Thursday last week regarding out-of-school care. Can you tell us a bit about that announcement?

**Mrs LESLIE WILLIAMS:** The announcement that we made was an election commitment of \$20 million to increase the number of places in out-of-school hours care. I have certainly heard from the community that there is a demand for more places. We are hopeful that we can eventually get at least, or up to, 45,000 new places. The \$20 million commitment that we made provides \$20,000 to services that are eligible for that funding. They need to be establishing a new service in a government or a non-government school.

**The Hon. WALT SECORD:** Who will handle the selection of the successful tenderers?

**Mrs LESLIE WILLIAMS:** That is a departmental matter. I can pass that to Mr Dizdar.

**The Hon. WALT SECORD:** I just need a short answer.

**Mr DIZDAR:** Sure. The New South Wales Department of Education and Communities is the agency charged with handling those applications with a cross-sectoral committee.

**The Hon. WALT SECORD:** What mechanisms, steps or measures will you have in place to ensure that—there have been a number of the high-profile cases of principals charging exorbitant fees to parent groups running them; there is a case in the inner west for thousands and thousands of dollars—the funds are not gobbled up by principals?

**Mr DIZDAR:** As the Minister has indicated, the out-of-school hours care announcement is to provide increased opportunity for school communities to look at providing that valuable service. That service runs in a number of different ways across our schools. Some are run by the school parents and citizens association, some are run not for profit, and some are run by the commercial sector.

**The Hon. WALT SECORD:** Okay; that is a restatement of something else. I guess I want to know what safeguards or mechanisms you will have in place.

**Mr DIZDAR:** As the Committee would appreciate, our department has in place the community use of the school's facilities policy, which clearly articulates for those arrangements that I ran through—whether they are not for profit, run by the parents and citizens association, or whether they are run by the commercial sector—the required due diligence that the principal needs to undertake.

**The Hon. WALT SECORD:** Minister, this is on a policy. What is your response to school principals who are charging exorbitant fees in rents and licence fees to these out-of-school programs? What do you say to them?

**Mrs LESLIE WILLIAMS:** It does not matter if it is an out-of-school hours care service or family day care. That is a matter for the provider to determine. I do not determine the fees for those services.

**The Hon. WALT SECORD:** But you must have a view. You say that you are committed to this area and providing access and opportunities for parents to be able to put their children in out-of-school care. You must have a view on someone jacking up the rents.

**Mrs LESLIE WILLIAMS:** That is correct. The \$20 million that we have announced is to improve access to those services. That is what we are attempting to do because we know there is a demand for increased out-of-school hours care. But, as I said, the fees are determined by the service providers—in this case, the principal or the school, or the parents and citizens association, or other providers.

**The Hon. WALT SECORD:** So you are washing your hands of this?

**Mrs LESLIE WILLIAMS:** No, I am not washing my hands of it. What I am saying to you is that the fees are determined by the provider, not by me as the Minister or by the department.

**The Hon. WALT SECORD:** But you must want to have some safeguards in place so that they are not just gobbled up.

**Mrs LESLIE WILLIAMS:** I have said that the fees are the responsibility of the provider.

**The Hon. COURTNEY HOUSSOS:** I just want to draw your attention to an article in the *Sydney Morning Herald*, which did not refer to the fees being charged but specifically referred to the licence fees that were being charged by the principals. I think maybe you may have misunderstood the question from my colleague, which is that the specific grants are for \$20 million.

**Mrs LESLIE WILLIAMS:** The commitment is for \$20 million. The grants are for \$20,000—up to \$20,000.

**The Hon. WALT SECORD:** I understand that the Government has a policy that it will allow principals to charge market rental or market rates, so it is not a matter of you washing your hands; it is a matter of principals implementing government policy by charging these out-of-school care groups market rates. Can you respond to that?

**Mrs LESLIE WILLIAMS:** In regard to the fees that principals would charge for the use of the school services, I would suggest you direct that to the Minister for Education because this is a service that is being provided within the school.

**The Hon. WALT SECORD:** So you support the Government's policy of charging market rates for out-of-school care?

**Mrs LESLIE WILLIAMS:** I have not read that policy in detail, I am sorry.

**The Hon. WALT SECORD:** But you are the Minister for Early Childhood Education. This is your portfolio.

**Mrs LESLIE WILLIAMS:** I am the Minister for Early Childhood Education. These are services that are provided within the school grounds, so that is a question for the Minister for Education.

**The Hon. WALT SECORD:** But you must have a view.

**The Hon. NATASHA MACLAREN-JONES:** Point of order: The Minister has already explained that it is outside her portfolio. I suggest we ask questions relating to her portfolio and that other matters are referred to the relevant Ministers.

**The Hon. WALT SECORD:** Madam Chair, it relates to a policy announcement, a press release, that the Minister put out on Thursday. I am asking questions about the out-of-school program. She announced \$20 million and she said it would be up to 45 places. I am asking her whether she thinks it is appropriate that her Government is charging market rates, which is pushing the rents through the roof.

**CHAIR:** Order! I understand your question.

**The Hon. SARAH MITCHELL:** It is a debating point.

**CHAIR:** Order! It is a debating point. Mr Secord, I think you have had an answer from the Minister and I think it might be advisable to move on to another question as your time is limited.

**The Hon. COURTNEY HOUSSOS:** Minister, as you are no doubt aware, on 3 May 2015 the Australian Government announced a further two years of funding under national partnership agreements and it said:

The negotiation process for the 2016 and 2017 extension will commence in the near future to allow states and territories to confirm arrangements for 2016.

Has New South Wales begun the negotiations?

**Mrs LESLIE WILLIAMS:** We have begun discussions with regard to the National Partnership Agreement. Obviously, as you understand, the early childhood education sector is funded jointly by the Commonwealth Government and by the State. Yes, we have commenced negotiations about that agreement.

**The Hon. COURTNEY HOUSSOS:** When do you expect the negotiations to conclude?

**Mrs LESLIE WILLIAMS:** Those negotiations are ongoing.

**The Hon. COURTNEY HOUSSOS:** You do not have an expected finish date for those negotiations?

**Mrs LESLIE WILLIAMS:** I will ask the deputy secretary to comment.

**Ms LOBLE:** At this point it is officials who are having discussions. There has been no formal offer from government to government. As you said, it is part of the budget announcement, but no formal announcement, no formal offer, has been made from government to government. The discussions are at officials level and we are awaiting the Commonwealth details.

**The Hon. COURTNEY HOUSSOS:** But my question is that if these are funding arrangements for early childhood centres beginning next year, given that it is August now, what arrangements or provisions have you made to ensure that those funds are available in the new year?

**Mrs LESLIE WILLIAMS:** Certainly it is concerning that we are at this point in time. I will make the point about the National Partnership Agreement with the Commonwealth Government—that there is uncertainty about those agreements. I have certainly expressed my concerns to my Commonwealth colleagues about that uncertainty. I would certainly like to have a much longer and secure funding model into the future.

**The Hon. COURTNEY HOUSSOS:** How have you expressed those concerns?

**Mrs LESLIE WILLIAMS:** I have written to Christopher Pyne and Scott Morrison on 13 August. I have also corresponded with Scott Ryan, who is the Parliamentary Secretary to the Minister for Education and Training, to raise those concerns.

**The Hon. COURTNEY HOUSSOS:** When did you correspond with them?

**Mrs LESLIE WILLIAMS:** On 13 August.

**The Hon. COURTNEY HOUSSOS:** Have you requested any meetings?

**Mrs LESLIE WILLIAMS:** I wrote to them to raise the concerns about the uncertainty in the funding we received from the Commonwealth for early childhood education.

**The Hon. COURTNEY HOUSSOS:** What is the course of action from here for early childhood centres?

**Mrs LESLIE WILLIAMS:** What specifically are you asking?

**The Hon. COURTNEY HOUSSOS:** I am saying you have written to the Ministers. Have you heard back from the Ministers?

**Mrs LESLIE WILLIAMS:** I am sorry?

**The Hon. COURTNEY HOUSSOS:** You said you had written to them on 13 August.

**Mrs LESLIE WILLIAMS:** That is correct.

**The Hon. COURTNEY HOUSSOS:** Have you heard back from the Ministers yet?

**Mrs LESLIE WILLIAMS:** I have not had a formal response from them.

**The Hon. COURTNEY HOUSSOS:** What is your next course of action?

**Mrs LESLIE WILLIAMS:** We will continue to work with the Commonwealth Government and raise those concerns through the Education Council, and as we negotiate the national partnership, moving forward.

**The Hon. COURTNEY HOUSSOS:** When is the next Education Council meeting?

**Mrs LESLIE WILLIAMS:** In September.

**The Hon. COURTNEY HOUSSOS:** Will you be attending that meeting?

**Mrs LESLIE WILLIAMS:** Look, I do not have my diary in front of me but it certainly is one of my priorities to attend those Education Council meetings.

**The Hon. COURTNEY HOUSSOS:** The question is whether funding for early childhood centres will be available from the new year. I would expect, as the Minister, you would be making every effort—

**Mrs LESLIE WILLIAMS:** That is correct.

**The Hon. COURTNEY HOUSSOS:** —to advocate to your Federal counterparts. From what I can tell you have written a letter and you are not sure—

**Mrs LESLIE WILLIAMS:** I have written a number of letters.

**The Hon. COURTNEY HOUSSOS:** I am sorry. In your answer you said that you wrote to them on 13 August. Did you write some letters prior to that?

**Mrs LESLIE WILLIAMS:** I wrote to Christopher Pyne, I wrote to Scott Morrison and I wrote to Scott Ryan.

**The Hon. COURTNEY HOUSSOS:** So you wrote three letters on 13 August?

**Mrs LESLIE WILLIAMS:** No. There were two that were written on 13 August and one on 28 May.

**The Hon. COURTNEY HOUSSOS:** You have not received a response from the letter written on 28 May?

**Mrs LESLIE WILLIAMS:** I will take that question on notice.

**The Hon. WALT SECORD:** Earlier this year the Productivity Commission did an examination of expenditure of preschool education per child in Australia, and it found that New South Wales had the lowest expenditure—\$193 a child, compared to \$254 a child in Queensland and \$335 a child in Victoria. I understand from the budget that there has been a significant underspend in the past couple of years, including this year, in your department. What is happening to the underspend? You are not spending the money and it is going back to Treasury.

**Mrs LESLIE WILLIAMS:** You have asked a number of questions. The first point I make is that it is not feasible to make comparisons between funding levels with other States, because different States have different approaches to early childhood education and care. In New South Wales we have a needs-based funding model and we are targeting our funding—an investment of \$150 million a year under our preschool funding model—to four- and five-year-olds in the year before school and including three-year-olds from Aboriginal communities and low-income families. I make no apology for directing our funding to those children who need it most.

**The Hon. WALT SECORD:** That was not my question. My question was about an underspend. There has been a bit of consternation in the community among school groups, et cetera, about the delayed payments in July. What caused that?

**Mrs LESLIE WILLIAMS:** The delayed payments, in what aspect?

**The Hon. WALT SECORD:** On 1 July. Community preschools receive payments on a quarterly basis and there was a delay. Maybe Ms Loble can inform us on that.

**Ms LOBLE:** The payments are made each year in the second full week of July, and that was again in this year, 2015, in the second week of July and last year the second full week of July and the year before the second full week in July. Sometimes those dates, because of the calendar, can be adjusted but they were made in the second full week in July.

**The Hon. WALT SECORD:** So the community preschools are wrong. The payments were not late.

**Ms LOBLE:** The payments were made in the second full week of July, as they have been made historically in that week.

**The Hon. COURTNEY HOUSSOS:** Going forward, obviously you have written several times to your Federal counterparts. Will you be prioritising attending the meeting in September? If you are unable to attend the meeting, what other courses of action will you take to ensure that early childhood centres receive their funding in 2016?

**Mrs LESLIE WILLIAMS:** Yes, I will be prioritising attending that meeting. Of course, other departmental officials are also engaged in that process. But I make the point that in New South Wales we are continuing to focus our spending on those children who need it the most—on the four- and five-year-olds in the



year before school and, as I said, Aboriginal students and those from low-income families. What was happening before the preschool funding model—

**The Hon. COURTNEY HOUSSOS:** I am sorry, I will stop you there because that is not at all what my question was about.

**Mrs LESLIE WILLIAMS:** I answered your question. You asked if I was prioritising. I am attending the meeting in September.

**The Hon. COURTNEY HOUSSOS:** That is great news. My question is specifically: Will you pick up the phone to your Federal counterparts, or will you just wait for them not to respond to your letter again?

**Mrs LESLIE WILLIAMS:** I will continue to discuss this issue with my Federal counterparts.

**The Hon. COURTNEY HOUSSOS:** Do you want to outline in what ways you will do that?

**The Hon. SARAH MITCHELL:** Point of order: I think the Minister has answered the question.

**CHAIR:** Order! I think the time for Opposition questions has expired.

**The Hon. WALT SECORD:** Can I jump in quickly?

**CHAIR:** There are 36 seconds left.

**The Hon. WALT SECORD:** Do you believe that providing child care, out-of-school care, is a core business of a government?

**Mrs LESLIE WILLIAMS:** The New South Wales Government provides support and, in case of community preschools, funding for early childhood education services. I make the point that in New South Wales we have a mixed approach to early childhood education in care, and that is because we are responding to the needs of families.

**The Hon. WALT SECORD:** So what is your response?

**Mrs LESLIE WILLIAMS:** If I could finish, we understand—

**The Hon. WALT SECORD:** The Minister is not answering my question.

**Reverend the Hon. FRED NILE:** Because of the allocation of funds for early childhood education, what new regulations of the early childhood education in care sector will now be implemented? Have those regulations been finalised? If they have, can they be tabled for the Committee?

**Mrs LESLIE WILLIAMS:** I will ask the deputy secretary to make comments specifically in relation to regulation.

**Ms LOBLE:** The core national regulations and national quality framework have been in effect since 2012. Different ratios are required and the timing of those has been set in that law and is being worked through. Almost all of them are now in place.

**Reverend the Hon. FRED NILE:** Have any New South Wales regulations been specially prepared?

**Ms LOBLE:** As part of that national process each State and Territory must enact the model law. That has already happened in New South Wales. The only new regulations were in response, for example, to the health Minister's and Government's policy on vaccinations.

**Reverend the Hon. FRED NILE:** Because there are now government-run preschools, how do they impact on existing providers, whether they are community groups or companies?

**CHAIR:** Order! I ask members to lower the level of conversation and interaction between members and people in the gallery.

**Reverend the Hon. FRED NILE:** How are the government-run preschools impacting on existing providers? Is the competition having any impact on existing providers?

**Mrs LESLIE WILLIAMS:** Are you referring to the 100 Department of Education and Community preschools?

**Reverend the Hon. FRED NILE:** Yes.

**Mrs LESLIE WILLIAMS:** Those Department of Education and Community preschools have been in place for some time. As I said earlier, we have adopted a mixed approach in New South Wales because we recognise that families have different needs in early childhood education in care services. Some families choose family day care; some choose occasional care, long day care, and community preschools. I guess one difference between New South Wales and other States is that some 67 per cent of families in New South Wales choose long day care services to meet the needs of working families.

**Reverend the Hon. FRED NILE:** The \$20 million you have allocated to help establish 45 new child care places—

**Mrs LESLIE WILLIAMS:** They are out-of-school-hours care places.

**Reverend the Hon. FRED NILE:** Yes. Can you give us the figures of how many of those will go to community-run childcare centres as opposed to government and/or privately run services?

**Dr JOHN KAYE:** If I can help, I think Reverend the Hon. Fred Nile is referring to an earlier announcement you made about \$20 million going to fund long day care services to offer preschool programs, not the recent \$20 million.

**Mrs LESLIE WILLIAMS:** My apologies.

**Dr JOHN KAYE:** I think you made the announcement in March, is that correct?

**Mrs LESLIE WILLIAMS:** The \$20 million long day care fund is the one that we recently announced. As I said, some 67 per cent of families choose long day care services rather than community preschools. Long day care services are primarily funded by the Commonwealth Government through childcare rebates and the childcare benefit. However, recognising that that is the choice that many families make, we are providing them with funding to ensure that they have an education program within that long day care service. As I said, New South Wales is focusing on quality education programs for children in the year before they attend school.

We know that that makes a significant difference to their outcomes as they transition into full-time school. This \$20,000 for long day care grants will allow those services to establish education programs. Certainly, I have been to a number of long day care centres, both centres that have education programs as well as centres that will apply for that funding. They have welcomed it because they understand, as I do, the importance of those education programs in the long day care facilities, which as I said is the choice of many parents.

**Reverend the Hon. FRED NILE:** With the development of what you describe as quality early childhood education programs, has a curriculum been finalised? What will be taught to the children in that early childhood program?

**Mrs LESLIE WILLIAMS:** The funding that we are providing is for them to develop programs. It may be that they use it for resources, or they may use it in other ways to ensure that those children attending their service do get an educational program. We do not specify exactly what that program will look like. I will ask the Deputy Secretary if she would like to comment further on specific programming.

**Ms LOBLE:** For all services subject to the National Quality Framework, part of that framework requires delivery under what is called the Early Years Learning Framework. It is a broad framework, very much oriented to play-based learning. It is quite different, for example, than a Board of Studies curriculum. Nonetheless, it does cover broad areas of development and educational development as well and that is part of

the national law. As I said, one of the conditions for services to meet approval is that they have to deliver the Early Years Learning Framework, in this case with a four-year trained early childhood teacher.

**Reverend the Hon. FRED NILE:** Do you vet what they actually do with the children in that early childhood program to ensure they are not just, say, playing games all day and not getting an education? Who is actually vetting that?

**Ms LOBLE:** It is very much oriented to play-based learning, given that it covers very young children. Part of what our staff look at when they assess a service is, Is there educational programming? In fact, one of the seven areas of the National Quality Framework is to look at that educational programming and to see, for example, as I have seen in a service, what they are expecting three-year-olds to do in a certain period of time and where they would like them to be six months from there, that sort of thing. It is very different to schooling and not every single child is being taught exactly the same thing at the same time. But there is an expectation that the service, both its leadership and through the plan it is required to have, has evidence of educational programming.

**Reverend the Hon. FRED NILE:** So each of those centres will report to your department?

**Ms LOBLE:** No, there is no reporting required on that.

**Reverend the Hon. FRED NILE:** How do you know what they do then?

**Ms LOBLE:** There are a number of mechanisms. One is through the assessment and rating process, where services are evaluated against five levels. The Minister referred to, for example, "exceeding excellent", "meeting", "working towards". That is a major and thorough process. Then there are compliance visits that are undertaken to look at services.

**Reverend the Hon. FRED NILE:** Have there been any discussions or plans to adapt the Safe Schools program for early childhood education?

**Mrs LESLIE WILLIAMS:** The program that has been outlined by the Deputy Secretary involves the Early Years Learning Framework. We are a regulatory body when it comes to these services.

**Reverend the Hon. FRED NILE:** With the proposed 45,000 new childcare places, can you tell us how many will be used by community organisations as opposed to privately run companies? Is there any attempt to have a bias towards community-run programs or are you indifferent as to who runs the programs?

**Mrs LESLIE WILLIAMS:** That is a decision that will be made in consultation with the principal and with the community. But the program is for both government and non-government schools. The service provider will have to be confirmed by the principal.

**Reverend the Hon. FRED NILE:** Can we have questions on Aboriginal issues?

**CHAIR:** We will move to that when we finish this.

**Dr JOHN KAYE:** Minister, can we go back to the budget for the year before last? If you look at the papers, they suggest, on page 2-8, that there was a \$64.6 million underspend from budget to actual in the year 2013-14. Likewise, this year there was a \$100 million underspend. It seems that this portfolio is a serial underspender, that the budget becomes a bit of a fiction and that the reality is dollars on the ground are a lot less than what is promised in the budget. You argue that this year there was a universal access national partnership. Is there any suggestion that there will be an underspend on the \$348 million you have promised this year?

**Mrs LESLIE WILLIAMS:** As I explained earlier, we are relying on funding from the Commonwealth and there is uncertainty about the amount and the timing of the funding that we receive from the Commonwealth.

**Dr JOHN KAYE:** How much of the \$348 million is independent of the Commonwealth's promise, or Commonwealth negotiations, I should say?

**Mrs LESLIE WILLIAMS:** In terms of the Commonwealth, as we have acknowledged, we have a national partnership in 2015. That is worth, from the Commonwealth, \$129.4 million. For example, we have actually only received \$38.8 million of that \$129.4 million from the Commonwealth. That was paid to us in June this year. We anticipate the next payment from the Commonwealth, in fact, will not be until March. Yes, I—

**Dr JOHN KAYE:** Would it not be fairer in the budget papers to actually indicate that? Part of the problem for a State Government is that they tend to take Commonwealth money and call it their own and then cry poor when the Commonwealth rats on them. Would it not be fairer to have a kind of rat factor in there to say what is vulnerable from the Commonwealth?

**The Hon. SARAH MITCHELL:** Is that a technical term?

**Mrs LESLIE WILLIAMS:** Yes, I am wondering what the "rat factor" refers to.

**Dr JOHN KAYE:** I said "factor".

**Mrs LESLIE WILLIAMS:** As I have highlighted, \$129.4 million of that is Commonwealth funding and we do have uncertainty about the payments—the timing and the amount of those payments. Yes, that is a concern and we are continuing to talk with my Federal colleagues about that.

**Dr JOHN KAYE:** That is the input end and I want to go to the output end. The Hon. Walt Secord in his questioning raised the issue that New South Wales was the lowest spender per student on early education and care services. You said you cannot really compare States because of the different arrangements. Minister, there are things you can compare States on—for example, the costs to households, the enrolment rate, Indigenous participation. Across all three of those measures we are by far and away the worst. How are we going to improve? You have to admit our participation rates are low compared to other States. With our Indigenous children participation rate at 60.3 per cent compared to South Australia at 99.8 per cent, Minister, you have to admit something is going wrong in New South Wales.

**Mrs LESLIE WILLIAMS:** When we came into government, the Minister for Education, the Hon. Adrian Piccoli, asked Professor Deborah Brennan to do a review of early childhood education and care services. Professor Brennan found that in fact the previous funding model was complex, very poorly understood and poorly targeted. In other words, the funding was not reaching those children who needed it most and tens of thousands of children were missing out on early childhood education, including Aboriginal children and those from low-income families. Based on the recommendations from Professor Brennan, in 2014 we introduced the preschool funding model. That is an investment of \$150 million annually and we are already seeing—

**Dr JOHN KAYE:** An investment or a reinvestment?

**Mrs LESLIE WILLIAMS:** We are investing \$150 million on the preschool funding model.

**Dr JOHN KAYE:** New money?

**Mrs LESLIE WILLIAMS:** We are already seeing results. We have seen a 2 per cent increase in the number of four- and five-year-olds participating in the quality education program delivered by a qualified early-learning teacher.

**Dr JOHN KAYE:** What about Aboriginal students?

**Mrs LESLIE WILLIAMS:** We have also seen an increase of 5 per cent in Aboriginal students.

**Dr JOHN KAYE:** Are you saying it is now at 65 per cent?

**Mrs LESLIE WILLIAMS:** Do you want—I will ask the Deputy Secretary—

**Dr JOHN KAYE:** What is the actual participation rate for Aboriginal students in New South Wales?

**Ms LOBLE:** According to the latest figures relating to the national partnership, we are at 96 per cent participation overall and 97 per cent for Aboriginal participation. One of the issues in the Productivity Commission report—

**Dr JOHN KAYE:** I would like to step back a bit. Are you saying that 97 per cent of children are participating in preschool education?

**Ms LOBLE:** Those were the figures published in 2013 in response to the *National Partnership Agreement on Universal Access to Early Childhood Education*.

**Dr JOHN KAYE:** That figure is so far away from the Productivity Commission figure; it is out by a massive amount. I need you to explain what those figures represent. What is the basis of those figures?

**Ms LOBLE:** It is the accepted figure between the Commonwealth and the State. One of the problems—

**Dr JOHN KAYE:** No. It is the percentage of what? You are saying that 97 per cent of children are participating in early childhood education.

**Ms LOBLE:** That is four-year-olds and five-year-olds.

**Dr JOHN KAYE:** That is simply not correct.

**The Hon. BEN FRANKLIN:** Point of order: The witness is trying to answer the question, but the member keeps interrupting. We might advance if he lets her speak.

**Dr JOHN KAYE:** I am trying to get to the bottom of these figures.

**Ms LOBLE:** The Australian Bureau of Statistics [ABS] survey is part of what goes to the Productivity Commission. Both the ABS and the Australian Government have acknowledged that the survey unfortunately under-counts in New South Wales. For example, the preschool participation of 400 long day cares is not counted. As a result, as part of the national agreement and the national partnership there is an agreed methodology and supplementary data. That is the basis of the 96 per cent.

**Dr JOHN KAYE:** You are telling me that 96 per cent of four-year-olds are in preschool in New South Wales. Is that what your figures are saying?

**Ms LOBLE:** Yes. They are accepted by the Commonwealth as well.

**Dr JOHN KAYE:** So only 4 per cent of children in New South Wales are not in preschool.

**Mrs LESLIE WILLIAMS:** Four-year-olds and five-year-olds.

**Dr JOHN KAYE:** I am fascinated. That is absolutely not what the anecdotal evidence tells us, what the parental evidence tells or what the Productivity Commission report on government services tells us. You are up against some fairly strong evidence. We might test that offline. I will now pick up on a question asked by Reverend the Hon. Fred Nile. It cost millions of dollars to get out of the ABC Learning disaster. Now we have two new operators—Affinity Education and G8 Education—moving into early childhood services across Australia. Are those two operators in New South Wales? Are they being funded or are they receiving any support from the New South Wales Government?

**Mrs LESLIE WILLIAMS:** There are more than 5,000 early education services in New South Wales. I do not know the specifics of those organisations. As has been said, we are the regulators of those services through the national quality framework.

**Ms LOBLE:** I am happy to take on notice questions about any specific provider. Funding is provided to community-based preschools—not-for-profit providers and for-profit providers.

**Dr JOHN KAYE:** Can you take on notice whether G8 Education and Affinity Education are receiving funding in New South Wales? What percentage of the \$207 million handed in grants and subsidies in 2014-15 went to corporate operators or for-profit operators?

**Ms LOBLE:** Again, I will take that question on notice. I do not have a breakdown of for-profit and not-for-profit providers.

**Dr JOHN KAYE:** Does the department collect those statistics?

**Ms LOBLE:** We would have to look at the proportion of for-profit providers and see if we could identify those specific amounts of funding.

**Dr JOHN KAYE:** When the department funds a provider, does it know whether it is a for-profit provider?

**Ms LOBLE:** As part of their registration we would know whether they are a for-profit or a not-for-profit provider. As I said, we fund both.

**Dr JOHN KAYE:** And registration is tied to funding?

**Ms LOBLE:** No, it is part of their approval.

**Dr JOHN KAYE:** Is that done by a separate body or the same body?

**Ms LOBLE:** The same body.

**Dr JOHN KAYE:** You have a database that ties registration to funding so that when funding is handed out you know they are registered and it is connected?

**Ms LOBLE:** We would only fund approved providers. Yes, we fund for-profit and not-for-profit providers.

**Dr JOHN KAYE:** You will provide that information on notice.

**Ms LOBLE:** Yes.

**CHAIR:** We will now move to questions on the Aboriginal Affairs portfolio.

**The Hon. WALT SECORD:** In December last year Premier Baird expressed his support for constitutional recognition of Australian Indigenous people. On 5 July you said that it has been universally acknowledged among Indigenous communities that it is critical to get the wording right. There are a number of options and combinations. What model do you support?

**Mrs LESLIE WILLIAMS:** It is important in the first instance that we take on board the views of Aboriginal communities. There are differing views amongst them, but it is important that on this particular issue their voice is heard. As I said, I acknowledge that there are differing views. The role that we must play as members of Parliament is to ensure that the conversation about constitutional recognition continues robustly so that, first, there is an awareness in the community of the important role it will play—

**The Hon. WALT SECORD:** I asked a simple question: What model do you support? I have a preferred view that can be shifted. There are about five or six models at the moment. Do you support repeal of section 25? Do you support changing section 51? What model do you support?

**Mrs LESLIE WILLIAMS:** I do not have a preferred view on constitutional recognition at the moment. However, I obviously agree—

**The Hon. WALT SECORD:** Can you describe one of the models?

**Mrs LESLIE WILLIAMS:** As I said, I do not have a preferred view. As the Minister for Aboriginal Affairs, I am listening to what Aboriginal communities are telling me. Again as I said, there are differing views. However, I believe it is important that that conversation continues.

**The Hon. WALT SECORD:** What is one model they are talking about?

**Mrs LESLIE WILLIAMS:** I think I have answered the question.

**The Hon. WALT SECORD:** It is clear that you do not have—

**The Hon. NATASHA MACLAREN-JONES:** Point of order: The Minister has answered the question.

**The Hon. WALT SECORD:** To the point of order: She said Indigenous communities—

**Mrs LESLIE WILLIAMS:** I said I do not have a preferred view—

**The Hon. WALT SECORD:** Can you give me an example—

**Mrs LESLIE WILLIAMS:** —but I will continue to listen and have the discussion with Aboriginal communities.

**CHAIR:** Order!

**The Hon. WALT SECORD:** She is talking over me.

**CHAIR:** The opposite could also be seen to be true. The member has asked a question and the Minister is trying to answer it.

**The Hon. WALT SECORD:** I was trying to illustrate that in fact—

**The Hon. NATASHA MACLAREN-JONES:** Point of order: Is the member arguing with the Chair?

**The Hon. WALT SECORD:** Are you the Chair? It is clear that the Minister does not understand.

**Reverend the Hon. FRED NILE:** She understands perfectly.

**The Hon. WALT SECORD:** Are you familiar with the Aboriginal Medical Service of Western Sydney?

**Mrs LESLIE WILLIAMS:** Yes, I am.

**The Hon. WALT SECORD:** Are you aware that Western Sydney has the highest concentration of Aboriginal people in Australia?

**Mrs LESLIE WILLIAMS:** Yes, I am.

**The Hon. WALT SECORD:** Do you know how many people use the service?

**Mrs LESLIE WILLIAMS:** I do not know the exact number of people who use the service.

**The Hon. WALT SECORD:** It is on the public record as about 11,000.

**Mrs LESLIE WILLIAMS:** About 11,000. I do not know the exact number.

**The Hon. WALT SECORD:** Are you aware that the service is under threat at the moment?

**Mrs LESLIE WILLIAMS:** I am aware of the issues surrounding the medical service. My office has contacted the Minister for Health and the Assistant Minister for Health about this issue.

**The Hon. WALT SECORD:** What has been the response?

**Mrs LESLIE WILLIAMS:** My advice is that an interim health service has been set up in the same location by WentWest, the Western Sydney Primary Health Network, and other government health service providers supported by NSW Health and the Commonwealth Government.

**The Hon. WALT SECORD:** Are you aware of the services being provided to those 11,000 people?

**Mrs LESLIE WILLIAMS:** I would direct that question to the Minister for Health. However, I understand that there are health workers, registered nurses and general practitioners available to that community Monday to Friday from 9.00 a.m. to 5.00 p.m.

**The Hon. COURTNEY HOUSSOS:** Are you aware that approximately 3,500 fewer Aboriginal students are undertaking TAFE courses this year?

**Mrs LESLIE WILLIAMS:** I do not know the exact number of students undertaking TAFE courses. That question should be asked of Minister Barilaro.

**The Hon. COURTNEY HOUSSOS:** I am asking specifically about Aboriginal students. That figure is publicly available information in the annual report of the Department of Education and Communities. As the Minister for Aboriginal Affairs, does it concern you that approximately 3,500 fewer Aboriginal students are enrolling in TAFE courses this year?

**Mrs LESLIE WILLIAMS:** As the Minister for Aboriginal Affairs, I want to provide opportunities for young Aboriginal students as they transition from school to further education, whether that is through a VET course or a university course, or as they transition from their schooling to employment. Through our *opportunity, choice, healing, responsibility, empowerment* [OCHRE] plan, which I am sure you are aware of, we provide a number of opportunities and initiatives. One of those, for example, is opportunity hubs. I have visited a number of those already and clearly they are having positive results for Aboriginal students as they transition from school to work or to further study.

**The Hon. COURTNEY HOUSSOS:** Minister, I bring you back to that question of TAFE courses. Do you think it is due to the massive increases in TAFE fees that have been introduced—

**The Hon. NATASHA MACLAREN-JONES:** Point of order: The Minister has already pointed out that that is a question that is more relevant to the Minister responsible for TAFE.

**The Hon. COURTNEY HOUSSOS:** On the point of order, I accept that. The question of TAFE fee increases generally is relevant for the Minister for Skills. However, the question of Aboriginal students taking TAFE courses is a question that is relevant to the Minister for Aboriginal Affairs.

**CHAIR:** I accept the question. I think the Minister will provide an answer for that.

**Mrs LESLIE WILLIAMS:** As I said, primarily this is an issue for Minister Barilaro. However, I know that TAFE NSW is committed to improving the education and employment of Aboriginal students, as I am. Over the five-year period to 2014 Aboriginal enrolments have actually increased by 8 per cent. Over that same period, Aboriginal enrolments in TAFE qualifications at cert III level have increased by 58 per cent. So from the information that I have, we are actually seeing an increase in Aboriginal students accessing TAFE and VET courses. As I said, in my role as Aboriginal Affairs—

**The Hon. COURTNEY HOUSSOS:** Can I just ask you to repeat those figures that you just quoted?

**Mrs LESLIE WILLIAMS:** Over the five-year period to 2014, TAFE NSW Aboriginal enrolments increased by 8 per cent.

**The Hon. COURTNEY HOUSSOS:** Okay. And you would be aware that the period to 2014 is actually under the previous model. Information that is publicly available through the annual report of the department states that there are approximately 3,500 fewer Aboriginal students undertaking TAFE course. You would also be aware that the 2011 census, which is the most recent information that we have, showed that completion rates of year 12 for Indigenous students are 25 per cent compared to more than 50 per cent for the general population. I would argue that this is a key area of concern for the Minister for Aboriginal Affairs. So my question is: Do you think that the massive increases to fees that we have seen in TAFE have driven Aboriginal students away from undertaking TAFE courses?

**Mrs LESLIE WILLIAMS:** I repeat again that with regard to TAFE fees I suggest that you direct the question to Minister Barilaro. That comes under his portfolio. In terms of Aboriginal Affairs, what we have in



place since we have been in government is the OCHRE plan for Aboriginal Affairs, which has been welcomed by Aboriginal communities. That has a number of initiatives that provide opportunities to assist young Aboriginal students to transition from school to work or from school to further education.

**The Hon. COURTNEY HOUSSOS:** Sorry, Minister—you said they have been welcomed by Aboriginal communities. The TAFE changes have been welcomed by Aboriginal communities?

**Mrs LESLIE WILLIAMS:** I was referring to the initiative under our OCHRE plan for Aboriginal Affairs. I have met with many Aboriginal communities in the four months that I have been Minister. The OCHRE plan is certainly something that has been welcome. Included in that is the opportunity hubs.

**The Hon. COURTNEY HOUSSOS:** Okay. So you do not have a strong view on those TAFE questions.

**The Hon. NATASHA MACLAREN-JONES:** Point of order: I think we have previously ruled that making comments that do not contain a question is unparliamentary.

**CHAIR:** Yes. I remind the member that the opportunity here is to ask questions, not to give commentary on the Minister's answers.

**The Hon. COURTNEY HOUSSOS:** I did ask a yes/no question and she did not answer it, but anyway, I will move on.

**The Hon. BEN FRANKLIN:** The member is flouting your ruling, Madam Chair.

**CHAIR:** Yes. I ask the member to continue with her questioning and remind her of my previous ruling.

**The Hon. COURTNEY HOUSSOS:** What will the Aboriginal Centre for Excellence in Western Sydney do?

**Mrs LESLIE WILLIAMS:** The Aboriginal Centre for Excellence—again, you will be aware—was a commitment by the Government. It is a \$20 million commitment. The most important part as we progress to the Aboriginal Centre for Excellence is consultation with Aboriginal communities in Western Sydney. That is absolutely vital. I am not going to dictate to them about exactly what the centre will look like. We will begin consultations shortly. I can advise the Committee that Aden Ridgeway will be leading those consultations.

**The Hon. COURTNEY HOUSSOS:** Sorry, Minister—did you say that no consultation has begun yet on the centre or where it will be located?

**Mrs LESLIE WILLIAMS:** There has been no determination about the location of the centre. You will be aware that the announcement was made at the university, but that is not necessarily where it is going to go. There has been no determination with regard to the site of the Aboriginal Centre for Excellence.

**The Hon. WALT SECORD:** But in the press release issued by the Premier it says it will be located in Western Sydney: "a centre of excellence in Western Sydney". To me that sounds like a determined location.

**Mrs LESLIE WILLIAMS:** It will be in Western Sydney. That is a fairly large geographical area.

**The Hon. WALT SECORD:** You said no location had been selected.

**Mrs LESLIE WILLIAMS:** That is correct. A specific location for the new Aboriginal Centre for Excellence has not yet been determined. The first thing we will be doing is consulting widely with Aboriginal communities in Western Sydney. As I have just advised the Committee, Aden Ridgeway will be leading those consultations.

**The Hon. COURTNEY HOUSSOS:** Sorry, Minister, we have limited time so I will just stop you there. You did outline—and that is great—that Aden Ridgeway will be assisting the consultation process, but has the consultation begun yet?

**Mrs LESLIE WILLIAMS:** The consultations will begin shortly. I met with Aden Ridgeway last week to discuss what those consultations will look like. As we move forward—

**The Hon. COURTNEY HOUSSOS:** I draw your attention to your response to a question that outlined to the House that consultation will commence in August 2015. Given that it is 31 August today, can you confirm that consultation has not begun?

**Mrs LESLIE WILLIAMS:** The formal consultation has not begun yet. We have only just appointed Aden Ridgeway. There have been discussions with people from Aboriginal communities. They have highlighted what they see as a positive move from this Government to develop the Aboriginal Centre for Excellence. But, as I reiterate, the consultation, I think, is probably one of the most important parts—in fact, the most important part—of this process as we move towards establishing the centre of excellence.

**The Hon. COURTNEY HOUSSOS:** I do not dispute that the consultation is important, but I do just ask the question: Given it is 31 August, it has not begun in August.

**The Hon. SARAH MITCHELL:** Point of order: The member just asked that question and the Minister answered it so I think she is being repetitive.

**The Hon. COURTNEY HOUSSOS:** I take the point of order. In light of your answer that a location has not been determined, I refer to the Premier's and the Baird Liberal team announcement during the election campaign that the centre will be located at the Western Sydney University in Penrith.

**Mrs LESLIE WILLIAMS:** I can confirm that the location of the Aboriginal Centre for Excellence has not yet been determined.

**The Hon. WALT SECORD:** So the Premier is wrong.

**Mrs LESLIE WILLIAMS:** I repeat again: We have not yet determined the location of the Aboriginal Centre for Excellence.

**The Hon. WALT SECORD:** So the Premier is wrong. Thank you.

**The Hon. SHAOQUETT MOSELMANE:** Professor Tom Calma from the Aboriginal and Torres Strait Islander Suicide Prevention Evaluation Project states:

In the mid-1980s 99 Aboriginal deaths in custody prompted a Royal Commission

I add that in 2001-2010 there were 996 Aboriginal suicides and from 2011-2015, according to Gerry Georgatos, a suicide prevention researcher, and also according to the Aboriginal and Torres Strait Islander Suicide Prevention Evaluation Project, there have been more than 700 suicides. As Minister, have you taken any action in response to Professor Calma's statement?

**Mrs LESLIE WILLIAMS:** As the Minister for Education, what I am overseeing is the ongoing—

**The Hon. SHAOQUETT MOSELMANE:** As the Minister for Aboriginal Affairs.

**Mrs LESLIE WILLIAMS:** Aboriginal Affairs, sorry.

**Mr DAVID SHOEBRIDGE:** That is next week.

**Mrs LESLIE WILLIAMS:** No—I have done early childhood education, thank you. As the Minister for Aboriginal Affairs my focus is on continuing to implement the OCHRE plan, which provides enormous opportunities right across the board for Aboriginal people. I am sure you understand what OCHRE stands for. It provides them with healing, with responsibility, with empowerment, for example, and with opportunity. I think one of the—

**The Hon. SHAOQUETT MOSELMANE:** Thank you, Minister. Will you call for a royal commission, given the extent of those suicide numbers in New South Wales and the rest of Australia?

**Mrs LESLIE WILLIAMS:** Suicide amongst Aboriginal people is concerning, as are their poor health outcomes. They are represented poorly on a number of indicators.

**The Hon. SHAOQUETT MOSELMANE:** So you will not call for a royal commission?

**Mrs LESLIE WILLIAMS:** As the Minister for Aboriginal Affairs I am focusing on providing Aboriginal people with opportunities through a number of initiatives through the Aboriginal Affairs OCHRE plan.

**The Hon. SHAOQUETT MOSELMANE:** I have one question about land claims. As Minister for Aboriginal Affairs, you claimed that it was important that land claims be addressed as sufficiently as possible and that the amended legislation provide a new way to deal with land claims that were complex or had been unresolved for some time. What have you done to address those?

**Mrs LESLIE WILLIAMS:** In respect of the land claims that are currently yet to be determined, I acknowledge that there are a significant number of them. I make the point, first, that the determination of land claims rest with the Minister for Lands and Water, the Hon. Niall Blair, but I can assure you that I am working very closely with the Hon. Niall Blair to look at how we can address the issue of the significant number of claims that are yet to be determined.

**The Hon. WALT SECORD:** Minister, when you say "significant number of claims", there have been independent reports that there are 28,000.

**Mrs LESLIE WILLIAMS:** That is correct. I am aware of that.

**The Hon. WALT SECORD:** And that 73 per cent of land claims that were lodged are still waiting to be resolved. What are you actually doing about them?

**Mrs LESLIE WILLIAMS:** As I just outlined, there are approximately 28,000 claims that are yet to be determined. Those claims are not determined by the Minister for Aboriginal Affairs but by the Minister for Lands and Water. I am working closely with the Hon. Niall Blair to address that issue. I highlight that I do not want to be political but the fact that there are a significant number of claims is not new and we expect there to be land claims. The Aboriginal Land Rights allows for those. We are working to address it. I highlight that the amendments from 1 July allow for Aboriginal land agreements, so there is an opportunity for the resolution of multiple claims simultaneously through negotiations with local Aboriginal land councils and the Government.

**The Hon. WALT SECORD:** Minister, I am mindful of the time. Are you familiar with the program called the Aboriginal Communities Water and Sewerage Program?

**Mrs LESLIE WILLIAMS:** I am.

**The Hon. WALT SECORD:** In 2011 there were 61 Aboriginal communities on the list for water. How many of those now have clean drinking water and sanitation?

**Mrs LESLIE WILLIAMS:** In partnership with the NSW Aboriginal Land Council, the New South Wales Government, as you have acknowledged, is providing communities with improved infrastructure through the Aboriginal Communities Water and Sewerage Program. Over a period of 25 years, the NSW Aboriginal Land Council will contribute approximately \$88 million to the program and the Government will contribute \$140 million.

**The Hon. WALT SECORD:** Minister, I would like to know since April 2011 how many of the 61 communities now have clean drinking water and sanitation? If you are unable to answer, you can take it on notice.

**Mrs LESLIE WILLIAMS:** That is a matter for the Department of Primary Industries. They are the primary project manager.

**The Hon. WALT SECORD:** Your website says that Aboriginal Affairs is the lead agency for this program.

**Mrs LESLIE WILLIAMS:** I will ask the head of Aboriginal Affairs, Jason Ardler, to make comment.

**The Hon. WALT SECORD:** Can you tell me of the 61 communities how many have clean drinking water and sanitation?

**Mr ARDLER:** I will take that specific question on notice.

**The Hon. WALT SECORD:** Do any of the 61 communities now have clean drinking water?

**Mr ARDLER:** I can tell you that infrastructure works have been completed in 12 communities and there are infrastructure works underway in a number of others. We have risk-based water management plans prepared for 58 of those communities and some of them have come up to their five-yearly review.

**The Hon. WALT SECORD:** What is 61 minus 58?

**Mr ARDLER:** Three.

**The Hon. WALT SECORD:** You have works planned for 58, so that means three communities have had work completed?

**Mr ARDLER:** No, sorry, these are water and sewage management plans. So this is the ongoing management and maintenance of the facilities.

**The Hon. WALT SECORD:** What is a management plan?

**Mr ARDLER:** The management plan is exactly that. It outlines the management process for those systems, the routine maintenance, emergency management, what to do when things go wrong, who to call.

**The Hon. WALT SECORD:** So it is a plan— *[Time expired.]*

**Reverend the Hon. FRED NILE:** Minister, you mentioned the appointment of Aden Ridgeway, which I strongly support. Can you outline what his role will be?

**Mrs LESLIE WILLIAMS:** I am sorry I did not hear the question.

**Reverend the Hon. FRED NILE:** You mentioned the appointment of Aden Ridgeway.

**Mrs LESLIE WILLIAMS:** For the consultation around the Aboriginal Centre of Excellence, that is correct.

**The Hon. NATASHA MACLAREN-JONES:** Point of order: I am sorry to interrupt, but Labor members in the gallery and also Committee members have constantly been chattering throughout questions from the crossbench members. I would ask that they be asked to show some respect for this process.

**CHAIR:** I ask that members be mindful not to make too much noise.

**Reverend the Hon. FRED NILE:** I am following up your earlier statement about the appointment of Aden Ridgeway. I support his involvement. What exactly is his role?

**Mrs LESLIE WILLIAMS:** His role is to lead the consultation process as we work through the specifics of what the Aboriginal Centre of Excellence would look like. I can ask the head of Aboriginal Affairs if he would like to make additional comments about his specific roles.

**Mr ARDLER:** Thank you, Minister. Mr Ridgeway has been engaged to undertake the community consultations and, on the back of those consultations, to report back to the agency and to the Minister with recommendations about location, scope of services, and catchment for people who might utilise those services. There will be at least a two-stage consultation process that Mr Ridgeway will undertake, but first will be a series of focus group conversations with community leaders, young people from Western Sydney, which will scope the questions. The key issues will then be taken to broader community consultation.

**Reverend the Hon. FRED NILE:** Is it possible he could have a role in the centre?

**Mr ARDLER:** That has not been determined. There has been no discussion about that.

**Mrs LESLIE WILLIAMS:** I do not think we can pre-empt who specifically will be involved in the centre.

**Reverend the Hon. FRED NILE:** Is there any plan at this stage for the number of people who will be employed at the Aboriginal Centre of Excellence? If so, how many Aboriginal people will be included in the employment group?

**Mrs LESLIE WILLIAMS:** As we have outlined, the consultations are about to commence in earnest under Aden Ridgeway's supervision and guidance. I think it is too early to pre-empt what the centre will look like. As I have said previously, the important part is that we consult broadly with the Aboriginal community to ensure that the Aboriginal Centre of Excellence addresses their needs.

**Reverend the Hon. FRED NILE:** I support that. Following up on the employment of Aboriginal people in the New South Wales Government, do you know how many Aboriginal people are employed by the State Government?

**Mrs LESLIE WILLIAMS:** I do not have specific details about the number of Aboriginal people employed across the Government. Obviously we are working towards ensuring that we provide as many opportunities as possible for young Aboriginal people. As I said, the OCHRE initiative provides opportunities to ensure that young Aboriginal people transition well and successfully from school to employment. I can advise that the Department of Aboriginal Affairs employs 60 per cent of Aboriginal people.

**Reverend the Hon. FRED NILE:** That is 60 per cent in your department?

**Mrs LESLIE WILLIAMS:** In the Department of Aboriginal Affairs.

**Reverend the Hon. FRED NILE:** Is there any future target for how many Aboriginals could be employed by the government generally, not just in the Department of Aboriginal Affairs? Is there any target to have 5 per cent or 10 per cent of employees with an Aboriginal background?

**Mrs LESLIE WILLIAMS:** There is a target of 1.5 per cent for procurement purposes. I will just confirm that.

**Mr ARDLER:** For procurement the Aboriginal Participation in Construction Guidelines provide for a 5 per cent contribution for eligible publicly funded works to employ Aboriginal people. That is true. The New South Wales Government has an Aboriginal employment strategy that sets some targets. There are some aspirational targets within that. I think it is fair to say that a number of agencies exceed those targets. We have certainly met the COAG agreed target of 2.6 per cent in the sector as a whole.

**Reverend the Hon. FRED NILE:** You would be aware of some of the recent problems at the Block in Redfern. Has the department endeavoured to have the community working in harmony to get positive results with the building program?

**Mrs LESLIE WILLIAMS:** I am certainly aware of the issues with regard to the Block. I have had a number of discussions with my Federal colleague Senator Scullion. Minister Stokes and I jointly wrote to Minister Scullion to advise that Urban Growth NSW would be able to provide advice and support where appropriate.

**Reverend the Hon. FRED NILE:** You mentioned some matters earlier. There is a lot of activity within the Aboriginal community promoting reconciliation as distinct from Constitutional recognition. Is the department playing any role in those reconciliation discussions and promoting reconciliation?

**Mrs LESLIE WILLIAMS:** One of the very important platforms of the OCHRE plan for Aboriginal Affairs in New South Wales is in healing. I have been out to a number of Aboriginal communities and have heard, loud and clear, that healing is extremely important. I have also met with the Kinchela boys and Cootamundra girls. Any people who had met with them would understand that their stories about what happened

to them in the past are very distressing. They—and other members of the Aboriginal community—have continued to emphasise to me the importance of healing. New South Wales is, in fact, the first jurisdiction that has healing as a part of its policy. I absolutely applaud that and commend my predecessor, Minister Dominello. There was a healing forum held in July last year, in partnership with the Healing Foundation. We have committed to accommodating six further regional healing forums in the coming years. I know that that initiative has been welcomed.

**Reverend the Hon. FRED NILE:** With regard to the stolen generation, have any funds been allocated for reparations, if there are claims from some of those people from those homes you just referred to?

**Mrs LESLIE WILLIAMS:** As I mentioned, I have met with both the Cootamundra girls and the Kinchela boys. They have extremely distressing stories about the way in which they have been treated. I am certainly working with them not only to address their issues with regard to the need for continued healing forums but also to make sure that I can provide support to them in a way that they see as suitable for their healing. Those two groups of people—the Kinchela boys and the Cootamundra girls—have different priorities. I want to be able to support them in whatever way I can.

**Reverend the Hon. FRED NILE:** In general terms, with respect to the stolen generation, have there been any plans to allocate funds for reparation if there are claims? Have there been any claims?

**Mrs LESLIE WILLIAMS:** Under the Aboriginal Affairs budget there are no funds identified at this time for reparation.

**Reverend the Hon. FRED NILE:** Would you give consideration to that in the future?

**Mrs LESLIE WILLIAMS:** As I said, I will continue to work and have discussions with both the Kinchela boys and the Cootamundra girls, and provide the support that they need. When I met with the Cootamundra girls in the past few weeks they expressed to me that healing needed to be at the top of the list in terms of how we can assist them. As I said, we will accommodate further healing forums. We have committed to six regional healing forums in the years ahead. I certainly understand from them that that is a very important part of the process. I think we need to respect that.

**Mr DAVID SHOEBRIDGE:** Minister, you would be aware of repeated concerns within Aboriginal communities in the Hunter, Western Sydney and across the State that where a planning process requires a mining company or a developer—say, at Badgerys Creek—to engage with registered Aboriginal parties when they are looking at Aboriginal cultural issues, people from outside the area are registered as Aboriginal parties and are chosen to give the advice to miners. Are you aware of that problem?

**Mrs LESLIE WILLIAMS:** I am broadly aware of that problem. I have not had specific discussions with Aboriginal communities on that particular issue.

**Mr DAVID SHOEBRIDGE:** What checks and balances are in place to ensure that registered Aboriginal parties come from country or represent the people in the area when they are chosen as Aboriginal cultural heritage field service workers?

**Mrs LESLIE WILLIAMS:** The issue with regard to Aboriginal culture and heritage comes under the portfolio of the Minister for Environment, Minister for Heritage, and Assistant Minister for Planning, Minister Speakman.

**Mr DAVID SHOEBRIDGE:** You do not know anything about it, or do anything in relation to it, to ensure that the people who are providing the Aboriginal cultural field services either come from country or have some close connection with the country when they have been brought in by the mining companies or the like to review Aboriginal heritage? Has that come across your desk?

**Mrs LESLIE WILLIAMS:** I am not responsible for the appointment of those field officers.

**Mr DAVID SHOEBRIDGE:** Are you aware, for example, of the ACCC inquiry last year, which found that the arrangements by Rio Tinto, Ashton Coal and NuCoal Resources were anticompetitive and collusive, and needed to be reviewed?

**Mrs LESLIE WILLIAMS:** I am aware of it, but I go back to the question you asked earlier. It is not my responsibility as the Minister for Aboriginal Affairs to make those appointments. I recognise the importance of culture and heritage within the Aboriginal space. My role is not to make the appointment of those officers.

**Mr DAVID SHOEBRIDGE:** Is it your role just to check that the people being appointed are from country or have a connection? Is that not part of your job, as Minister for Aboriginal Affairs, or do you just leave that to somebody else?

**Mrs LESLIE WILLIAMS:** It is not my role as the Minister for Aboriginal Affairs to make the appointments of field officers.

**Mr DAVID SHOEBRIDGE:** Do you have any role in relation to the Upper Hunter Aboriginal Cultural Heritage Trust Fund?

**Mrs LESLIE WILLIAMS:** I do not see myself as having a role in that. I can ask the head of Aboriginal Affairs to comment.

**Mr ARDLER:** The Upper Hunter Aboriginal Heritage Trust is administered by the Department of Planning and overseen by the Planning Minister.

**Mr DAVID SHOEBRIDGE:** Have you had any engagement regarding the number of Aboriginal people being prosecuted when they are exercising their cultural fishing rights. Do you have any role in that?

**Mrs LESLIE WILLIAMS:** No, I do not have any role in those prosecutions.

**Mr DAVID SHOEBRIDGE:** So the fact that, with respect to Aboriginal cultural fishing rights, the DPI is prosecuting people at a 50 per cent greater rate than issuing Aboriginal people with warnings does not come across your desk either?

**Mrs LESLIE WILLIAMS:** I am sure you are aware that the Department of Primary Industries falls under the portfolio of the Minister, the Hon. Niall Blair.

**Mr DAVID SHOEBRIDGE:** What I am getting at with all of these questions is that there are very substantial, real issues affecting Aboriginal people in portfolios across New South Wales. It does not seem as if your Ministry has much of a role in any of those key issues. It seems to be more of a PR, broad, polite discussion group rather than a ministry that fixes anything for Aboriginal people.

**Mrs LESLIE WILLIAMS:** In fact, I disagree with those comments entirely. As I have said previously in this Committee, my role is to oversee the initiatives that come under the Opportunity, Choice, Healing, Responsibility and Empowerment [OCHRE] plan for Aboriginal Affairs and to advocate for Aboriginal people in my role as the Minister for Aboriginal Affairs. The OCHRE initiative and the plan for Aboriginal communities in New South Wales were instigated under this Government. It was instigated because we know that the plan that was in place previously, as identified by the Auditor General and the Ombudsman, simply was not working. I commend the work of Minister Dominello for the task force that he put in place. I make the point again that the many visits I have had already in Aboriginal communities across this State make it very clear that they now have some hope that there are going to be changes in their affairs.

**Mr DAVID SHOEBRIDGE:** I have just one other question.

**CHAIR:** We are actually at time. We need to share the time. Minister, I would like you to identify, if you can, the breakdown of that \$3 million across those OCHRE initiatives—how much will be allocated to each of the principals—and a particular question about the development of legislation for local decision-making—whether that is on the books and, if it is, when we might see it happening.

**Mrs LESLIE WILLIAMS:** What was your specific question about local decision-making?

**CHAIR:** Whether or not it will be a legislative framework or sitting within the OCHRE framework.

**Mrs LESLIE WILLIAMS:** The local decision-making sits within the OCHRE framework. I am glad that you have raised it, though, because it is one of those initiatives that we are certainly seeing some very

positive results from on the ground. As you know, Murdi Paaki is the first local decision-making alliance to sign the accord. I have met with them. I went to Cobar when they last met, along with my colleague Minister Scullion. You will notice in the last week's *Weekend Australian* one of those from the Walgett community, who was a representative on that committee, said again that she felt that there was real hope that there were changes that would take place as a result of that initiative, specifically the local decision-making initiative.

**CHAIR:** Can you advise out of the \$3 million that is allocated for OCHRE what part of that is directed towards local decision-making, or if there is indeed any funding from your department that goes towards supporting those communities in this local decision-making [LDM].

**Mrs LESLIE WILLIAMS:** For the specific amount, I will ask Jason Ardler to comment.

**Mr ARDLER:** In the previous financial year we allocated about three-quarters of a million dollars to local decision-making under the Aboriginal Affairs budget. This year will be something in the order of \$900,000. That money is used directly to support the alliances to build their capacity to come together, to determine their priorities and to negotiate accords with the Government and the like. It is a direct injection into the capability of those alliances.

**CHAIR:** Thank you. In the amendments that were made last year to the Aboriginal Land Rights Act, there were additional powers given to the registrar. Can you advise if they have proceeded, and if the funds that were going to be transferred to the registrar to allow these additional functions were delivered, and if they are identified anywhere in the budget?

**Mrs LESLIE WILLIAMS:** Regarding the specific amendments that you refer to—the appointment of advisers, investigators and administrators, that power from the Minister to the registrar—I deferred commencement of those amendments. The reason I did that is that I want to be very sure that those roles are clearly articulated. My view is that the appointment of the administrator to a local Aboriginal land council should be absolutely a last resort. What I want to do is use the role of the adviser and the investigators, but particularly the adviser, to ensure that we can build capacity for local Aboriginal land councils.

**CHAIR:** Are you saying that the amendments, which were put to the Parliament after what I understood was extensive consultation—

**Mrs LESLIE WILLIAMS:** That is correct.

**CHAIR:** —were not ready to be proceeded with?

**Mrs LESLIE WILLIAMS:** I just deferred proceeding with part of the amendments, which were the appointments specifically that you are talking about, and the transfer of those powers from the Minister to the registrar. I have met and had several discussions with the New South Wales Aboriginal Land Council. They agree with the position that I have taken so that we can work towards using those roles to provide increased capacity for local Aboriginal land councils.

**CHAIR:** Is the program to see them rolled over to the next financial year, which is when we should see those additional powers going to the registrar and funds being provided then? Will a year be the time frame for that to be reconciled?

**Mrs LESLIE WILLIAMS:** I have not given a specific time frame. What I am doing, as I said, is working very closely with the New South Wales Local Aboriginal Land Council to determine exactly what the advisers role would look like, but to ensure that we can use it to provide capacity for Aboriginal land councils on the ground.

**CHAIR:** Thank you, Minister and your officers, for attending this hearing. Questions have been taken on notice. You will be advised by the secretariat about replies.

**Mrs LESLIE WILLIAMS:** Madam Chair, if I could just make a further comment? I would like to correct the record. The grants of up to \$20,000 are for schools to assist in the establishment of the out-of-school after care service. They are not for long day care centres to provide preschool programs. These long day care grants will be provided on a per-child basis for eligible four- and five-year-olds who receive a preschool program.



**CHAIR:** Thank you. That concludes this hearing. Thank you very much for your attendance. Questions on notice should be returned within 21 days as well as responses for additional questions, which will be presented within the next two days.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**

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