

GENERAL PURPOSE STANDING COMMITTEE No. 2

Wednesday 12 April 2006

Examination of proposed expenditure for the portfolio areas

AGEING, and DISABILITY SERVICES

The Committee met at 10.00 a.m.

MEMBERS

The Hon. P. Forsythe (Chair)

The Hon. A. Catanzariti
The Hon. A. Chesterfield-Evans
Miss S. P. Hale

The Hon. J. F. Ryan
The Hon. H. S. Tsang

PRESENT

Department of Ageing, Disability and Home Care
C. Mills, Director-General

Service Development and Planning
J. Milligan, Director

Community Access
A. Wannan, Director

CHAIR: I declare this meeting open to public. I welcome officials from the Department of Ageing, Disability and Home Care to this public hearing of General Purpose Standing Committee No. 2. At this meeting the committee will examine further the proposed expenditure for the portfolio area of disability services. Before questions commence, some procedural matters need to be dealt with. With regard to the broadcasting of proceedings, in accordance with the Legislative Council's guidelines for the broadcast of proceedings—which is available from the attendants and clerks—only members of the committee and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this committee the media must take responsibility for what they publish or what interpretation they place on anything that is said before the committee. Delivery of messages must be through the committee clerks or attendants on duty. The committee has resolved to allocate time equally among members. I declare the proposed expenditure for the disability services portfolio open for examination. Do you wish to make an opening statement?

Ms MILLS: No, thank you.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I want to ask about boarding houses. There are still a lot of unlicensed boarding houses that accommodate people with disabilities, are there not?

Ms MILLS: There would be. There are a large number of unlicensed boarding houses across the State and some residents of those boarding houses would be people with a disability. Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is the department happy with that arrangement?

Ms MILLS: People with a disability are free to live wherever they choose, so, in that sense, yes. With regard to the availability of affordable accommodation for all people in the community, boarding houses play an important role in that regard. In terms of how that relates to DADAHC's responsibility, with some of those premises, if complaints on made and brought to our attention, then they are covered under the Youth and Community Services [YACS] Act and we would investigate those properties if concerns were raised about the wellbeing of people with a disability living there.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So, you do not have a proactive inspection program for boarding houses? Was some fuss was made about licensed boarding houses, and was an inspection program introduced and some standards set?

Ms MILLS: That is correct. There is an inspection regime and standards for licensed boarding houses under the auspices of the department. For unlicensed boarding houses we have a process of meeting the operators and viewing the premises if a complaint is brought to our attention, as required under the Act.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So, no complaint, no inspection of unlicensed premises, is that correct?

Ms MILLS: That is correct.

The Hon. TONY CATANZARITI: May I interrupted for a moment? What is the difference between licensed and unlicensed boarding houses—not so much the certificate, but what is the difference?

Ms MILLIGAN: Do you mean what they are offering their residents?

The Hon. HENRY TSANG: And the cost and why people would choose it?

Ms MILLIGAN: There may be no difference. In terms of the form of housing, the boarding houses are offering similar facilities. Licensed boarding houses typically offer a greater level of support, and the standards that apply require them, for example, to have adequate staffing levels and some additional support available. But I might also say there is quite an important distinction to be made between people with a disability and people who are offered protection under the Youth and

Community Services Act. The Act requires premises to be licensed if two or more handicapped people are living there. The definition in relation to that is a person who, because of his or her disability, requires supervision and habilitation. That is not everyone who has a disability and I think it is quite an important distinction to make. There are many people with a disability, particularly people with mental illness, that would be living quite successfully without the need of supervision or habilitation. The fact that they are living in low-cost accommodation, such as a boarding house, is not enough for that premises to require a licence.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: What does "habilitation" mean?

Ms MILLIGAN: Instruction and support in living, in its simplest form.

CHAIR: Day programs and the like?

Ms MILLIGAN: Well, not even that—perhaps just assistance with their activities of daily living, looking after their person and organising their life.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there as cost difference between licensed and unlicensed boarding houses?

Ms MILLIGAN: The fees that are charged are determined by the operator. We would not have comprehensive information on what people are paying in unlicensed boarding houses. I suspect that the costs may be very similar in many instances. In some licensed boarding houses the proprietors may be charging additional fees for additional services.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Presumably, if someone wants to meet the standard, which is what licensing is about, one incurs more costs and therefore charges more. Is that not the situation?

Ms MILLIGAN: It may well be a function of the size of the premises. I am not sure that it is quite as simple as saying that if you want to be licensed you will need to charge people more.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: A review was undertaken by the Allan Consulting Group of the YACS Act, which was due to report in November 2004. Is that report completed? If so is it available? If not, why not?

Ms MILLIGAN: The report is completed and, yes, it was made available on the department's web site. In fact, we called for public comment on the report and had a period of receiving public comments. We then obviously have looked carefully at the responses we received—there was a small number, but they were important comments. All of those steps have informed the advice that we are preparing on the review of the legislation. So, yes, it is complete and yes, it was publicly available.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you have a graded home support program universally, or is there a pilot program in Newtown? What is situation in relation to people with supported accommodation? When we went to Newcastle there was an acronym for home support and I gather there is a boarding house program in Newtown. A universal is your support for people in the community?

Ms MILLS: The boarding house program in Newcastle is a trial program. There are a number of small-scale projects scattered across parts of metropolitan Sydney and other areas where there have been partnerships between the Department of Housing and community housing providers and others to trial some models. Some of them are targeted to younger people, but in terms of our support for people in licensed boarding houses more generally, we do put significant funds each year into a number of initiatives under the Boarding House Reform program, which started in 1998. That includes the Active Living Initiative program, which is, basically, active support and day programs and assistance for people in licensed boarding houses. We also expend well over \$1 million each year in home care services in boarding houses. In regard to that program in particular—you spoke earlier about the standard and costs—a number of the ways in which we assist people in licensed boarding

houses do not put a financial burden on the proprietor but are, in fact, supported through government programs so that they can be delivered cost effectively.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That \$1 million is spread over how many people? What is the assistance per head, in a sense?

Ms MILLS: It is 1.4 each year approximately in home care support and there are presently—

Ms MILLIGAN: I will give you a little rundown, if you like, in terms of the particular budgets that go into this program. We have \$1.4 million that goes towards personal care for people in boarding houses who require that sort of assistance. That typically would be daily assistance with showering, addressing et cetera. I think there are at the moment about 550 people who use that service regularly. The active linking service, which is really day-program support to participate in the community, is available to all residents. In fact, the way we fund that is a fixed amount per licensed bed. That is available for residents and that the moment we have about 900—remembering that there are just over 1,000 licensed beds. As I said, 900 people are participating regularly in that program.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is that money paid to the boarding house owners?

Ms MILLIGAN: No. It is not. We have funding agreements with providers of those services. They are akin to day-service providers. The contract is between the Department of Ageing, Disability and Home Care and the provider. The money goes to particular providers and the residents from boarding houses become clients of theirs. The active linking providers provide yet another, I suppose, layer of surveillance of this sector. We have a group of professionals who are in regular weekly contact with the residents of boarding houses. They provide another set of eyes and ears and can comment on standards and activities in licensed boarding houses.

Ms MILLS: The other part of that program that is important to recognise is that the program was focused also on relocating to alternative accommodation people who were living in boarding houses but whose support needs were beyond what could reasonably be provided. Originally there was a target of approximately 310 people to be placed under the program. In fact, in excess of 500 people have been assisted either to move from a boarding house to more appropriate supported accommodation, including the ones you asked about earlier, plus there is a process of assessing clients who wish to move into a licensed boarding house. If their support needs are designated too high, they are placed in alternative accommodation and offered assistance through the program. The idea is that if someone is a resident of a licensed boarding house and is able to receive the level of services that we provide, plus those that would be provided by the proprietor of that dwelling, it is sufficient for them to have a quality of service.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there any plan to revise the YACS Act?

Ms MILLS: There has been a plan for some time to review it. The work that was done by Allan's was to provide advice, if the Act were to be reviewed, on what characteristics might be suitable and what elements of the Active might best be altered if the Act were to be updated. That review by Allan's, as he said earlier, was completed in late 2004. We received public comment on that and we have been providing advice to the Government on possible directions for the Act since that time.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The Government may or may not take your advice, and may or may not change the Act. Is that the bottom line?

Ms MILLS: The Minister is keen to ensure that the Act is as appropriate as possible and that we get an appropriate balance between protecting the rights of individuals and also protecting the sector, which is a small sector now. He has asked us to provide advice to him that effectively balance that before he makes a decision on how he might move forward.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Are the peak groups now stable? There are no changes planned in the funding arrangements. They are on contracts that were let for how long?

Ms MILLS: Are you talking about the advocacy and advisory bodies?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes.

Ms MILLS: There has been a review of the advocacy and information sector. That has been ongoing for quite some time. We made a commitment under the former Minister that, in respect of any changes to the sector, service providers would receive a minimum of 12 months notice. I met recently with the advocacy service providers to provide an update to them and to assure them that their funding would be secure for a further 12 months until at least June 2007, while we finalised the directions for the review. In general I would have to say there has been support. We issued a discussion paper late last year and sought comment on directions for advocacy and information and peak bodies, and we received around 70 submissions in general support of the directions that we wish to take. We have agreed with the sector that there will be a staged process for moving forward around peak bodies, around individual advocacy bodies, and separately around information services, and that that work will be undertaken between now and the end of the calendar year.

Ms SYLVIA HALE: Can you tell me what progress has been made in identifying the numbers of young people in nursing homes, and in providing more suitable forms of accommodation for those young people?

Ms MILLS: As people would be aware, the issue of assisting young people who are presently living in nursing homes became an item under the COAG agenda during 2005. In the COAG meeting earlier this year a commitment was made by all State, Territory and Commonwealth governments to a program over the next five years to assist young people in nursing homes wherever possible and where it is realistic to move to alternative accommodation or to be better assisted in their existing accommodation or to be diverted by appropriate programs so that people do not have to move into nursing homes. There are 366 people under 50 years of age in nursing homes in New South Wales. The process for rolling out the new program, as committed to under COAG, is just beginning. We have had one official meeting of States, Territories and Commonwealth approximately three weeks ago to discuss how the program might operate, what kind of characteristics might be tied to the funding in terms of outcomes, performance indicators, et cetera.

I also attended a meeting in Melbourne last week of States and Territories and the representatives of the Department Of Health and Ageing and of FaCSIA [Families, Community Services and Indigenous Affairs] to discuss the ways to progress the program, what elements should be national and what elements should be done at a State level. In our department we have begun quite extensive work on potential models for people—what type of assistance they might require, what options might be available, how we might target in a sensible way those people who may be able to relocate. One of the key issues for us is that we have relatively limited information about individuals. We know about the overall location of people and we know the category of support that they are funded for by the Department of Health and Ageing, which gives us a broad indication of their support needs. But we do not yet have individual information about clients or residents. This is part of the negotiations with the Commonwealth about how we might best plan when we do not know yet a great deal about individuals.

The meeting in Melbourne last week talked quite extensively about what kind of assessment tools we might use and how we might prioritise people because clearly we are not going to be able to assist 400 people at once. The COAG communicator also indicate quite clearly that it would be both a choice for individuals—nobody would be forced to move—but also recognition that there may not be an appropriate alternative for some people and that that would also have to be part of the program. Our work at the moment is trying to identify the key elements of the program and to better understand the needs of individuals so that we can design and effective response. But it is also to communicate effectively to people that, in fact, it is not just about bringing people out; it may be about assisting young people to get better services while they reside in a nursing home. It would also be about people not having to move in. Each of those three elements has to be designed as part of the new initiative.

Ms SYLVIA HALE: How long do you estimate before we see any tangible results from the COAG agreement?

Ms MILLS: I anticipate within the first 12 months we will have three types of results. We will have some people who will have been assisted not to have to move in, either through appropriate in-home support or new models of support that we can provide. There will be some people who have been identified as able to move out. If we need to construct premises for those people, for example, group home-style accommodation, clearly we may have identified some people but we will not have done a construction project in that time. We anticipate that some people will not be able to move until a property might be ready for them. For the category of people who are remaining in a nursing home, either for an interim period or in the long term, I anticipate that we will be able to assist a number, either through bringing day programs or allowing them to access programs in the community, and also by potentially working with nursing home proprietors about reconfiguring their stock or at least planning to reconfigure their stock so that they might provide facilities more suited to young people. So I think we will have tangible outcomes.

Ms SYLVIA HALE: You mentioned the possible need to construct group homes. Is the department's plan in the provision of out-of-home services to move away from group home placements towards a greater use of cluster model of accommodation?

Ms MILLS: Our plan is to have a greater diversity of accommodation that we provide. That would include clusters. We obviously have around 600 group homes in the community at the moment. It is certainly our intention to retain those. There will be an expansion of those sorts of properties wherever appropriate. There are two issues for us in looking at the future models. One is: How do we effectively represent accommodation types that are common in the community? Most of our stock is four-, five-, six-bedroom single dwellings in the suburbs of Sydney and other areas of New South Wales. That does not necessarily reflect the full scope of accommodation available to the community. One of our objectives is to have a more realistic representation of stock across our portfolio.

The other is that we have a growing number of people requiring assistance who either need high levels of medical support or different types of care than we have traditionally provided. For some of those it is simply not financially viable to provide it in a very small and unclustered environment. There will be some—indeed, it may include some nursing home residents, depending on the kind of support they need—where an 8 to 10 bed unit is a more effective way of being able to provide the nursing or medical level of support that we could not provide in a suburban home with four or five residents. What we are looking at, in short, is to provide a much wider range; not moving away from one but in fact growing more choice for people.

Ms SYLVIA HALE: Yesterday I received—as did, I imagine, other members of the Committee—a letter from Family Advocacy expressing its concerns about the fact that they believe the Government's accommodation support paper had misrepresented academic work that had been done in the field, particularly research that showed that the level of care and resources that would be available in cluster homes was far less than that available in, say, a group home. Have you seen their letter?

Ms MILLS: I have not seen their letter. I am familiar with a paper that they distributed about a month ago, I think, in response. I have two comments to make. One is that we will work really closely with Family Advocacy. I meet with them quite regularly. We have had very amicable discussions about future directions. They are primarily concerned, I think appropriately so, that each individual who has a disability is truly a member of our community. They are quite aspirational in the degree to which government can assist in making that happen. So there are times, I suppose, when our views do not completely agree in terms of the speed with which that might be achieved or how realistic it might be in financial and policy terms.

In terms of the paper, I am certainly familiar with their overall views. We have tried to reassure them about two things. I will come to the other item in a moment. The first is that we certainly are about expanding choice, not limiting choice. But we have to do that within the financial constraints that are available and within the standards and requirements not only of our Act but community expectations as well. Some of the objectives they have, whilst highly meritorious in theory, are not realistic in the short term; whilst we need to separate beyond what we can achieve in a

5-to-10 year plan as opposed to what we might aspire to as a community for all people with disabilities. There are some areas where we perhaps are not in full agreement about how to achieve it. We certainly are in agreement about long-term directions.

In terms of their particular comments about the academic, I am probably less qualified to comment other than to say that our paper was written to provide an overview. It was not written as an academic research document. It was written as a public draft document drawing on a number of different sources to give various points of view. They have done a more robust analysis of one particular perspective and have come to a differing view than the department. I think that there is a wide evidence base. We are certainly happy to take their comments on board. The main issue for us is not that we have misrepresented but we have tried to take a cross-section of views. We recognise that the community itself has not yet seen enough of different models to have full evidence base on some things. That is part of our challenge—to say: Will clusters work? Some people are convinced unless it is individual housing it will not work. Some people say clusters are a more appropriate way to deliver the service. And there are ranges of views all the way in between. We are trying to listen and accommodate those views as best we can in developing a program.

Ms SYLVIA HALE: The point of their letter is that the research indicates that cluster housing is far less satisfactory than group housing. Do you have any research available that indicates the opposite view?

Ms MILLS: We have looked at a lot of sites across the world that have a range of different models. For every one perspective that has that view we will find another one. We certainly have got research that shows that clusters—

Ms SYLVIA HALE: Would you give those references to the Committee?

Ms MILLS: Certainly, I would be very happy to do that.

CHAIR: We will take that on notice.

The Hon. JOHN RYAN: I want to ask a number of questions in relation to the Youth and Community Services Act and its operations. I want to focus this morning on unlicensed boarding houses. You would be aware that the Youth and Community Services Act defines people with disabilities in the following terms:

handicapped person means a person who is senile, temporarily or permanently incapacitated for work, mentally ill, intellectually handicapped, physically handicapped, sensorily handicapped, chronically ill, of advanced age or suffering from any medical condition prescribed by the regulations, or any combination of those disabilities, and who require supervision or social habilitation.

In addition to the numerous references to the word "handicapped", which is a term that we use to describe people with disabilities, there are also references to the "Undersecretary of the Department of Child and Social Welfare". Do not think it is high time, in fact urgent, that this Act is revised, at least in that regard?

Ms MILLS: It is an Act that dates back to 1975.

The Hon. JOHN RYAN: It is a 1973 Act.

Ms MILLS: Consequently some of the terminology is not of current use. However, we certainly understand what those definitions mean and who is referred to and we are able to appropriately use the Act at the current time. But, as I said earlier, we were asked to investigate options for directions for the Act. We have looked at all levels of the Act, from simple wording changes, such as titles and appropriate common language, through to the ways in which the regulations are enforced and what those regulations might be. Our view certainly is that we are providing advice to the Government on directions for the Act.

The Hon. JOHN RYAN: What type of services constitute for your department "supervision or social habilitation"?

Ms MILLIGAN: In terms of defining someone as requiring supervision or social habilitation, our understanding of those terms are clearly that someone would need daily supervision to maintain their safety and wellbeing. Social habilitation to us means someone who requires instruction or perhaps hands-on assistance to maintain the activities of daily living.

The Hon. JOHN RYAN: How are you able to define the word "supervision" as daily supervision? How are you able to define the term "social habilitation" as a requirement for hands-on assistance?

Ms MILLIGAN: In terms of "supervision", I guess the common understanding is that you are talking about someone who requires a reasonable level of supervision.

The Hon. JOHN RYAN: There is no common understanding. The point I am trying to make is that this Act is almost meaningless. The Act just says "supervision". It could mean that someone needs to drop in on this person occasionally. You are adding words to this Act that, in my view, do not have any justification to be added.

Ms MILLIGAN: All I can comment on is how we interpret the Act as the people who administer the Act. I think there is also a fairly common understanding in the disabilities services sector of what is meant when we say someone requires supervision. The term "social habilitation" I think is also widely understood. I am not sure that the two words provide as much difficulty perhaps as you are suggesting in the Act.

The Hon. JOHN RYAN: I put to you that almost no-one uses the term "social habilitation" today and that the term does not have a wide understanding at all. I refer to answers that were given on notice to questions that the Committee asked during the last session. I refer to question 6, which relates to boarding houses, in particular, a property on Palmer Street owned by the elected member for Pittwater. Do you know whether or not he had been informed of his obligations under the Youth and Community Services Act to ensure that he complies. The department's response is:

There is no evidence to suggest that the residents of this property require habilitation and supervision.

I draw your attention to a photograph that appears in the *Sun Herald* on 4 December of what seems to be at least one room, possibly two rooms, used by residents in Palmer Street. The condition of those rooms does not suggest that the people who are living there are capable of looking after their own affairs. The member for Pittwater himself said in the newspaper: "A lot of people"—meaning his tenants—"are in some sort of rehab". His own evidence would suggest that they are undergoing some sort of rehabilitation. The *Daily Telegraph* reported that he said:

A very large proportion of his tenants are schizophrenic and that a number of his tenants were referred to him from agencies such as Caritas, Salvation Army and Anglicare.

He told AAP:

This boarding house serves pensioners and people on benefits.

Further he told AAP, and this is most instructive:

He and his wife worked closely with welfare agencies to provide support for the men who stayed at his property. "We are dealing with heroin addicts, drug induced schizophrenics, alcoholics, gamblers and all types of terribly displaced men who find themselves homeless, penniless and alone. We seek medical assistance for them when required, often driving them to medical appointments."

I would suggest that there is not "no evidence" that there are people requiring social habilitation and supervision in that property. In fact, there is overwhelming evidence that would have enabled you to apply to the courts. You said in your answer to the question that in late December a co-owner of this place requested a tool used to assess residents requiring relocation from unlicensed premises due to their support needs. He himself appears to have some doubt about whether his facility contains those sorts of the people. Did anyone ask the owner of the facility whether they could assist him by doing an inspection and assessment themselves to determine whether his property was covered by the Act?

Ms MILLIGAN: The first comment I would make is in terms of whether the residents require some sort of assistance or social habilitation. We need to understand that the Act requires someone to have a disability and to require supervision and social habilitation.

The Hon. JOHN RYAN: It actually requires someone to be handicapped and to require habilitation. Let us use the words of the Act.

Ms MILLIGAN: Correct. We need to understand the distinction between people who are living in low-cost housing who may have drug and alcohol problems. Those people are not necessarily as defined in the Act; they are not people who have a disability.

The Hon. JOHN RYAN: They are commonly people who do have disabilities.

Ms MILLIGAN: No, not necessarily. The question related to whether the evidence in this photograph suggests to us that people need assistance in social habilitation. I am saying that that may well be the case, but the Youth and Community Services Act deals with people who have a disability; that is, handicapped people who require supervision and social habilitation. It does not encompass people who have a range of other needs.

The Hon. JOHN RYAN: So being in a drug rehabilitation program—notwithstanding the fact that the Act refers to people being in drug rehabilitation—would not include that; that would not be considered to be a person who is in need of habilitation?

Ms MILLIGAN: Being in a drug rehabilitation program would not include a person in the definition of someone with a disability or a handicapped person.

The Hon. JOHN RYAN: Some people are schizophrenic, homeless and drug induced; would that not suggest that they require habilitation and assistance?

Ms MILLIGAN: It may or it may not. Someone can have a diagnosed mental illness and live in the community very successfully with medication. Some people require a high level of support.

The Hon. JOHN RYAN: I put to you that that photograph does not suggest that the person living in that room, if he was suffering from drug-induced schizophrenia, was capable of looking after himself or medicating himself appropriately.

Ms MILLIGAN: We do not know who lives in that room.

The Hon. JOHN RYAN: No, we do not. What more does your department require before it will at least ask a proprietor whether he is within the compass of the Act. Do they practically have to wheel all their people out onto the street? What more evidence do you need?

The Hon. TONY CATANZARITI: Point of order: I ask that the honourable member tone down his voice.

CHAIR: There is no point of order. The honourable member may proceed. It is quite within the Committee's terms for the honourable member to ask questions robustly.

The Hon. TONY CATANZARITI: It seems to be harassment.

CHAIR: We have had enough. The honourable member may proceed.

Ms MILLIGAN: We have worked with the co-owner of the premises to make an assessment as to whether his premises requires licensing under the Act. The assessment was that it did not.

The Hon. JOHN RYAN: I presume from the answer to the question on notice that the department "worked with the co-owner of the premises" means that you sent him a copy of the assessment tool and then allowed him to self assess and tell the department that his facility did not require licensing. It says, "Subsequently, the co-owner reported that the facility did not require

licensing." The judgment was made by the co-owner, not by the department. How could you possibly describe that as "working with", other than supplying him with a copy of a tool?

Ms MILLIGAN: The licensing staff have worked with the co-owner and have discussed the nature of the boarding house and the people who live there. They have made an assessment that it does not require licensing.

The Hon. JOHN RYAN: According to your answer to the question on notice, the owner reported that it did not require licensing.

Ms MILLIGAN: Yes, and we would obviously interrogate that information.

The Hon. JOHN RYAN: When?

Ms MILLIGAN: I am not sure that I have the date.

The Hon. JOHN RYAN: You said you will interrogate that information.

Ms MILLIGAN: No, the decision has been made; we have interrogated that information and have made a decision that the property does not require a license under the Youth and Community Services Act.

The Hon. JOHN RYAN: So you have visited it?

Ms MILLIGAN: We have made an assessment.

The Hon. JOHN RYAN: Has anyone visited it? The weasel words that your department regularly uses do not impress me. Did anyone visit the facility and look at the residents physically?

Ms MILLIGAN: I do not have that information here.

The Hon. JOHN RYAN: Would you be prepared to give the Committee information as to whether any officer of your department visited and looked at—

Ms MILLIGAN: Certainly.

CHAIR: You have taken that on notice. Thank you.

The Hon. JOHN RYAN: I have visited a large number of boarding houses in the Marrickville area. I table for the benefit of the Committee and for your benefit the addresses of the places that I have visited. They include: 95 Crystal Street, Marrickville; 117 to 119 Crystal Street, Marrickville; 47 Audley Street, Petersham; 34 Stanmore Street, Enmore; 97 Cavendish Street, Stanmore; 59 The Boulevard, Marrickville; 33 Warren Road, Marrickville; and 26 Edgeware Road, Enmore. While I do not claim any particular expertise, in almost every case I was told by community workers that they visit and provide services to people living in those facilities. They describe people with dementia and people who cannot walk. One person almost died while lying in his own waste because he was unable to get out of bed. Some people are dealing with alcohol addiction and require assistance, some have mental illnesses and some are frail aged.

In almost every case—with the exception of one on which I have not commented—it is obvious that the premises do not comply with simple fire safety regulations, such as fireproof doors and back-to-base alarms, and there was clutter in the corridors that would prevent people from escaping. With regard in the place in Palmer Street, I believe that the Sydney City Council has issued an order to the owner about the exit. Even that might involve fire safety issues. That was what I found during my quick survey of places in Marrickville. I understand that the department has a copy of a report entitled "Opening These Doors", prepared for the department by the Newtown Neighbourhood Centre as part of the Boarders and Lodgers Project. It reported that there were 97 unlicensed boarding houses and detailed the sorts of services provided to the residents. How many times has your department used the powers that it has under section 25 of the Act to seek a warrant to inspect premises?

Ms MILLIGAN: We regularly inspect premises when people complain to us that they think they are operating illegally. Typically, if there are people in the premises who require supervision and social habilitation, they are relocated to licensed boarding houses. We regularly respond to complaints. I cannot give an annual figure, but in the past four months we have undertaken three investigations. Yes, it is a regular part of our work; it is one of the core activities—

The Hon. JOHN RYAN: So three a year is a regular part of your work. That is one every three months.

Ms MILLIGAN: I will repeat what I said: I cannot give an annual figure, but in the past four months I know that we have investigated three. Certainly, we would be happy to take those addresses and to investigate. I imagine we may already know of some of them. We have visited a number of properties in Crystal Street; they may or may not be these addresses. We would be happy to take those as complaints.

The Hon. JOHN RYAN: I put to you that for me to walk around nine premises of that nature within the past week and to see those sorts of gross abuses of people's welfare and their fire safety suggests that the supervision of this Act by both local government agencies and your agency is a joke.

Ms MILLIGAN: We would be happy to talk with the local council about fire safety and health requirements in the buildings. As you know, the Youth and Community Services Act does not require to us take responsibility for those aspects.

The Hon. JOHN RYAN: The *Hansard* of your last appearance shows that you were going to liaise with the council with regard to one premise that I mentioned.

Ms MILLIGAN: We regularly liaise with local—

The Hon. JOHN RYAN: Did that happen and was any fire safety inspection undertaken as a result of that liaison?

Ms MILLIGAN: Yes, we do liaise with local government and we did in that instance. I cannot tell you the outcome of their investigations.

The Hon. JOHN RYAN: Why not?

Ms MILLIGAN: I do not know whether they pursued it.

The Hon. JOHN RYAN: You did not seek information.

Ms MILLIGAN: I personally did not seek it, no. The Youth and Community Services Act requires us to monitor and manage certain aspects. Fire safety and the health of the premises is not part of our responsibility. We do work with local government on those aspects.

The Hon. JOHN RYAN: You are telling me that you had an official of your department visit a unlicensed boarding house in Crystal Street. I know the condition of them. That officer would have seen that the place required a fire safety inspection, and you have not checked whether the local council carried out that inspection.

Ms MILLIGAN: I do not have the information; I cannot tell you; I do not know the outcome. The officers who liaised with the council may very well know the outcome.

CHAIR: Do you wish to take that on notice?

Ms MILLS: We will take that on notice.

The Hon. JOHN RYAN: Did you do any preparation prior to coming to this meeting, like reading the *Hansard* of the last meeting?

Ms MILLIGAN: Yes, I did.

The Hon. JOHN RYAN: Did you notice that this place was mentioned and that you undertook to get back to the Committee with regard to that?

Ms MILLIGAN: Is this the question on notice?

The Hon. JOHN RYAN: No, not just the question on notice. For example, your department told the Committee that it works collaboratively with councils to ensure that fire safety requirements are met. Do you think that not getting back to people and ensuring that it occurs in any respect "ensuring"?

The Hon. CHRISTINE ROBERTSON: How would it be the director's responsibility to get back to the council?

Ms MILLS: This task would have been done at a local level. We have not had advice from the local level on the action. We will certainly follow up. What we are also commenting on is our overall approach, and that is to work collaboratively with councils. People have raised concerns about fire safety in a number of properties in the Petersham area, and we have followed up on all of them. If there is one that we have not followed up, I am certainly happy to report back. However, I believe we have followed up on all of them.

The Hon. JOHN RYAN: Ms Mills, you recall the Committee tabling a letter at the last hearing which was addressed to you, among other people, and which made reference in particular to the provision of dental services. We asked you specifically whether it was appropriate to use NSW Health services when people were waiting up to 12 months for dentures. You have given an answer, but you have not indicated whether you use private services and whether that is appropriate. Could you also inform the Committee about the response to that letter, particularly with regard to the community worker who said that podiatry services were provided to some people only once every five to six weeks?

Ms MILLS: Yes, we have been actively working with NSW Health since receipt of that letter. I am happy for Ms Milligan to give you some details.

Ms MILLIGAN: There are a number of responses. The boarding house program includes nearly \$1 million of funding each year for allied health services. That includes dental and podiatry services. We have clarified with NSW Health—although I think it was that department's understanding all along—that that money can be used to buy private services. Where people are having to wait an unacceptably long time for public services, that money is routinely and regularly used to buy private services.

The Hon. JOHN RYAN: So, have you investigated whether the people mentioned in this letter are starting to receive services more regularly than every five weeks? The letter was specific, the place was named and the people involved were mentioned. Instead of using weasel words—which are largely a repeat of the Government's policy—do you have a specific answer in regard to the people mentioned in that letter?

Ms MILLIGAN: I do know the circumstances of the people mentioned in the letter. The letter was written by Sister Marie Harris. I speak with her regularly. I understand the situation of the individuals she referred to and I know that their problems have been addressed. The broader answer to the question is that we are working with NSW Health on the application of the boarding house funds for allied health. We are doing a couple of things.

Certainly we reviewed the situation of the allied health services across the State after we received that letter. Our understanding is that the results being achieved in that program are very satisfactory in most areas. In the inner west area we have, largely through the correspondence that you refer to, some information that has made us talk to Health about doing a review of the health status of the boarding house residents in that region.

Our own staff are suggesting that some of the allied health programs have missed some of the residents, so we are addressing that now in a systematic review of the health status of the residents in the inner west.

The Hon. JOHN RYAN: Have you written an answer to the letter?

CHAIR: The Hon. John Ryan will have another opportunity. Ms Milligan, you do not need to answer the question because the time allocated for Opposition questions has expired.

The Hon. HENRY TSANG: Ms Milligan, you said that the department is now planning to relocate, in an orderly manner, some 400 or 500 people out of boarding houses. Therefore you recognise that some boarding houses need to be upgraded?

Ms MILLIGAN: Let me clarify the information. The boarding house program started in 1998 and it had some key objectives. The first objective was to identify people living in boarding houses who could not be supported properly in such a setting. Boarding houses are recognised as significant providers of low-cost accommodation but the level of service provided in a boarding house is also reasonably modest. So people who have high-level needs cannot always be supported adequately in such a setting.

Part of the boarding house reform program was to identify and relocate such people. The second objective was to prevent people with high needs moving in. The third objective was to introduce a range of services to the people who were remaining, quite appropriately, in boarding houses.

The figures we gave earlier referred to just over 500 people who have already been relocated during that period. From the late 1990s to the present there have been over 500 residents in boarding houses who could not adequately be supported in that mode of living, so they have been relocated, typically to a service that provides them with usually 24-hour support.

The Hon. HENRY TSANG: Some years ago, from 1991 to 1999, I was in local government. I remember at that time the City of Sydney Council decided that all hotels with accommodation, which provide reasonably low-cost housing almost like a boarding house, needed to comply with fire regulations by installing fire doors and so on. As a consequence, most of the hotels eventually locked up that accommodation because the money required to install fire sprinklers, fire doors, and so on, was prohibitive. If you exercise your power and serve the boarding houses, in a working relationship with local government, given that the boarding houses close, how many of the people in these boarding houses will have nowhere to go because they move out of the inner city to places like Marrickville and so on? Are there any plans for these people if the boarding houses close?

Do you think there should be a plan of some kind, working with the owners? The owners of small business try to serve these people by providing them with low-cost accommodation. If they have to increase their costs, the people who live in the boarding houses will be forced to leave. Do you think there is a need to discuss the matter with the owners of small business?

Ms MILLIGAN: In relation to the licensed boarding house sector, it is a diminishing industry. When the boarding house reform program was initiated in the late 1990s there were over 2,000 licensed beds and there are now 1,000. People have closed their boarding houses for a number of reasons. Certainly within that number there would have been operators who felt that it was not viable for them to meet the basic standards and continue operating. However, on the other side, clearly there need to be some basic standards enforced under the Act, and that is our role. In reviewing the legislation the task has been to carefully balance our knowledge that this is one of private industry that provides valuable, low-cost accommodation to people with the fact that people in the licensed sector are particularly vulnerable and need some protection with basic standards. So that balance is very important.

Ms MILLS: It is also important to add that, in addition to our own DADAHC-administered boarding house reform program the State Government has done a number of things to help preserve the sector in an appropriate way, including the support through the section 10 planning regulations, about the replacement of low-cost accommodation if a boarding house is to close.

We also have a fire upgrade loan program available through the Department of Housing to assist services if they need to upgrade their properties after a fire inspection. There are also land tax concessions available, and a number of other initiatives to assist the boarding house sector to remain financially viable. The layer over that, the protection of residents, is the Youth and Community Services Act, in the case of people who are in licensed boarding houses. In addition, there are other protections through the Local Government Act and so on for residents in regular boarding houses.

We also have a closure of protocol between government agencies to bring into effect, if a boarding house in the State, licensed or unlicensed, is to close. That involves the Department of Community Services, my agency, DADAHC, the Department of Housing, Health, and whoever else might be relevant, including Fair Trading to come together to assist with a plan for residents.

But it is certainly true to say that if boarding houses were to close, that would present us with a major public housing problem, and that we do see that maintaining an effective and efficient system, with reasonable-quality services, that is appealing to private providers to continue operating is really important to us, and that it should be part of the choice of affordable housing across the State.

The Hon. HENRY TSANG: You spoke about the Commonwealth and the States now working together to look at choices for young people who are now in nursing homes. Would boarding houses be one form of choice? Would encouraging small business to invest in boarding houses be an alternative?

Ms MILLS: I think we are not yet clear as to exactly what might be the most appropriate models for people. Certainly if we talk about the design of a dwelling, where people have private rooms and shared facilities, they have meals provided, and they have laundry services and other things provided, that concept could be an appropriate one for some people who either have been living in nursing homes or who might otherwise live in nursing homes. How that might be provided would really depend on the sorts of standards and expectations we have about the quality of services and what Act it might be covered under.

Part of our discussions at a national level at the moment would be: If the funding were used to assist people to remain in the congregate model, such as in an existing nursing home or for a new model to be developed, depending on who was going to run that, would it be covered by the Aged Services Act or by disability standards? They are the sorts of issues we have to examine before we say this model is right.

But certainly, in terms of profitability, given that the boarding house reform program was set up acknowledging that it was not profitable for providers to take clients with very high support needs, I do not think that model would work for young people in nursing homes as a for-profit model, unless there were significant changes or significant subsidies coming in.

The Hon. CHRISTINE ROBERTSON: I am interested to know what considerations are in place in relation to country people, whether there may be only one or two people in nursing homes in a fairly wide geographic area. As a country person, it concerns me that services may be amalgamated into a major regional centre and this cuts people off completely from their family. Also, in country nursing homes it is difficult to provide the extra services for the young people living in them.

Ms MILLS: That is one of the challenges we have certainly recognised and talked about already with some of the other States, and there certainly are towns where there are quite small numbers of people and the only type of supported accommodation available, or services with nursing et cetera, is a nursing home. We do not want to put people in a position where the only option they have is to relocate away from their family into some kind of congregate model. That is why one of the options we are examining is: for those for whom the nursing home is the best option available in the community, how do we make that a more amenable place? That might involve a range of different things. For example, if there are two or three people, can we develop a service around them? Can we put community-based programs in?

Traditionally, because the Commonwealth nursing home program is funded by the Commonwealth Government, residents have not been eligible for the State services. One of the things

this program will do is open up people's access to State programs, like day programs or other things that we operate. So they may still sleep at night in that service, but during the day they may participate in the local community and funded programs. What we were trying to design is an option that allows that to happen, particularly in rural areas where it is not realistic to construct a whole model around an individual; we have to find ways of helping them better access existing models.

The Hon. CHRISTINE ROBERTSON: With regard to group homes and clusters, I clearly heard you say that you are maintaining the current level of group home accommodation. Can you tell me the client group who are targeted by what is called a "cluster", and what does "cluster" mean? Lots of departments use the word "cluster".

Ms MILLS: They do. I think we are using it in a fairly generic sense, as well as saying that not one property in isolation but perhaps three properties together, for example, or in close proximity, allows us to provide services. We do not have a design or template that says this is the right model. What we are saying is that we need to better understand particularly the needs of older people with a disability. It is a group that we have not traditionally accommodated because people are now living much longer than they used to. A number of non-government service providers, and our own services, are saying they now have residents who are in their sixties, seventies and even eighties living in a group home model. We need a more appropriate service model for those people.

To give you an example, I have talked to a service provider who has a large block of land that was donated by a council some time ago. They would like to be able to build 10 self-contained units on the property and have a mix of people living there, including some of the residents in group homes. Not all 10 properties would necessarily be for people with a disability, but they might be for older people who can access services, and some of them might be our clients.

There is no set number. It is really trying to do it a little like we do in our own general housing communities: say what is the economical and sensible type of investment to make in this site and what are the sorts of models that would be suited to, for example, older people, people who need high levels of medical support, and also young people who, hopefully with transition and support, may move into independent living. So maybe one- or two-person units might be an appropriate drop-in support model. We have gone down the path of one model—the five-bedroom suburban dwelling—and that works very well for some people. But it should not be the only model we offer.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If someone wants to set up the boarding house, how do they get a licence? What are the criteria?

Ms MILLIGAN: There is an application process, which is defined in the Act. They need to meet the requirements of the Act in terms of physical space and the support provided. The application process is through DADAHC as administrators of the Act.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: What is the advantage in people getting licences?

Ms MILLIGAN: Residents can then access the range of additional services that we talked about earlier, particularly the allied health services, personal care services, and community linking services. I guess the onus of providing that level of support to your residents is taken on by government-funded services. That certainly is seen as an advantage by a number of the operators.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So the Government picks up the tab for quite a lot of things, does it?

Ms MILLIGAN: That is right. One of the intents of the boarding house reform program that was initiated in 1998 was to focus the boarding house operators on the provision of safe and affordable accommodation and for the Government to accept the responsibility for some of the additional services that residents required.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: And there are still a lot unlicensed, so the incentives do not seem to have been enough. If you have a boarding house that was licensed and you get all these government services or you have one that was not licensed, presumably if the

government services were good you would charge more money for the licensed one and you would jump in, would you not? Why are there not more people jumping from unlicensed to licensed?

Ms MILLIGAN: The residents in unlicensed boarding houses may not be eligible for the services. The services are targeted at people with a disability who require supervision and assistance.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Does not the Act say that there cannot be more than two people with disabilities in an unlicensed boarding house?

Ms MILLIGAN: Correct. If you have two or more you require a licence.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The NGOs say that they do have two or more. Are you not watching what the NGOs are doing?

Ms MILLIGAN: Sorry, the NGOs?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Non-government organisations that look after people in boarding houses, who are funded by you, supporting more than one person. So they are actually in breach of the Act.

Ms MILLIGAN: Not necessarily. The report that was referred to earlier that was done for our department about boarding houses in the Newtown area, it showed a large number of those residents were using HACC services, so they were getting basic support through the Home and Community Care program. They may have been older people. It does not necessarily mean that people come within the definition of the Youth and Community Services Act.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you have powers to go and inspect unlicensed boarding houses and what can you do about it if you find them not up to scratch?

Ms MILLIGAN: We can enter unlicensed boarding houses in two circumstances: if the owner invites us in or if we have a warrant to inspect. So yes, we do have powers to go in. If we find that there are in fact two or more people who require assistance and the premises are not licensed, we would discuss with the operator the process for obtaining a licence or, more typically, we discuss with the individuals alternate accommodation options, and the individuals, particularly if there might be two of them, often choose to relocate to a licensed premises.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: This accommodation may not be available. I understand there are quite a few people in this situation where there is more than one person with a disability.

Ms MILLIGAN: There are vacancies in the licensed boarding house sector and have been during the last 12 months. So it has not been particularly difficult to find appropriate accommodation for people.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Does this mean it is a crashing success or people cannot afford to go into licensed ones?

Ms MILLIGAN: You mean why are there vacancies?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes.

Ms MILLIGAN: It is probably a complicated answer, but I think there are a couple of simple things I can say. Both for people with mental illness and people with disabilities there are far more options in terms of support available. Over the last 10 years we have seen quite a dramatic growth in the services that are available for people to live in a number of different circumstances—the home-based services as well as residential services. So the first part of the answer is, I think there are more choices for people and that is one of the findings that was suggested also when the boarding house reform program was formally and externally evaluated, I think in 2001. They made the observation that perhaps the decline in licensed bed numbers and the vacancies in the sector reflected the fact that there were other options available for people very often.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But there are a lot of homeless people. Are they all choosing to be homeless rather than to go into these licensed boarding houses?

Ms MILLIGAN: Are you talking about people with a disability who are homeless?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I presume a lot of the people who are homeless have a disability, whether it is an intellectual disability or they are brain injured or whatever—they are not exactly jumping out of their skins with health.

Ms MILLIGAN: And your question was are they choosing not to go into licensed boarding houses?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes. If you are telling me there are all these spare beds, are all these people knowing about the beds and choosing not to go into them? They could be supported but they are sleeping outside Parliament House?

Ms MILLIGAN: There are some vacancies in the licensed boarding house sector. I was not indicating there are lots of vacancies. Why people choose to live there, I cannot really answer that question.

Ms SYLVIA HALE: Reverting to the boarding house issues that John Ryan raised, to my certain knowledge Marrickville Council has known that many of the places to which John Ryan referred did not comply with fire regulations but refrained from acting because it was reluctant to turn people onto the street. But that was at least five, six, seven years ago. It seems to me astonishing that people should still be living in squalor, in substandard and unsafe conditions, six, seven years afterwards and the department has still failed to act. Do you have any specific intention to address the problems at the boarding houses that were listed by John Ryan?

The Hon. CHRISTINE ROBERTSON: Could I ask, are they all unlicensed?

The Hon. JOHN RYAN: They are all unlicensed boarding houses, which I contend ought to be investigated.

Ms MILLIGAN: We will certainly take these addresses and we will investigate them. But your question related to fire safety and the responsibility of local government. I am not sure that we are well-equipped to answer for the local council.

Ms MILLS: Our answer earlier was that when issues are brought to our attention—and there was a specific example in Petersham brought to our attention, for example, by Sister Harris last year, where she raised concerns about some of the elements being covered by our Act, and some of them with regard to fire safety. We actively followed that up with Marrickville Council. The council confirmed to us that they had inspected the property and it did meet fire safety standards and that Sister Harris was advised of that by the council. That is the sort of approach that we generally take if an issue is brought to our attention about occupational health and safety.

Ms SYLVIA HALE: On a slightly different topic, I understand that ParaQuad is facing considerable financial difficulties. What action will the department take in relation to ParaQuad?

The Hon. CHRISTINE ROBERTSON: What is it?

The Hon. JOHN RYAN: It is a non-government agency that helps people with spinal cord injuries.

The Hon. CHRISTINE ROBERTSON: It is an advocacy agency?

CHAIR: It is a service organisation.

The Hon. JOHN RYAN: Accommodation.

Ms MILLS: I cannot comment on the specifics. ParaQuad did write to the department recently advising that it was looking at changing a number of ways in which it provided services and the scope of services it was providing, and we are following up with them at a local level what that actually means and the reasons behind it. But I am not in a position to say exactly what the department's response might be.

Ms SYLVIA HALE: It is my understanding they are hoping to save something like \$1.2 million by cutting back on the services they provide, but at the same time there is a commitment to rebuild Ferguson Lodge. It is again my understanding that Ferguson Lodge will cost about \$7 million, of which \$5.5 million will be provided by the Motor Accidents Authority. How is the remaining \$1.5 million, \$2 million shortfall going to be met?

Ms MILLIGAN: ParaQuad's original proposal, as I understand it, included the contribution of some land for their redevelopment.

Ms SYLVIA HALE: It is Crown land on which it has a lease, I understand.

Ms MILLIGAN: Where they are currently?

Ms SYLVIA HALE: Yes.

Ms MILLIGAN: Where they were planning to relocate, the proposal that they were developing had contribution from MAA and also contribution of land. I understand that that part of the proposal is now in question, which is why they are addressing the shortfall. We are in conversation with them about that project. But your question was how will the shortfall be funded. I do not have an answer for that question at this stage, but we are talking to them about the proposal to relocate Ferguson Lodge.

Ms SYLVIA HALE: I notice in the parliamentary report on dementia it referred to a protocol—an abuse of older people interagency protocol—that was prepared in the early nineties. Is there such a protocol relating to intergovernmental agencies in relation to people with a disability? I am also told it is on DADHC's web site, but it is not. I also understand that it is in the process of being reviewed but, from just a fairly cursory reading of it, it seems to me quite an admirable statement of intention.

Ms WANNAN: Children and young people under 18 are covered by the child protection legislation that relates to DOCS, and that clearly would encompass children with a disability. So with that component there are very, very clear arrangements sorted in terms of our respective relationships. But that is for children and young people under 18.

Ms SYLVIA HALE: But for people over the age of 18 there is not any—

Ms MILLS: There is not an equivalent document, no.

Ms SYLVIA HALE: Would the department consider preparing such a document or putting a document such as that out for discussion?

CHAIR: That is a question of policy for the Government.

Ms MILLS: We are certainly willing to take that issue forwards.

The Hon. JOHN RYAN: Can I just clarify a few of the questions we have gone through already just to ensure that we understand what I might have asked for on notice? Could I request more detail in regard to what the department did in respect to the Palmer Street property? In particular, in your answer you refer to a date late in 2005 in response to a request for information from the co-owner. Could you give the Committee the precise date? Similarly, in your answer you refer to the words "subsequently the co-owner reported the facility did not require licensing". Could we have the date on which the co-owner made that decision?

Thirdly, could you give the Committee details as to whether or not an inspection occurred or whether or not an officer from DADHC visited the premises and, further, the circumstances you have described, the way in which DADHC staff worked with the owner to make that determination? Could I also request a copy of the screening tool referred to in that question, where you said the department gave the owner a screening tool? Could you provide a copy of the screening tool to the Committee? Also, I asked—and I am not sure that I got an answer to this because we went somewhere else—how often has DADHC applied for a warrant as provided by section 5 of the Youth and Community Services Act, which allows them to forcibly inspect the premises?

I now turn to a couple of other questions that you may or may not be able to give further information on. You have given an answer in response to my request for the number of staff DADHC would have specific responsibility for in regard to monitoring the Youth and Community Services Act. Your answer says, "Most of the 17 front-line staff has monitoring of this Act as part of a wider range of responsibilities". Specifically, my question on page 12 of *Hansard* related to how many of these people are doing this on a full-time basis. Is there a unit which might specifically have responsibility for this? I would be grateful if you would be able to give the Committee more specific details as to where these 17 people are and how many of them do monitoring of the Youth and Community Services Act as a specific and sole task of their responsibilities?

Ms MILLS: I could perhaps give you some information on that question now. The monitoring of licensed boarding houses as well as the monitoring of funded services is undertaken by a unit of people located regionally. Depending on the number of licensed premises, the inspection regime would comprise more or less of an individual's time. We have around 60 licensed premises in New South Wales, so in some regions the numbers are very low. In such circumstances the inspection regime around licensed boarding houses would clearly not constitute even the major part of a licensing officer's role. So it really depends on which region these people are located in. They work with colleagues who are engaged in monitoring the quality of standards generally in services, but there would be a few of them who did nothing but monitoring licensed boarding houses.

The Hon. JOHN RYAN: Could I, again, ask for specific details as to where they are located and then you can give the Committee details as to whether that constitutes a major or minor part of their role?

Ms MILLS: Certainly.

The Hon. JOHN RYAN: We are obviously trying to determine the extent to which the department makes a commitment to this, and, obviously, saying there are 17 staff with various levels of responsibility does not tell the Committee very much. On page 21 of the *Hansard* of our last discussion—I must say I did not actually put this as a question on notice and I would clarify that I did intend the department to get back to me about that—we had a discussion about the number of people who were screened versus the total population of people living in boarding houses. As it turned out, about 6.5 per cent of the current boarding house population is screened. By the number of screenings in the order of 75, that represents about 6.5 per cent of the number of people in boarding houses. That would suggest to me that either people who live in boarding houses do not move very much or there are a lot of people not being screened. In particular, my interest was how many people are screened, again given that quite frequently their health issues change and that level of screening does not seem to indicate to me that very many people are rescreened.

It was put to me by some healthcare workers that frequently people are not screened because the department does not want to know that these people will require further services. I would be grateful if you could provide information to the Committee as to whether or not that level of screening can be rationally compared to the number of people who live in boarding houses and whether that represents a sufficient amount for that service. Further discussion of that appears on page 21 of our last estimates hearing. We had a discussion about the John Williamson property, which had been sold, and the Committee was informed that people were attempting to find another property. Could you give the Committee any information as to whether you have been able to find the property that you were looking for six weeks ago?

Ms MILLS: Yes. I understand that we have formally identified and taken action towards purchasing one property and more recently identified another property that we are now fully

investigating as a very likely option. We have obviously looked at a very large number of properties to try to narrow this down and I think the director general explained last time why the process is quite protracted in trying to get the right match, but the first property that has been identified is in Thornleigh and the second is, I think, in Western Sydney, but we have not actually put a purchase on that property yet.

The Hon. JOHN RYAN: With respect to Western Sydney, you would be aware that I have asked questions in the House about people from Greystanes being unable to get adequate services and who looked for respite services. Is the department planning to address the problem of people from Greystanes who have not yet been able to find centre-based respite services with the appropriate level of medical support?

Ms MILLS: Alternative arrangements have been finalised for families that utilise respite at Greystanes. These arrangements include respite at other centre-based facilities as well as securing in-home support for some families. Arrangements have also been finalised for clients with very high support needs. Adjustments have been made to the Falconbridge respite facility to accommodate clients with higher needs, and it currently provides suitable care for three families who previously accessed respite services at Greystanes.

The other respite users have been accommodated in a range of facilities across the State according to their individual circumstances. As approximately half the former respite clients are based in the western region of the State an additional \$100,000 has been made available to this region to purchase approximately 2,800 hours of respite this year.

The Hon. JOHN RYAN: I have been informed by one service provider that they are having enormous difficulty obtaining police checks for new staff that they wish to employ, and that in some instances it is taking up to eight weeks to get police checks, which means they cannot actually employ their staff unless there is a reference from their former employer to the effect that they have recently had a police check. Are you aware of the situation and has anything been done because clearly this would cause enormous disruption to the sector if it is taking eight weeks to employ someone who has been identified as suitable for employment?

Ms MILLS: The issue has not been brought to our attention previously but we will certainly investigate it.

The Hon. JOHN RYAN: How many people within DADHC working under the Social and Community Services [SACS] award are paid by non-government organisations [NGOs] and is the Government making any arrangements to compensate those organisations for new pay increases expected over the next two years?

Ms MILLS: A very large proportion of our non-government organisations use the SACS award and the wage base. In 2001 the New South Wales Government provided supplementation to those non-government organisations to assist them meeting costs with a new award. For some organisations that package resulted in the supplementation of over 20 per cent of their funding base. An agreement from the process in 2001 was that indexation calculated for human services-funded NGOs would be refined to better reflect wage movements in the sector. That change has assisted NGOs in meeting the other wage rises that have occurred since that time under the SACS award.

It is our position at the moment that the new award is not of a scale that caused the one-off arrangements in 2001 and that our regular process of indexation will be sufficient to assist non-government organisations with their SACS increases for the next three years.

The Hon. JOHN RYAN: Notwithstanding the fact that the SACS award involves an increase of 3.5 per cent and indexation is less than that?

Ms MILLS: We have not yet formalised what indexation will be for future years.

The Hon. JOHN RYAN: Is there something that the department operates called the needs register for supported accommodation? Could you explain to the Committee what it is and how it is different to the eligibility list?

Ms MILLS: I will have to take some of that on notice. The process for registers is handled at a local level. There are processes and allocation groups set up in each region, which identify from a list of applicants the prioritisation and the allocation of people into individual group home places. I assume that is what you are speaking about?

The Hon. JOHN RYAN: Yes.

Ms MILLS: I am happy to provide more detail of the process, but there is not a single one. It is done in each region.

The Hon. JOHN RYAN: But is there something called a needs register?

Ms MILLS: I would have to take that on notice. I think that is a colloquial term rather than a specific thing.

The Hon. JOHN RYAN: If it exists, could you provide the Committee with information as to how many people are on that needs register in each region of the department? I have been unable to find a list of what places are in each region. Could you provide a list of what towns and places are in each of the regions that you now refer to, particularly given that there has been a restructure of the north and west region. That would be most helpful.

Ms MILLS: Certainly, we can provide a list of local government areas for each region.

The Hon. CHRISTINE ROBERTSON: Tamworth is a fairly major regional centre and recently the last boarding house shut in that town. Places like Tamworth are quite famous for the use of their riverbank—they have been for a long time—and this is not only by people from the disability sector. This enormous problem may not be able to be resolved but as we are trying to regulate and improve conditions with boarding houses, has any thought been given to resolving this problem in the long-term?

Ms MILLS: Yes, certainly our Minister has had a strong interest in how we sustain a long-term, low-cost system for people with a disability, including boarding house style accommodation. The key thing for us is to work with the other agencies that have responsibility for accommodation, including the Department of Housing. The Government is also interested in the wider issue of affordable housing and the Department of Planning and other agencies are also involved in those discussions.

We are a very small part of the accommodation system and our role is to work with those agencies and provide advice from the perspective of people with a disability as to what kind of accommodations might work well. In 2005 the Government made a determination that social housing—public and community housing—would have, as one of its core target populations, people with a disability, and we are working with the Department of Housing and others on a human services accord about how that will work to provide more assistance for people with a disability in Department of Housing properties with appropriate support from agencies such as ourselves or the Centre for Mental Health or other support providers.

The Hon. CHRISTINE ROBERTSON: There is potential for the private sector to move out of cheap housing?

Ms MILLS: It becomes a personal opinion.

The Hon. CHRISTINE ROBERTSON: It is policy. I am just worried about it.

Ms MILLS: It is important to have a wide range of supports and mixes of accommodation. Certainly, there had been a number of initiatives over the last decade, including that which is operated by DADHC, to support the private sector to remain in this part of the system.

The Hon. JOHN RYAN: You indicated earlier that typically the department interviews people where they investigate an unlicensed boarding house and they organise for those people to

relocate. Has it not been appropriate to fine any of the operators who have been then found, it would appear by your own testimony, to have been in breach of the Act, given that the Act actually requires that and how do you know, having then moved people on, that the boarding house operator has not continued with that misbehaviour again and again?

Ms MILLIGAN: The resolution of an unlicensed boarding house where there might be two people with a disability typically is that they relocate. It is not common for us then to prosecute them for the fact that they were providing that accommodation. Once the accommodation and support for the individual is resolved, we usually do not pursue a prosecution in terms of the resources that would take.

The Hon. JOHN RYAN: How are you sure when you investigate someone and you find that there has been a breach, that that same boarding house operator does not breach again and again? I put it to you that from what I have observed, there might well be places that you have investigated where the operators are back to their same of habits?

Ms MILLIGAN: We do not have a policy that we then maintain inspections of a property for a certain period of time after we have found someone who has been living in an unlicensed boarding house. We do not have a policy that requires us to go back and check. Depending on the circumstances, licensing officers may well do that for a period of time, but we do not require them to maintain that inspection for a set period.

The Hon. JOHN RYAN: Do you keep correct records when you have resolved situations in the manner you have described?

Ms MILLIGAN: We keep records of our inspections of complaints that premises may be unlicensed.

The Hon. JOHN RYAN: Would you also record whether or not you had found a complaint to be sustained and resolved in the manner in which you have described?

Ms MILLIGAN: Yes.

The Hon. JOHN RYAN: Would you provide for the Committee details of how often that has occurred, say in the last five years?

Ms MILLS: Yes, we will take that on notice.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Did Nardy House in Bega ever get funded?

Ms MILLS: An offer of funding remains for that property. It has not been accepted.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Was this an offer of day care funding?

Ms MILLS: No. We offered Nardy House a funding package worth approximately \$400,000 per annum. This funding would have given the community certainty so that the facility could have been opened. The model proposed that the funds did not require people with a disability to bring their own carer, which is the comment that Nardy House has been making, and did not require the property to be used by people other than in the target group. This has not been accepted by Nardy House and it remains of grave concern to us that a Commonwealth Government funded building is underutilised. We believe that we have put a range of appropriate options on the table and they are strongly supported by the majority of service providers in the area but the Nardy House committee has not been willing to agree to any of the options to date.

The Hon. JOHN RYAN: You said that an offer was made of \$400,000 per annum. It was my understanding that the arrangement suggested, after the report by Mr Dougie Herd, that an amount might have been available for a 20-week period but that no suggestion had been made to make that continue over any time more than 20 weeks. Is that not true?

Ms MILLS: I am basing mine on current advice. I am happy to clarify that.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is that \$400,000 for the whole building for the whole year?

Ms MILLS: The advice I have before me is that we have put a package together worth approximately \$400,000 per year.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: And this is for 24-hour care for people with really bad disabilities?

Ms MILLS: It is a respite service. This project has a very long history. Certainly, the strong view of the department is that the funding was for the property and that the committee had undertaken to find the means of operating the property once capital funding had been provided. After that property was completed the committee has sought approximately \$1 million a year in recurrent funds to operate it.

That was not the model upon which the original capital funding was provided. What we have been trying to do over the past 12 months is find an appropriate model that is cost effective, that is reasonable for the Bega community, that does not overinvest in the Bega community, and that recognises that there are other service providers in that area who are also funded and who could also utilise this service. We have put a range of different options together, including a smaller option which was about a co-ordination role and using the facility as an expansion of existing services, rather than as a new service in the area. Each of the options that we have put to date has not been accepted by the Nardy committee. The advice I have in front of me is that the most recent offer comprised a package worth approximately \$400,000. I am happy to provide further details on that.

The Hon. JOHN RYAN: Among the details could you provide the Committee with what that model is in terms of how many staff would be employed approximately and how many people would be cared for at any one time—in other words, the number of beds you would open and the number of staff who would operate? If what you say is true, that is new information.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Could we just get the offer you put to them?

Ms MILLS: I will provide as many details as I possibly can.

[The witnesses withdrew]

The Committee proceeded to deliberate.
