

PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS

Friday, 29 October 2021

Examination of proposed expenditure for the portfolio area

FAMILIES, COMMUNITIES AND DISABILITY SERVICES

CORRECTED

The Committee met at 9.30 a.m.

MEMBERS

Mr David Shoebridge (Acting Chair)

Ms Abigail Boyd

The Hon. Rose Jackson

The Hon. Trevor Khan

The Hon. Natasha Maclaren-Jones

The Hon. Tara Moriarty

The Hon. Shaoquett Moselmane

The Hon. Adam Searle

MEMBERS PRESENT VIA VIDEOCONFERENCE

The Hon. Lou Amato

PRESENT

Mr Alister Henskens, *Minister for Families, Communities and Disability Services*

* Please note:

[inaudible] is used when audio words cannot be deciphered

[audio malfunction] is used when words are lost due to a technical malfunction

[disorder] is used when members or witnesses speak over one another

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

CORRECTED

The ACTING CHAIR: Welcome to the public hearing for the inquiry into budget estimates 2021-2022 for the portfolio areas of Families, Communities and Disability Services. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of the land on which the Parliament sits, and pay the Committee's collective respects to Elders past, present and emerging. I welcome Minister Henskens and accompanying officials to today's hearing. Today the Committee will examine the proposed expenditure for the portfolios of Families, Communities and Disability Services.

Before we commence I would like to make some brief comments about the procedures for today's hearing. Today's proceedings are being broadcast live from Parliament's website. A transcript will be placed on the Committee's website once it becomes available. In accordance with broadcasting guidelines, media representatives are reminded to take responsibility for what they publish. All witnesses in budget estimates have a right to procedural fairness according to the resolution of the House adopted in 2018. There may be some questions that a witness could only answer with more time or with certain documents to hand. In those circumstances witnesses are reminded they may take a question on notice and provide a written answer within 21 days.

If witnesses wish to hand up documents, I ask that they please do so through the Committee staff. I remind the Minister and the officers accompanying him that they are free to pass notes between them and the Minister is entitled to refer to his advisers seated at the table behind him as needed. With reference to audibility for today's hearing, we have witnesses in person and via videoconference. I ask Committee members to clearly identify who questions are directed to. I remind those witnesses appearing remotely to turn their microphones on before contributing and that it is best to turn them off after contributing. All witnesses will be sworn prior to giving evidence. Minister Henskens, I remind you that you are on your oath of office and are not required to be sworn.

CORRECTED

CATHERINE D'ELIA, Acting Secretary, Department of Communities and Justice, sworn and examined

SIMONE CZECH, Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services, Department of Communities and Justice, affirmed and examined

PAUL VEVERS, Deputy Secretary, Housing, Disability and District Services, Department of Communities and Justice, sworn and examined

ANNE CAMPBELL, Acting Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice, before the Committee via videoconference, sworn and examined

PAUL O'REILLY, Executive Director, Youth Justice, Department of Communities and Justice, before the Committee via videoconference, affirmed and examined

The ACTING CHAIR: I note that during the swearing in of witnesses we missed a fair chunk of Ms Campbell's oath due to bad audio. However, I take her as having been sworn. I ask the secretariat to work with her to try to improve the connection we have because as it stands it will be inadequate for the purposes of the hearing. We will endeavour to deal with that. As there is no provision for opening statements, we will proceed directly to questioning from the Opposition. The questioning will be divided between the Opposition and the crossbench between 9.30 a.m. and 12.45 p.m. The Government will have 15 minutes to clarify any matters at the end, should it wish to do so. Ms Jackson has the call.

The Hon. ROSE JACKSON: Thank you, Chair. I thank Minister Henskens for coming along this morning. I will start by asking about temporary accommodation. How many households did the Department of Communities and Justice [DCJ] support with temporary accommodation during the most recent lockdown?

Mr ALISTER HENSKENS: The number did fluctuate during the recent lockdown.

The Hon. ROSE JACKSON: What was the peak?

Mr ALISTER HENSKENS: I believe it was about 2,000 but I will defer to Mr Vevers for the exact number.

Mr VEVERS: It was exactly so, Minister: just above 2,000.

The Hon. ROSE JACKSON: Minister, or through you to Mr Vevers, do you have information about how many of those came from people sleeping rough, people escaping domestic violence? Do you have the breakdown of those figures or would you need to take that on notice?

Mr VEVERS: I can give you that breakdown. At its peak there were roughly 400 people who were sleeping rough. At the beginning of this week that number had reduced to around about 250.

The Hon. ROSE JACKSON: What about women or children escaping domestic violence? Do you have that figure?

Mr VEVERS: I would have to take that on notice.

The Hon. ROSE JACKSON: People who are Indigenous?

Mr VEVERS: I would have to take that on notice, too.

The Hon. ROSE JACKSON: And those under 18?

Mr VEVERS: There would be very few people under 18 in temporary accommodation. But I can take that figure on notice, too.

The Hon. ROSE JACKSON: Minister, we have heard that during the peak of the lockdown it was around 2,000 people, including 400 who had come from sleeping rough and were being accommodated in temporary accommodation. We have heard from Mr Vevers that at the beginning of this week that figure had dropped to 250. Where have the other 150 people gone?

Mr VEVERS: We have housed—I will just give you the figure during lockdown. Across the two lockdowns we have housed 1,555 people sleeping rough. That is going back to the first lockdown through until the end of September.

The Hon. ROSE JACKSON: How many of the 150-odd people who have left temporary accommodation between the peak of the most recent lockdown and the figure that you have provided as of the beginning of this week have you housed?

CORRECTED

Mr VEVERS: I do not know that it is possible for me—we would have to go back and check every single one of those people to find out. I can give you the aggregate number of people who have been housed, but to track those individual 150 people we would have to go back and examine the 150 cases to find out how many of them were directly housed by us and how many of them made their own arrangements, went to a specialist homelessness service or returned to family or friends.

The Hon. ROSE JACKSON: The reality is that you do not know, do you Minister? You do not know where those people are. It is quite possible—and, in fact, probable—that those people who were sleeping rough—

The Hon. TREVOR KHAN: Are you going to ask a question or give a speech?

The Hon. ROSE JACKSON: —are now sleeping rough again. You do not know where they are or what their housing situation is.

Mr ALISTER HENSKENS: I think Mr Vevers has just indicated that there are a range of different outcomes which they may have availed themselves of. People also leave temporary accommodation without informing the department of where they are going.

The Hon. ROSE JACKSON: Do you ask them where they are going?

Mr ALISTER HENSKENS: I will defer to Mr Vevers. Sometimes they leave without us even knowing that they have left temporary accommodation and we do not have that opportunity. But I will defer to Mr Vevers for more accurate information.

Mr VEVERS: If I may say, at the last estimates committee I made a commitment that we would—

The Hon. ROSE JACKSON: You did, Mr Vevers!

Mr VEVERS: —undertake a piece of research. We did that. That research was published some time ago on our website. Since then the Minister requested us to recommence that research, which we also did. We started it again on Monday of this week. What that research has consistently shown is that 89 per cent of people who leave temporary accommodation go on to some other form of accommodation. I do not say that that is permanent accommodation, some is.

Sometimes they go into specialist homelessness services, and many of them do resolve their own accommodation needs by returning to family. That still leaves far too many people—that still leaves 11 per cent of people who do not go into permanent accommodation. That is far too big a number. It is a number that we want very much to reduce. If I can say, of the 250 people who were previously sleeping rough and are currently in temporary accommodation, we actually have 500 places available in the Together Home program. We have got more than enough accommodation together with support services to accommodate those people, and that is what we are seeking to do.

Mr ALISTER HENSKENS: If I could add to that, our Together Home program is actually a leading national program in terms of dealing with homelessness. It is a housing first approach. The key point of that program, which we have now invested over \$120 million in, is to put people into a permanent accommodation solution and then give them the wraparound services to deal with the underlying causes of their homelessness, whether it be domestic violence, drug and alcohol abuse, or mental health issues. It is a program—it is in fact probably a world leading program—which is actually designed to ensure that people permanently stay away from rough sleeping.

The Hon. ROSE JACKSON: Together Home is a good program. I am not sure it is world leading. It is based on international best practice, which is good and we welcome it. The reality is 400 people who were previously sleeping rough were in temporary accommodation as of a few weeks ago. That number has dropped to 250. You are not able to tell us where those people have gone. They have not accessed—

Mr VEVERS: In aggregate we are able to tell you that. I can tell you. In aggregate, we can tell you how many people we have housed. If you are asking me about those specific 150 people, we would have to look up the individual details of the 150 people. In some cases they will tell us where they are going and in some cases they will not, but we seek to follow them all up. Roughly half of them, when we follow-up, will not engage with us to tell us and the other half is the survey; we have published the results of that.

Mr ALISTER HENSKENS: I think the important thing for the Committee to understand with regard to temporary accommodation is that our policy has not been to exit any person from temporary accommodation if they are engaging with the department to try to find a housing solution for them. That is our policy.

The Hon. ROSE JACKSON: Is that your policy going forward, if someone re-enters temporary accommodation now?

CORRECTED

Mr ALISTER HENSKENS: I have been very strict with Mr Vevers, that that is to be our policy with regard to people who entered temporary accommodation during the lockdown.

The Hon. ROSE JACKSON: That only applies to people who entered temporary accommodation during the lockdown. We are back to business as usual now, or if someone enters temporary accommodation now the normal limits, in terms of how long that accommodation lasts, no longer apply?

Mr VEVERS: It has always been the case, and continues to be the case, that if someone is at risk of sleeping rough, and obviously a key risk factor is that you were sleeping rough before—as long as people will engage with us, we keep them in temporary accommodation. That actually is the business as usual model. To do anything else would be completely absurd because we invest massively in going out onto the streets to engage people who are sleeping rough. We do patrols at four o'clock in the morning and 11 o'clock at night, and we have done over 1,000 patrols during the lockdown period. It would make no sense for us to exit people on to the streets if they were willing to engage with us because we put such a massive effort into getting onto the streets to bring them back into temporary accommodation.

The Hon. ROSE JACKSON: But the requirements in relation to engaging with you are still turning up in person at a housing office; is that correct?

Mr VEVERS: No.

Mr ALISTER HENSKENS: No.

The Hon. ROSE JACKSON: How do you define whether someone is engaging with the department?

Mr VEVERS: People who are at risk of sleeping rough are engaged with a support service. In most cases that is Neami. If they will work with that support service, the support service will help them to find accommodation. They need to work with that support service, if necessary, to go and look at that accommodation; that would be an example. They may need to get some medical assessment in order for us to work out what is the right sort of accommodation. If they will engage in doing that, we treat that as engagement and we will keep working with them.

The Hon. ROSE JACKSON: Minister, the audit office found that 72 per cent of temporary accommodation clients supported during the 2020 lockdown had no known housing outcome. How are you going to ensure that that is not repeated in the 2021 lockdown? We already have hundreds of people leaving temporary accommodation.

Mr ALISTER HENSKENS: Ms Jackson, this is an issue of measurement and whether you put more resources into measurement, or whether you use those resources to actually help the people that you are trying to measure. We did the survey that was done last year to give us a broad idea of what the accommodation outcomes were for people exiting temporary accommodation. But the cost of us actually investigating each and every person who is in temporary accommodation, to have granular detail over the 72 per cent that you are talking about, is not actually a good use of public resources.

The best use of public resources is to try to find accommodation solutions for these people. I might add, the annual street count of February this year showed a 13 per cent statewide reduction in rough sleepers from the previous 12 months. In areas like Newcastle, it was 63 per cent; Lake Macquarie, 45 per cent; and the City of Sydney was also better than that 13 per cent State average. We have done an enormous amount of work and we are getting results in terms of reducing rough sleeping in this State. The Together Home package is part of that. There are a huge number of resources—over \$120 million—devoted to getting permanent solutions for people who have been sleeping rough.

The Hon. ROSE JACKSON: You are not getting results. Because of the people you—

Mr ALISTER HENSKENS: A 13 per cent reduction statewide is results, Ms Jackson.

The Hon. ROSE JACKSON: Of the people that you spent millions of dollars housing during the 2020 lockdown, 72 per cent of those had no known housing outcome. Your response to that is, "Oh, well, we think it is better than that, but we did not invest in measurement so we do not know."

Mr VEVERS: We precisely did invest in measurement.

The Hon. ROSE JACKSON: You do know if that figure is correct, Mr Vevers?

The Hon. TREVOR KHAN: Point of order—

The ACTING CHAIR: I understand the point of order. Ms Jackson, I do think that you need to allow the questions to be answered before the next question.

CORRECTED

Mr VEVERS: At the last estimates Committee, I gave a commitment that we would seek to measure what had happened to people who left temporary accommodation. We have done that with that research company, we have done it for a subsequent period early in this lockdown and we are doing it right now. What that reveals is that 34 per cent of people who were in temporary accommodation went on to stay with family or friends; 20 per cent of them went into private rental; 12 per cent went into social housing; and 15 per cent went into a refuge. That is the 89 per cent of people.

We are not complacent about the remaining 11 per cent. With every single one of those remaining 11 per cent, we have sought to get them into permanent accommodation, but we have not always succeeded. If those people do return to sleeping rough, we then seek to try to pick them up and have another go. Those are people who have either breached temporary accommodation rules—so damaged the property—or they have voluntarily left. We do not want people to leave temporary accommodation to go onto the streets. We want to house them.

The Hon. ROSE JACKSON: I appreciate that you did the research that you committed to do, Mr Vevers, and it is useful. The Audit Office did its own research and it found that during the period—the lockdown periods are important and useful because it is a specific time when the department, to its credit—

The Hon. TREVOR KHAN: Point of order: It is budget estimates; it is asking a question. It is not making a speech at a witness. I would ask, Chair, that you direct—

The Hon. ROSE JACKSON: To the point of order—

The Hon. TREVOR KHAN: No, let me finish. Chair, you should ask Ms Jackson to actually put a question. She is entitled to put a proposition, but she is not entitled to make a speech.

The ACTING CHAIR: I have been listening carefully. Ms Jackson is putting propositions and then asking a question about them. That is a legitimate way to put a question in budget estimates and I will allow Ms Jackson to continue.

Mr VEVERS: May I comment on the Audit Office because the Audit Office work was done before we had done this piece of research. So of course they did not have access to it because of the timing of the audit.

The Hon. ROSE JACKSON: So you plainly reject their finding that 72 per cent of people during the 2020 lockdown exited to no known housing outcome?

Mr VEVERS: I do not reject their finding. They did not have available to them the research that we did.

The Hon. ROSE JACKSON: I want to ask about the temporary accommodation budget before we move on. What was the temporary accommodation budget for 2020-2021?

Mr VEVERS: It was \$43 million. Sorry, \$41.5 million. I beg your pardon.

The Hon. ROSE JACKSON: In 2019-2020 it was \$55 million. Are you telling me, Minister, that in the period between 2019-2020 and 2020-2021 there was less need for temporary accommodation to the order of \$10 million or so?

Mr ALISTER HENSKENS: Mr Vevers will explain.

Mr VEVERS: The temporary accommodation budget is not in practice—that is the budget but we put people in temporary accommodation when it is needed and Treasury has topped up that budget for us to the tune of what it is needed to be. In this current year the budget is \$51.6 million, because that is our projection of what we will need. Nobody is ever, ever, ever turned away from temporary accommodation for budget reasons—no ever.

The Hon. ROSE JACKSON: Your suggestion is that there is just less need? We have gone from \$55 million in 2019-2020 down to \$41 million and it has gone back up to \$51 million. You are telling me that that is just because less people needed temporary accommodation?

Mr ALISTER HENSKENS: I think, Ms Jackson, you are confusing the notion of a budget, which is a future estimate of expenditure against what has actually been expended, if I understand Mr Vevers' answer. The reality is, as Mr Vevers has said, whether that budget is exceeded or not, people are given temporary accommodation. There is no financial constraint on the provision of the services by the future estimate of how much may be a reasonable provision.

The Hon. ROSE JACKSON: I see that the figure went up, Mr Vevers, because it was \$36 million. I see the point that you are making, which is you felt as though you required additional funding and it was topped

CORRECTED

up to \$41 million. But it does seem a bit odd that it went from \$55 million in a year in which there was only a relatively short period at the end in which we were dealing with the impact of the lockdowns to an over \$10 million drop in the period 2020-2021. That is just based on need, that people did not require nearly as much temporary accommodation in that period?

Mr ALISTER HENSKENS: It was a future estimate, Ms Jackson.

The Hon. ROSE JACKSON: It is not, Minister.

Mr VEVERS: If I may say, the actual expenditure was \$2 million more than that. The budget, you asked me, was \$41.5 million. The actual expenditure was \$43.3 million in that year. This year the budget is \$51.6 million. It is actually a demand-led budget, and in the first lockdown the peak was over 2,200 and it stayed at that rate for quite a while. In the second lockdown there were just a few days when there were 2,000 people and it dropped from there. But it is what we call a demand-led budget. No staff member refuses anybody temporary accommodation if they come within the policy.

The Hon. ROSE JACKSON: Minister, how many dedicated specialist homeless services are there for women over 55 in New South Wales?

Mr ALISTER HENSKENS: As to the number of the services, I think Ms Campbell is qualified to answer that.

Ms CAMPBELL: Thank you, Minister. Can you hear me now?

The Hon. ROSE JACKSON: Not very well.

Ms CAMPBELL: In terms of the number of [inaudible] services, we do not have dedicated specialist homelessness services [inaudible].

The ACTING CHAIR: I am sorry, Ms Campbell, that connection is not going to be adequate. We get about two words in three. We might have to pause this question. We will come back to it at a later point. One of the options might be if you turn your video off and we will see if we get a better audio stream. Are you still aware of the question?

Ms CAMPBELL: Yes, I am.

The ACTING CHAIR: We will try again, Ms Campbell.

Ms CAMPBELL: In terms of women over 55 in specialist homelessness services, we do not dedicate specialist homelessness services for women over 55. They would be [inaudible] a wide range of [inaudible]. We also [inaudible] 86 [inaudible] refuges—

The ACTING CHAIR: Ms Campbell, I am sorry to cut across you again. We are still getting only about two words in three. We might see if you can work with the secretariat over the next little bit to improve that connection. We will have to come back to that. I am sorry, Ms Jackson. Minister, how many children are currently in alternative care arrangements?

Mr ALISTER HENSKENS: Mr Shoebridge, that number fluctuates. I believe the most recent number is about 100. I will ask Ms Czech to give the precise number.

Ms CZECH: As of 12 October there were 91 children in alternative care arrangements [ACAs].

The ACTING CHAIR: How does that compare to this time last year, Ms Czech?

Ms CZECH: I will refer to my notes. Bear with me for a minute. If we go back to 30 September 2019—I know that is longer than 12 months—there were 173 children in ACAs at that period. If I could take on notice from 12 months ago, I can provide that figure to the Committee.

The ACTING CHAIR: If you can throughout the course of the morning, that would be good, Ms Czech.

Ms CZECH: Sure.

The ACTING CHAIR: Of the 91 children in alternative care arrangements, how many of those are Aboriginal and Torres Strait Islander children?

Ms CZECH: Of the 91 children at 12 October, 47 per cent of those children are Aboriginal children.

The ACTING CHAIR: So it is more than half now. Can you tell me what proportion of the children in alternative care were Aboriginal or Torres Strait Islander? We will start with your 30 September 2019 data, but then if you can also provide 12 months ago on notice.

CORRECTED

Ms CZECH: I have not got the actual figure. Again, I can come back to the Committee during the course of this morning. I understand the proportion of Aboriginal children was about the same, but I will confirm that number for the Committee.

The ACTING CHAIR: Ms Czech, do you agree that alternative care arrangements are effectively the last resort? It is the arrangement that you would never want to proactively put in place. These are children staying in motels or hotels.

Ms CZECH: The bulk of children in alternate care arrangements are there purely because of emergency situations where we have not been able to locate a funded foster placement or a residential care placement. Approximately 40 per cent of the children in ACAs at any given time need a residential placement. That suggests, and indeed it is the case, that their support needs are incredibly high and means they need a higher level of support. But it is only used in emergency circumstances and absolutely as a last option. We also do everything we can to make sure that children exit those arrangements as quickly as possible. Indeed, almost 72 per cent of the children in those arrangements in any given period do exit within a period of 90 days.

The ACTING CHAIR: The last time I asked about this I was told that a child had been in alternative care for some 190 days. In fact, the median was 55 days. That is an incredibly long time for a child to be without any kind of parenting figure in a motel. What is the longest stay at the moment based on the most recent data you have? What is the longest that a child who is still in alternative care, or who was at 12 October, has been in alternative care?

Ms CZECH: Sure. As at 12 October, the longest stay a child has been in that arrangement is just over 300 days. That is clearly unacceptable. In my view, one day is too long. That child, who is 12 years of age, had some quite complex needs, was to return home. Those plans changed, unfortunately, just recently, which has delayed his exit from the ACA.

The ACTING CHAIR: Was that child Aboriginal and Torres Strait Islander?

Ms CZECH: Yes.

The ACTING CHAIR: Minister, are you still getting monthly reports about what is happening in alternative care arrangements?

Mr ALISTER HENSKENS: I actually get weekly reports.

The ACTING CHAIR: How do you explain that a 12-year-old child—now 12—has been 300 days basically living in a motel under your care?

Mr ALISTER HENSKENS: Mr Shoebridge, I share your concerns about this issue. I have made it a weekly item on the agenda of my meetings with the executive of the department, and they regularly give me briefings on strategies to exit particularly the longer-term children out of ACA. I think Ms Czech has already said that many of these children have very complex needs and it is very difficult to arrange a foster parenting or other type of accommodation solution for them. One of the initiatives that I have asked them to do, which is currently in place, is to provide a different model for these children with the more complex needs to which Ms Czech could speak to. That work is underway and I hope to implement that soon.

The ACTING CHAIR: Minister, a 12-year-old child has been 300 days basically in a motel, probably moving from motel to motel, with no permanent home and no permanent carer. That is an almost impossible burden for that child to ever overcome, and I cannot understand how it is 300 days, Minister. I cannot. Ms Czech, do you have an explanation?

Ms CZECH: That young person is in a serviced apartment. Again, I am not advocating for that type of arrangement. He has a core support team so that team does not change. So he is not moving, as you describe, on a regular basis from hotel or serviced apartment to serviced apartment. He has a core staff that works with him—again, not ideal for any 12-year-old but at least it is some consistency while we work to the longer-term option for that young boy.

The ACTING CHAIR: But staff rotate in on a 24-hour roster.

Ms CZECH: That is correct.

The ACTING CHAIR: He does not have a parent figure; he does not have a carer figure. He just has staff rotating in and out through the serviced apartment for 300 days. It seems a breach of the duty of care, Minister, over that young person's welfare. What do you say?

Mr ALISTER HENSKENS: Mr Shoebridge, I share your concerns. I have been working with the department. As you would appreciate, I have only been in the job for a relatively short amount of time but this is

CORRECTED

certainly one of the issues that I have prioritised to improve. We are working on a better model for these children, particularly the long-term children, because I agree with you—it is unacceptable.

The ACTING CHAIR: Ms Czech, what is the median stay that children have in alternative care?

Ms CZECH: The median stay is six weeks.

The ACTING CHAIR: So it is 42 days?

Ms CZECH: Median length of stay—41 days.

The ACTING CHAIR: It is 41 days. Is it the absence of sufficient residential care facilities that is the sticking point here?

Ms CZECH: There is a range of factors that contribute to the situation. So there is a proportion of children in ACAs who should be in foster care, and foster carers generally are in short supply. Typically children that are in ACAs are a little bit older. Unfortunately, most foster carers do not want to care for an older child, particularly children who might have some more complex needs. As the Minister mentioned, we have currently in procurement—so I am limited in what I can say—another model that will come onto line later in the year, which is a short-term emergency placement model, and that is for children who have more medium and high support needs. It is similar to residential care. I think it would be remiss of me not to say that there are some children, particularly older children, that do need to go into a residential care model that has a therapeutic intervention because that is how they recover from trauma. But obviously in an ACA, those things cannot happen in the way we would like them to.

The ACTING CHAIR: Indeed. In fact, it is like warehousing children, often who have come from deeply traumatic experiences, and they are just literally warehoused—in this case for 300 days. What kind of outreach is being provided? What trauma care is being provided for children in alternative care?

Ms CZECH: We have a range of support services that are provided to children and that will vary on a case-by-case basis, depending on the needs of a particular child. We have an internal program, which is the LINKS Trauma Healing program, which has been incredibly successful providing support to children in ACAs to help them recover from trauma and provide support quite intensively in those placements. But we also lean on our colleagues in Health and Mental Health—again, depending on the circumstances of the child and their needs—and we also have our own psychologists that are able to provide support as needed, particularly around the writing and implementation of behavioural support plans.

The ACTING CHAIR: Ms Czech, what is the rate at which children in alternative care arrangements attend school? How much school are they missing?

Ms CZECH: My understanding, Mr Shoebridge, is the majority of children are either attending school, or in some cases they have been excluded from school because of their behaviour. In those cases, those children are undertaking homeschooling. The actual figures, if we could take that on notice, we can provide those to the Committee.

The ACTING CHAIR: A child in alternative care arrangements, who has been excluded from school and not attending school, is literally 24 hours a day in a motel or 24 hours a day in a serviced apartment, with no interaction with family members and no interaction with peers. That is why I am asking about this, Ms Czech.

Ms CZECH: Like I said, we will provide the numbers for the Committee's information. Again, on a case-by-case basis, children will have usually a weekly activity sheet that they are involved in putting together. It does not mean that they stay on that premises 24/7. They are often out engaging in either therapy or other activities in the community but, again, it will vary child to child.

The ACTING CHAIR: If you are 12 years old and your outing for the week from your alternative care arrangement is to go and see your therapist, then the State is failing you, is it not, Ms Czech?

Ms CZECH: Like I said, there will be a range of activities during the week. It could be therapy sessions and these children have experienced quite significant trauma that means they do need to engage in those services, again, on an as-needed basis. But there is a range of other activities that they will engage in. Many of them are involved in sporting clubs. I was only looking at a little boy the other day who had been playing soccer prior to COVID but was keen to, hopefully with the restrictions easing, enter into the cricket season in the next few weeks.

The ACTING CHAIR: So there is one child in alternative care who may be going to cricket at some point. It is not really an answer to the issue, Ms Czech.

Ms CZECH: No. Sorry, that was just an example, Mr Shoebridge. My point is children, again, will vary from one child to the next, but they do have a range of activities they undertake during the week.

CORRECTED

The ACTING CHAIR: Ms Czech, I will just be quite clear: I am not persuaded that, in any way, that is even closely adequate for a child. I am suggesting you do not believe that either. Is that right?

Mr ALISTER HENSKENS: I think, Mr Shoebridge, if I may say, Ms Czech has explained that the welfare of these children is being monitored by professional experts—far more expert than you or I—who have devised a plan for them, which is in their best interest and includes sport and other activities. You have tried to characterise it, quite unfairly and inconsistent with the evidence of the witness, as merely going to see their psychologists when in fact she has explained to you that they engage in a range of community activities on the advice of professionals. Now, is it an ideal situation? No, it is not. But I do not think you should misrepresent the evidence of the witness.

The ACTING CHAIR: Ms Czech, is that your evidence that these children in alternative care are having, on a weekly basis, scheduled regular social and sporting activities? Is that your evidence? That is what the Minister says your evidence is. Is that your evidence?

Ms CZECH: Like I said, on a case-by-case basis it will vary, but children do engage in a range of activities through the week. I know that because, like the Minister, I am reviewing the circumstances of children each week—sometimes more frequently—as are my colleagues in each of the districts through regular what we call panels to not only expedite the exit of those children to a funded placement but to make sure that they are engaging in activities, whether it is therapy or any other activities.

The ACTING CHAIR: Minister, have you spoken with parents who have had their children returned to them from alternative care arrangements and heard from them what the experiences of their families were? Have you had the chat with parents who finally had their kids come back from six months in alternative care or three months in alternative care and actually heard firsthand what the experiences are? I have. Have you?

Mr ALISTER HENSKENS: Mr Shoebridge, I agree with you that this is not a desirable outcome for young people. That is why I have been working with the department to reduce the number of days that these children are in this type of care.

The ACTING CHAIR: Minister, have you spoken with the parents who have finally had their children come back from alternative care and heard about what the actual experience is, not through Ms Czech but directly from the parents? I have and I can tell you now this discussion about social events—

The Hon. TREVOR KHAN: Well, David—

The ACTING CHAIR: —and sporting events and social activities is not the experience that has been reported to me.

Mr ALISTER HENSKENS: It has obviously got to be—

The ACTING CHAIR: What is the experience that has been reported to you?

Mr ALISTER HENSKENS: It has obviously got to be appropriate to the child.

The ACTING CHAIR: Are you willing to meet with parents, if they want to reach out to you, to hear their family's experience?

Mr ALISTER HENSKENS: Of course I am.

The ACTING CHAIR: Alright. I think you will be taken up on that, Minister, and I am grateful for your willingness to do that. I think it is important. Minister, what proportion of the New South Wales child protection and out-of-home care budget is directed to prevention and early intervention? By that I am including family support and restoration services.

Mr ALISTER HENSKENS: So \$2.5 billion is committed towards the safety and welfare of vulnerable children. You are asking particularly in respect of early intervention?

The ACTING CHAIR: What I am really seeking is of that \$2.5 billion, how much is spent on statutory out-of-home care services, such as the removal process, as opposed to how much is spent on prevention and early intervention? The Tune report has made a series of caustic observations about it in the past. I am asking what the state is now.

Mr ALISTER HENSKENS: In this year's budget, if I can just give you the breakdown of various different expenditures, some \$756.5 million has been invested in statutory child protection interventions and assessment of child abuse and neglect, and supports keeping children safely at home and preventing entries to out-of-home care. Some \$164.2 million is invested in targeted early intervention services that support children, young people, families and communities experiencing or at risk of vulnerability.

CORRECTED

The ACTING CHAIR: Out of a 2.5—

Mr ALISTER HENSKENS: Sorry, and \$1.4 billion is to fund out-of-home care and permanency programs.

The ACTING CHAIR: Out of a \$2.5 billion budget, \$164 million is targeted to early intervention; is that right?

Mr ALISTER HENSKENS: No, because part of the \$756.5 million supports statutory child protection interventions and, as well, an assessment of child abuse. I am not sure of the complete—

The ACTING CHAIR: Assessing child abuse is not early intervention. That is not directed at helping families. What of the \$756 million would be categorised as prevention and early intervention?

Mr ALISTER HENSKENS: I am not sure I agree with the proposition you made with regard to that first amount. When the statutory child protection system comes into place or intervenes, the last resort is for children to go into out-of-home care. The principal objective is to work with the families to ensure that that outcome does not occur. I am not sure that—

The ACTING CHAIR: Minister, I am asking you—

Mr ALISTER HENSKENS: I am not sure I agree with you that you can discount all of that \$756 million—

The ACTING CHAIR: I am asking you—

The Hon. TREVOR KHAN: Point of order—

The ACTING CHAIR: Of that \$756.5 million, how much is actually being spent on helping families? That is, money to support families and to prevent children being removed. How much of the \$756 million in that statutory child protection bucket is actually being spent to help families?

Ms CZECH: If I could make a contribution, that \$700 million in part funds 2,333 caseworkers. Last financial year we completed more than 36,000 risk assessments. A very small proportion of those risk assessments meant that children actually came into care. I would have to check my notes for the actual figure but it was around the 2,400 mark, from memory. You could argue that the remainder, on balance—again, depending on need and the outcome of a risk assessment, but families were supported—was not only to mitigate the risk that might have been presenting but to provide ongoing support to families.

The ACTING CHAIR: What ongoing support is being provided to families? How much of the \$756 million has been allocated not to paying for caseworkers, not to pay for the assessment within the department and employee costs? I am asking—and it should be a fairly straightforward question and answer—how much of the \$756 million has been spent on early intervention and supporting families?

Mr ALISTER HENSKENS: We can probably take it on notice, but we would need to cost services like Brighter Futures, Youth Hope, Intensive Family Preservation, Multi-Systemic Therapy and so on. There are a range of programs that are included within that \$756.5 million number. We could cost those, perhaps, to give you the more granular detail that you seem to be after.

The ACTING CHAIR: It is not just me—and I will hand over to the Opposition at this point—but pretty much everybody engaged in this space wants to know how much is being spent on removing kids and how much is being spent on supporting families. We are at budget estimates and we do not seem to have that most basic data.

The Hon. TREVOR KHAN: They are entitled to take it on notice, David.

The Hon. ADAM SEARLE: We are entitled to ask the next round of questions.

The ACTING CHAIR: Indeed. I note that Ms Campbell is joining us via teleconference. Ms Campbell, can you hear us?

Ms CAMPBELL: Yes, I can. Can you hear me now?

The ACTING CHAIR: I can. That is coming through loud and clear.

The Hon. ADAM SEARLE: We are not complaining.

The ACTING CHAIR: And Mr O'Reilly?

Mr O'REILLY: Can you hear me?

CORRECTED

The ACTING CHAIR: We can. You two are coming through more clearly than the Minister. The Opposition has the call.

The Hon. TARA MORIARTY: Good morning, Minister. Good morning, everybody. Thank you for joining us today, here and online. I will start with some questions about the management of COVID in Juvenile Justice. Who was or is responsible for the management of COVID planning in Youth Justice centres?

Mr ALISTER HENSKENS: Without going to Mr O'Reilly, who has more details, it is a combination of DCJ on advice from Health. Mr O'Reilly, is that correct?

Mr O'REILLY: I am responsible for the COVID-19 response in Youth Justice. I undertake with my team a rolling series of risk assessments to inform all of our decisions and we take input from a range of people, mainly Health, Justice Health and the public health team. We have also consulted at various points with the Clinical Excellence Commission. We also consulted frontline staff, our clients. The Public Service Association [PSA] is incredibly helpful in working alongside us to assess risk and we draw on expertise depending on the question that we are asking.

The Hon. TARA MORIARTY: That is quite a wide range of groups—[audio malfunction]. No, that is not going to work.

The ACTING CHAIR: Both witnesses who are online are going to have to be quite vigilant about muting, even when you are being asked questions, if you possibly can. Good luck.

The Hon. TARA MORIARTY: Particularly to me, I think. Mr O'Reilly, can you talk to me about the role that Justice Health and Forensic Mental Health Network has played in planning and also advice during the COVID outbreak over the last couple of months?

Mr O'REILLY: Yes. Your voice is quite faint, but I think you asked me the role of Justice Health in planning and responding. Is that correct?

The Hon. TARA MORIARTY: Yes.

Mr O'REILLY: We work very closely with Justice Health. There are Justice Health staff embedded in each of our six centres and they work alongside the centre management team in day-to-day responses. But there is also an overarching approach where my senior team pulls together a business continuity plan in response to any major incident—whether it is bushfires or whatever. In this case it was in response to a pandemic. Not only is Justice Health consulted in the development of that plan but they have an overview before it comes to me to sign-off and I might discuss elements of it. They also work alongside my executive director counterpart at Justice Health, so that we can plan together. For example, since the vaccine has become available we planned a series of vaccination clinics in the centre. It was planned between myself and my counterpart in Justice Health and then administered by the nursing unit managers in each of the centres. It really is a partnership. We work together on each of the questions and we try to be available to each other 24/7 to answer any questions, and try to get ahead of the risk as much as we possibly can.

The Hon. TARA MORIARTY: That is useful in terms of how you plan for the risk but, of course, COVID did make its way into your service. What was the process put in place to manage any positive cases? You can talk about the positive cases that were found in the centre, did that come in from outside? What was the process for managing kids as they came into the system, particularly in relation to COVID?

Mr ALISTER HENSKENS: Would you like me to speak to that?

The Hon. TARA MORIARTY: Yes, sure.

Mr ALISTER HENSKENS: At a fairly early point in time—and Mr O'Reilly can give details—there was compulsory rapid antigen testing for anybody that came within our facilities. With regard to new detainees, they came in, they were quarantined and then given a polymerase chain reaction test. If the PCR test indicated that they were positive, then they remained in quarantine and segregated from the rest of the population in the detention centres. Then there has been a vaccination rollout with regard to both the detainees and also the staff. Mr O'Reilly may wish to add any detail to that that I have left out.

The Hon. TARA MORIARTY: I will ask about both of those things in a little more detail. In terms of the rapid testing, when did that start? That was after you had cases inside of the system.

Mr ALISTER HENSKENS: I think it predated them, but Mr O'Reilly can correct me if I am wrong.

Mr O'REILLY: Our first case was 5 August and rapid testing started shortly after that [audio malfunction]—

CORRECTED

The Hon. TARA MORIARTY: Sorry, Mr O'Reilly, we might need to try that again.

The ACTING CHAIR: Mr O'Reilly, definitely put your computer on mute if you have the phone happening. But we will try again.

Mr O'REILLY: The computer is on mute, I can promise you. We will see if that is any better. Is that better?

The ACTING CHAIR: It is.

Mr O'REILLY: Okay, I cannot hear you now, but I will do my best. The first case in custody was 5 August and rapid antigen testing started after that. We had to wait until the regulator approved rapid antigen screening in New South Wales and the minute it was approved we commenced, alongside Corrective Services. That was led by Justice Health and by us. So rapid antigen screening is now in place in all of our centres and all of our Children's Court locations, where we control access to Children's Court for our clients. That process is underway now. We have had a range of things in place to protect the system and to protect people from COVID-19 coming into the system since early 2020 when it started, including ceasing of social visits and family visits. We started them up again between the outbreaks but then we closed them again. That is to minimise the risk of it coming in.

We have also had temperature testing in our centres since the beginning of the first outbreak. We have also had screening, in terms of questions about where people have been. We have had QR codes in place as soon as they became available from Service NSW. We have also been vigilant about asking people if they have any symptoms and not allowing them stay at work if they have; utilising special COVID leave. So that people who are casual do not have a perverse incentive to come to work if they are sick. We have been really careful to make sure that people are not coming to work if they are unwell.

When people are admitted to custody we talk to the police when they bring people in, to test if they have any information that might be relevant to COVID screening. When they come into custody they are screened by the Justice Health person as part of the admissions process and put into quarantine for 14 days. They are tested for COVID-19. If they have symptoms or if they are COVID-19 positive, they go into a different kind of quarantine called medical isolation. That is a different kind of quarantine. It is far more strict but within the regulations, of course. They have very careful medical supervision for the duration until they clear up their symptoms and test negative for COVID-19. Rapid antigen screening has been used in the centres for a few weeks now, to screen all staff and everybody else. People are waving. I cannot hear.

The ACTING CHAIR: I think it is particularly difficult for Mr O'Reilly and I am appreciating his engagement. Mr O'Reilly, I see you are nodding. Thank you for that. The arrangement you are going to put in place is turn your volume up until you are speaking, and then you are going to turn your volume down. We will keep that in mind.

Mr ALISTER HENSKENS: Mr Chair, can I first of all apologise that I was wrong as to the chronology with regard to rapid antigen testing. Ms Moriarty, the first case within a detention centre, we certainly did have that arrangement with regard to quarantining new detainees coming into the detention centres. In fact, the first case was in quarantine within the detention centre when they tested positive to a PCR test. So they had been segregated from the prison population.

The Hon. TARA MORIARTY: Clearly that is where I am headed with this. I am critical of the fact—thank you, Mr O'Reilly, for outlining the processes that have been in place after COVID got in. I know you have had some processes in place since last year.

Mr ALISTER HENSKENS: No, sorry, that is my point. My point is that, as Mr O'Reilly described, the rapid antigen testing—

The Hon. TARA MORIARTY: I accept that.

Mr ALISTER HENSKENS: —had not been approved for use prior to that first case. However, we had ceased any external visits and there were strong biosecurity procedures in place, not including rapid antigen testing, with regard to staff and anyone else coming within the prison environment. In addition to that, new additions into the detention centres who had obviously come from out in the community that we could not control, were put in a quarantine situation and tested with a PCR. If they tested positive, as the first case did, they remained in quarantine and did not interact with the rest of the prison population.

The Hon. TARA MORIARTY: Again, PCR testing was not until after the cases got in. Now PCR testing is something that was not approved until later?

Mr O'REILLY: No, that is not correct.

CORRECTED

The Hon. TARA MORIARTY: When did you start it?

Mr O'REILLY: PCR started as soon as PCR testing became available last year.

The Hon. TARA MORIARTY: Sorry, I should be referring to the rapid testing, which also changed.

Mr ALISTER HENSKENS: The first case—

The Hon. TARA MORIARTY: It does not matter. That is not the point.

Mr ALISTER HENSKENS: —was PCR tested while they were in quarantine. The test came in—Mr O'Reilly will correct me—within 24 hours or so of that person being put in the quarantine part of the detention centre. He remained in quarantine and did not interact with the rest of the population at that centre for—I think he may have actually exited the centre within the 14 days. But anyway, he did not have interaction with the rest of the population.

The Hon. TARA MORIARTY: There are cases with staff working in the system and, in fact, one of the employees in the system died. I want to be very careful about raising that. I am very sorry for his family and for the people who worked with him; it is a tragedy. How many cases were there for your staff in Youth Justice, in addition to him?

Mr O'REILLY: To date?

Mr ALISTER HENSKENS: I will cut to Mr O'Reilly.

Mr O'REILLY: Firstly, the person who is deceased, I spoke with his family and they find public discussion about it is very distressing. I will just point out that he was not in our centres and he did not contract COVID-19 in our system. It is a very private and sensitive matter so I would rather not discuss it. We have had 13 staff contract COVID-19. Three of those staff contracted COVID-19 [inaudible]. Of the 13 people who contracted COVID-19—three in the workplace, one is deceased as I mentioned, and the other 12 have recovered. We have 28 young people who have been in our system who have tested positive to COVID-19. Two of those 28 contracted COVID-19 in our system. Of the 28 who contracted COVID-19, three are currently in custody [inaudible]. The other 25 have recovered and/or are discharged.

The ACTING CHAIR: Mr O'Reilly, you are coming through in quite a broken way because you are no longer coming through the telephone link.

Mr ALISTER HENSKENS: Could I give the numbers that I think he gave for the benefit of the Committee?

The ACTING CHAIR: Thanks, Minister.

The Hon. TARA MORIARTY: Yes, that is what we need.

Mr ALISTER HENSKENS: Mr O'Reilly can hear this and he can correct anything if I have misunderstood him. Thirteen of the 1,380 Youth Justice staff have tested positive. That includes, unfortunately, the one gentleman who is deceased who did not become infected within the prison environment. Of the other 12 staff members, they have all recovered from their illness. There are 28 young people in Youth Justice who have tested positive. Only three of those, I believe Mr O'Reilly said, contracted it within the Youth Justice environment. I think he said that 25 have now recovered and that there are three who are still sick, but I may have misunderstood that.

Mr O'REILLY: I am back on the phone now. Is that any better?

The ACTING CHAIR: Yes, but you are unfortunately coming through both Webex and telephone. Fire away.

Mr O'REILLY: My computer link is on mute.

The ACTING CHAIR: You are good now.

Mr O'REILLY: Should I have a go? The Minister's numbers are largely correct. Twenty-eight young people have tested positive. Two of those contracted COVID-19 in our care and the other 26 did not. Currently in custody we have had three young people who are infectious with COVID-19 and they are in medical isolation, obviously. The other 25 have recovered and/or are discharged from custody through bail.

The Hon. TARA MORIARTY: How many of the young people who contracted COVID were hospitalised?

Mr O'REILLY: One was hospitalised—the very first one, in fact.

CORRECTED

The Hon. TARA MORIARTY: How was the care of the others managed while they were in detention?

Mr O'REILLY: They were managed in medical isolation and supervised by Justice Health. It is just a question of monitoring their condition on a regular basis. For example, I cannot speak for Health but monitoring blood oxygen levels is one of the most important things. There are techniques arranged for that. They are overseen very carefully by staff who obviously are trained to do so and who have head to toe personal protective equipment [PPE]. At Cobham Youth Justice Centre we have established a COVID unit where COVID positive young people are held. That unit is set up especially to manage COVID positive people. It is very secure and very well organised. I have visited that centre myself and visited the young people who have COVID and staff. It is a very calm and supportive environment to make sure that they are able to recover as quickly as possible. And they have access to legal support so they can make their bail applications as appropriate.

The Hon. TARA MORIARTY: I have one final question in this round. Thank you for the breakdown of the staff. I am very mindful that it is very sensitive in terms of the person who died. I do not want to intrude but it is still relevant and there is public interest around it. I understand your evidence that it was not contracted at work but is it being treated as a workplace situation?

Mr O'REILLY: No, it is not a workplace situation. The person contracted COVID-19 in the community and they did not come into work while they were infectious. That is all I am prepared to say on that matter, to be frank, because, again, I have spoken with the family and they find public discussion about this extremely distressing. I do not want to be party to discussion about that any further, I am sorry.

The Hon. TARA MORIARTY: I do not want to be insensitive about it but I am going to ask about it. So it is not being treated as a workers comp insurance-type situation from the perspective of your organisation?

Mr O'REILLY: No.

The Hon. TARA MORIARTY: I will turn to vaccinations because, like in Corrections proper, I understand that you have rolled them out now but the rollout was too slow. What is the status now of staff? What is the breakdown for people who are either partially or fully vaccinated?

Mr O'REILLY: Everybody working in frontline Youth Justice has at least one vaccination. That has been a requirement since 25 October. Eighty-five per cent have two doses. By 17 January, all will have two doses. That is the staff breakdown. Young people in custody—

The Hon. TARA MORIARTY: All staff have had one dose or are there people who—

Mr ALISTER HENSKENS: Yes.

The Hon. TARA MORIARTY: —because I know it was compulsory from, when was it, 25 October? Correct me if I am wrong.

Mr ALISTER HENSKENS: Twenty-five October.

Mr O'REILLY: Twenty-five October.

The Hon. TARA MORIARTY: Are there any who are not vaccinated or might be on leave because they have not been vaccinated?

Mr O'REILLY: There would be a small number but they are not working in frontline Youth Justice currently because they would be on leave because they are not allowed to work in Youth Justice front line without at least one jab.

The Hon. TARA MORIARTY: I want to ask about the circumstances around that. What is the number of staff who have not had any vaccination at this point?

Mr O'REILLY: It is approximately 20. I will come back to you with the exact number because it does change each day. There are people who would not have been vaccinated by 25 October but will have arranged their vaccination since then. We will take on notice the exact number who are not quite compliant, but also I can assure you they are not working at the moment.

The Hon. TARA MORIARTY: I want to know about the long-term planning for that. Out of that roughly 20—and I accept that you will come back with the specifics—have they made appointments? What are the arrangements going to be if they are refusing to do it?

Mr O'REILLY: It varies. There are some people who have made appointments, there are some people who are seeking a medical exemption and have not managed to put it in place yet, and there are some people who have made a decision not to get vaccinated. They will need to make a choice about whether they take their leave and reflect and change their minds or whether they leave the service.

CORRECTED

The Hon. TARA MORIARTY: What is the time line for that? I understand this is an issue everywhere, but you do not have a massive amount of staff so even 20 will have an impact on the work that is done. The date was 21 October or 25 October—whatever the compulsory date was. What is the time line for resolving this?

Mr O'REILLY: We need to do it as quickly as possible because it is urgent, but they are individual circumstances so I cannot predict how long it will take. But I can assure you that there are 1,200 operational staff and there is no impact on service continuity as a result of this because the numbers of noncompliant people are small compared to the overall staff, which is around 1,200 operational staff.

The Hon. TARA MORIARTY: What about the—

Mr ALISTER HENSKENS: And mandatory vaccination is with the full support of the unions too, I might add.

The Hon. TARA MORIARTY: I support it too but I still need to ask some questions about what the logistics will be for people who are not doing it. It is a question across government.

The Hon. TREVOR KHAN: It would be less than the people who are normally off with flu.

The ACTING CHAIR: Twenty a year.

The Hon. TARA MORIARTY: They are relevant questions. I have the answer, thank you.

The Hon. ADAM SEARLE: Your time for questions is later.

The Hon. LOU AMATO: Right at the end.

The Hon. TARA MORIARTY: In terms of the young people who are in detention, what is the vaccination rate?

The Hon. TREVOR KHAN: I was just making a statement as opposed to asking a question.

The Hon. NATASHA MACLAREN-JONES: That would be the dream.

The ACTING CHAIR: Order!

Mr O'REILLY: I think I heard. The question was about vaccination rates for young people in custody. Is that correct?

The Hon. TARA MORIARTY: Yes.

Mr O'REILLY: Excellent. Currently 70 per cent of young people in custody have one dose and 56 per cent have two doses. It has been higher than that but what happens is people who are vaccinated are then discharged from custody. Because we only have 172 people in custody, 10 people discharged who are vaccinated does impact the percentages. But we are satisfied we are doing all we can. We have had a vaccination scheme in place since the vaccination was approved by the regulator. For many months people under 18 and then under 16 were not eligible, so lots of kids in custody were not eligible. But once it was eligible for everybody from 12 up, our numbers of vaccinated kids really shot up. We have had it as high as 78 per cent. We have had it as high as 95 per cent for Aboriginal young people in custody. But, again, as people are discharged, the percentages drop. It is a very unstable population. What we do now is 14 days' quarantine for every admission. They are offered a vaccination at the beginning, the middle and the end of that 14-day period. During that period, most young people accept the offer and receive a vaccination dose.

The ACTING CHAIR: Mr O'Reilly, I am endeavouring to be a poorly qualified IT support person, but the advice we have from the secretariat is it might be best to listen through your phone. Put your phone on speaker, if at all possible, and entirely engage your voice and the sound through the phone.

Mr O'REILLY: Yes.

The ACTING CHAIR: Minister, how many children between the ages of 10 and 13 are in jail?

Mr ALISTER HENSKENS: At one point I did know that there were no people between the ages of 10 and 12 in jail. I am not sure of 13. I am aware that there are some inmates, or detainees, who are 13. I am not sure if Mr O'Reilly knows the number.

Mr O'REILLY: There are three people under 14 in custody today.

The ACTING CHAIR: Over the course of the last 12 months, how many children aged 10 to 13 have been in custody?

CORRECTED

Mr O'REILLY: The average per day is five over the last 12 months, and the same over the previous 12 months.

The ACTING CHAIR: How many individual children aged 10 to 13 have been held in custody, held in jail, over the last 12 months, Mr O'Reilly?

Mr O'REILLY: That would require a bit of analysis, which we can take on notice, because there are some who have come in multiple times.

The ACTING CHAIR: I understand.

Mr O'REILLY: In terms of how many individuals, we would have to do some work on that and come back to you.

The ACTING CHAIR: Would you know what the average length of stay, the average length of detention, is for children aged 10 to 13?

Mr O'REILLY: Not off the top of my head. The vast majority are on remand, as you would expect, but we do not know right now what the average number of days is, but that is a piece of analysis we can do quickly and come back to you within the 21 days.

The ACTING CHAIR: Mr O'Reilly, you have jumped to my next question, which is: What proportion are on remand and what proportion are sentenced?

Mr O'REILLY: Of the three, my understanding is one is on a control order and two are on remand.

The ACTING CHAIR: Could you possibly give us the analysis on remand over the last 12 months as well?

Mr O'REILLY: Certainly.

The ACTING CHAIR: Thanks. How many children were there in detention last night, if you have got the data or the most current data?

Mr ALISTER HENSKENS: I think the number that—

Mr O'REILLY: It is 172.

Mr ALISTER HENSKENS: Yes.

The ACTING CHAIR: Breaking that figure down, how many of those are on remand and have not yet been convicted?

Mr O'REILLY: One hundred and nine of those are on remand.

The ACTING CHAIR: Of those 109, how are many are Aboriginal and Torres Strait Islander?

Mr O'REILLY: Forty-six per cent, so 45 of the 109 young people on remand are Aboriginal young people.

The ACTING CHAIR: Of the 172?

Mr O'REILLY: Seventy-six are Aboriginal, which is 44 per cent.

The ACTING CHAIR: What is the principal reason, Mr O'Reilly, if you are aware of it, why children are being held on remand? Is it risk of flight or is it inadequate housing options? What is the principal reason?

Mr ALISTER HENSKENS: I think two of the 13-year-olds are on remand for murder, Mr Shoebridge.

Mr O'REILLY: I would say there are a range of reasons. I am happy to answer the question and I will answer it in full, of course, but I just wanted to also add that a lot of this relates to decisions of police and courts, and I cannot speak for those agencies.

The ACTING CHAIR: Correct.

Mr O'REILLY: But we do work closely with them and we do look at the data, because it is very important to us. Previous history of bail breaches and an assessment of risk by the bail decision-maker are the primary reasons why bail is refused. This morning when I checked the data there were no section 28 bail people on remand—in other words, there were no people on remand for the only reason being they could not have accommodation, but that is not always the case. Sometimes there are a number in custody and they are in custody for that reason but today there happen to be none. The number of people who are in custody just because of

CORRECTED

accommodation is low but, again, we also have a low number of people in custody, full stop—very low. Generally speaking, it is history of bail breaches that is the problem.

Mr ALISTER HENSKENS: You will know, Mr Chair, that there were over 400 people in youth detention when this Coalition Government came to power and it is now 172, a reduction of over 50 per cent.

The ACTING CHAIR: Minister, I think it has been one of the genuine achievements in youth justice, the reduction in number of children in detention. I was actually just going to ask Mr O'Reilly about section 28 and the Bail Act reforms. Mr O'Reilly, those appear to be actually working, the ability to apply to the registrar without returning to court if accommodation options have been found. How is that working in practice?

Mr O'REILLY: It works reasonably well. Certainly our bail teams and our casework teams work incredibly hard and incredibly closely with the registrar of the Children's Court and also with Legal Aid and the Aboriginal Legal Service to put together viable bail support plans for young people. Accommodation is usually a part of that, but it is usually not the only part, and it really depends on the capacity of people like family to provide the right mix of protective factors to make that bail plan viable. I think it is a good partnership, if you like, of our staff, the court and the legal representatives to pull together the plan to keep the young person out of custody because we know that that is not the best place to undertake rehabilitation. In relation to bail, charges have not even been proven. We want people out of custody and putting supports in place and working on getting reconnected with school and family. That is what we want it to be.

The ACTING CHAIR: Are there arrangements in place, particularly for Aboriginal kids, to have more than one address for bail, noting they often move amongst family members where the support is available? Are those arrangements currently in place?

Mr O'REILLY: Wherever possible, but it is probably a better question for Legal Aid and the Aboriginal Legal Service, who represent those kids and put those matters forward. Certainly one of the things my team do is they certainly engage in family finding and searching for options for young people as part of their core business in terms of supporting bail plans wherever possible to put as many options into the mix as possible.

The ACTING CHAIR: Moving to a different point, Minister, how many children are in out-of-home care at the moment? Again, the most recent data you have.

Mr ALISTER HENSKENS: Yes. I will just ask Ms Czech just to give the absolute, most up-to-date number.

Ms CZECH: As at 30 June this year, there were 15,895 children in out-of-home care.

The ACTING CHAIR: Fifteen thousand—

Ms CZECH: Eight hundred and ninety-five.

The ACTING CHAIR: How does that compare to 30 June last year?

Ms CZECH: So 30 June last year, 2020, it was 16,160.

The ACTING CHAIR: Of the 15,895 children in out-of-home care, how many of those children are Aboriginal and Torres Strait Islander?

Ms CZECH: For 30 June 2021, 6,829 or 43 per cent of the 15,895 are Aboriginal.

The ACTING CHAIR: And last year?

Ms CZECH: It was 6,688, which is 41.4 per cent of 16,160.

The ACTING CHAIR: Minister, while the overall number of children in out-of-home care has reduced, the absolute number of Aboriginal children being taken and put in out-of-home care has increased, and the proportion of the young people who are Aboriginal has increased. How do you explain that?

Mr ALISTER HENSKENS: Look, the numbers have changed. It has not been a great change. I would suggest that neither number is acceptable and that there need to be less Indigenous children in out-of-home care.

The ACTING CHAIR: Is that the answer?

Mr ALISTER HENSKENS: Yes.

Ms CZECH: If I could add, Mr Shoebridge. We have seen in the last financial year a slight increase in Aboriginal entries to care. That increase, compared to last year, was an increase of just over 2 per cent. There has also been a decrease in the number of exits. When we say "exits"—and I am sure the Committee is aware of this—what we mean by that is where the children have returned home—so a restoration, a guardianship order or an open

CORRECTED

adoption order. We do not count as an exit children leaving care, but we have seen a slight decrease in the number of children exiting, particularly as it relates to restoration over the last 12 months.

The ACTING CHAIR: Minister, those figures for me are quite shocking. I cannot work out the exact number, but it would suggest—and I do not know if you have a data—that Aboriginal kids are in the order of 15 to 20 times more likely to be taken and put in care than a non-Aboriginal child. Do you have the data?

Mr ALISTER HENSKENS: I do not think that is the correct numbers, but it is too high. I am not going to argue around the actual figures. It is too high. It is not acceptable.

The ACTING CHAIR: I have just done the numbers. It is 16 times more likely—16 times more likely. An Aboriginal child is 16 times more likely to be taken from family, taken from country, and put into statutory out-of-home care than their non-Aboriginal counterpart. That is the analysis I have on those numbers. That is a damning indictment on the system, isn't it, Minister?

Mr ALISTER HENSKENS: It is not acceptable. That is why we commissioned the *Family is Culture* report. We are substantially down the track to implementing its recommendations.

The ACTING CHAIR: Minister, your government has refused to even look at the statutory reforms recommended in the *Family is Culture* report. It refuses to even look at them until 2024. We are seeing the results now with these figures, are we not?

Mr ALISTER HENSKENS: Mr Shoebridge, the Government has either completed or is in the process of completing 94 of the 125 recommendations, as you know. The only recommendations that have not commenced being implemented relate to the proposed statutory changes, which the Government had said it would do in 2024 when it does its usual statutory review of the legislation. The reason for that decision is to implement the other recommendations and have some data on how those other recommendations are tracking before statutory changes are considered.

The ACTING CHAIR: Minister, Professor Davis said the statutory amendments were "urgent" and pointed out that without them we will continue to see a grossly disproportionate number of Aboriginal children being taken. Your data proves that. You say you have been implementing some procedural and policy points, but while you have been doing that it has got worse. Do you accept now that you have made the wrong call?

Mr ALISTER HENSKENS: I do not consider the establishment of the Deputy Children's Guardian for Aboriginal Children and Young People a procedural reform. I do not consider the creation of the Aboriginal Knowledge Circle a merely procedural and non-substantive measure. You may consider that. I would be interested in you speaking to some of the members of the Aboriginal Knowledge Circle if that is the way that you would like to characterise their work. The department has also put in place an Aboriginal quality assurance team to implement the *Family is Culture* report. We have also created a new Aboriginal deputy secretary to guide the implementation of the report and the Closing the Gap targets. These are all substantive measures, Mr Shoebridge.

The ACTING CHAIR: I will tell you the core substantive measure: Some 43 per cent of the children in out-of-home care are Aboriginal or Torres Strait Islander kids. They are 16 times more likely to be taken from their home than non-Aboriginal kids. You tell those families that you have got additional bureaucratic appointments or additional procedures in place. You tell that to the families who have had their kids taken and they will tell you your government is failing, will they not, Minister?

Mr ALISTER HENSKENS: I think you need to discuss with Professor Davis whether she would consider those 94 of her 125 recommendations that we have either completed or are in the process of completing as being unnecessary or insignificant, as you describe them, or the 97 per cent of the over 3,000 individual case recommendations that she made which we have already completed. There has been a substantial amount of work done in implementing the recommendations of her report. Is there more to be done? Yes, there is. Are those percentages acceptable? No, they are not. But I do not think that you should—

The ACTING CHAIR: Minister, it has got worse.

Mr ALISTER HENSKENS: I do not think that you should diminish—

The ACTING CHAIR: It has got worse.

The Hon. TREVOR KHAN: Point of order: Acting Chair, if you fire a shot over his bow and he fires back he is entitled to fire his full locker. You should not interrupt him.

The ACTING CHAIR: Well, apart from advocating for peace and nonviolence I accept the point. Minister, had you finished?

CORRECTED

Mr ALISTER HENSKENS: I think I was saying that there has been substantial work done. When you consider that the Government's response was delivered in the middle of last year, I think we would all agree we have had a particularly troubling 12 months. Notwithstanding that, many of those recommendations have already been completed. I think it is now that we would hope to start seeing in the data the positive impacts of the implementation of those recommendations.

The ACTING CHAIR: What has been the budget allocation to implement *Family is Culture*?

Mr ALISTER HENSKENS: I think I will need to go to Ms Campbell for the monetary amount.

Ms CAMPBELL: Thank you, Minister. In terms of the funding, we have repurposed a number of resources within DCJ to really focus on what is a key priority for our department in implementing the *Family is Culture* report.

The ACTING CHAIR: So what is the budget?

Ms CAMPBELL: It comes from different parts of DCJ. I am happy to take that one on notice.

The ACTING CHAIR: Minister, what proportion of targeted early intervention service funding is actually provided to Aboriginal community-controlled organisations? Some 43 per cent of the kids in out-of-home care are Aboriginal and Torres Strait Islander kids. What proportion of early intervention service funding is going to Aboriginal community-controlled organisations? It was one of the core recommendations of the *Family is Culture* report.

Mr ALISTER HENSKENS: There is an officer-level working group co-chaired by AbSec CEO John Leha and Eleri Morgan-Thomas from DCJ, who is in the process of commissioning Aboriginal projects through the Aboriginal Affairs-led budget. I would need to take on notice the financial magnitude of the Aboriginal early intervention programs that you have asked about.

The ACTING CHAIR: How much funding has your government allocated to the implementation of the Aboriginal Case Management Policy and the rules and practice guidance, including establishing the Aboriginal community-controlled mechanisms, community facilitators and Aboriginal family-led decision-making consistent with the recommendations of the *Family is Culture* report?

Mr ALISTER HENSKENS: I will defer to Ms Campbell, but I believe that those matters are working their way through the Closing the Gap budgetary process for more resources. Many of the departmental resources are obviously dedicated to servicing Indigenous children.

The ACTING CHAIR: You are going to provide that on notice?

Mr ALISTER HENSKENS: Yes.

The ACTING CHAIR: What proportion of Aboriginal children in out-of-home care are in the care of Aboriginal community-controlled organisations? Again, it is a core recommendation of the *Family is Culture* report.

Mr ALISTER HENSKENS: We have been engaging more Aboriginal-controlled organisations to look after Indigenous children and implementing that part of the recommendations. Ms Czech can speak to that.

Ms CZECH: Mr Shoebridge, if it is okay I will give you a breakdown of where Aboriginal children are placed in the system, which might be helpful. To your first question: with an Aboriginal NGO, often referred to as an Aboriginal community-controlled organisation, at 30 June this year it was 1,406; a non-Aboriginal NGO, 1,687. My apologies, I should have given you the percentage. With an Aboriginal NGO it is 1,406, which is 20.6 per cent. With a non-Aboriginal NGO it is 1,687, which is 24.7 per cent. The remainder of 3,722, which is 54.5 per cent, are in the case management or the care of DCJ. There are 14 children where the record does not specify their current placement.

The ACTING CHAIR: We are about to go to morning tea. I will finish by asking this: Do you seriously believe you are on track to meet your commitment to transition all Aboriginal children in out-of-home care to Aboriginal community-controlled organisations by 2022? You are currently at 20.6 per cent.

Mr ALISTER HENSKENS: Certainly it is going to be a huge challenge.

The ACTING CHAIR: We will have a short break of 15 minutes and then we will resume.

(Short adjournment)

CORRECTED

The Hon. ADAM SEARLE: I am the Acting Chair for this session in the absence of Mr Shoebridge, who is the Deputy Chair. Ms D'Elia, I believe your attendance at the Police and Emergency Services estimates hearing this afternoon has been resolved and you will be in attendance?

Ms D'ELIA: Yes, I will be available.

The Hon. ADAM SEARLE: Minister, you were asked a question by Mr Shoebridge about a particular child who had been in out-of-home care for 300 plus days.

Mr ALISTER HENSKENS: Yes.

The Hon. ADAM SEARLE: Is that child still in the care of the department?

Ms CZECH: Yes.

The Hon. ADAM SEARLE: In which town or district is that child located?

Ms CZECH: I would have to take that question on notice and provide that information to the Committee.

The Hon. ADAM SEARLE: I think the evidence earlier given was that 72 per cent of children exit alternative care arrangements within 90 days, which means I think 28 per cent do not. Are those correct figures?

Ms CZECH: Yes, that is correct.

The Hon. ADAM SEARLE: With those who do leave the alternative care arrangements, where do they go? Do you keep track of that?

Ms CZECH: We do. They will exit to a variety of different placement types. In the first instance, some children will go home, so they will be restored home if that is safe to do so. Some children will go to a foster placement. Some children will go to residential care. Some children will go to what we call the interim care model, which is another funded emergency model for children who are aged 9 to 14 who have low to medium support needs.

The Hon. ADAM SEARLE: Could you provide, on notice, a breakdown?

Ms CZECH: Absolutely, yes.

The Hon. ADAM SEARLE: I think 28 per cent do not exit alternative care arrangements [ACA] within the 90 days. What are the statistics around those other 28 per cent? How long do they stay in alternative care arrangements or is it open-ended?

Mr ALISTER HENSKENS: It is a range of periods of time. Mr Searle, a number of these children have very complex needs and it is difficult to place them. Sometimes it takes a period of time to arrange the appropriate type of accommodation for them to leave ACA.

The Hon. ADAM SEARLE: Could you provide on notice, Minister, or the department, the breakdown about what happens to the remaining 28 per cent? Can you tell us what are the top five longest stays for children in alternative care arrangements and which regions?

The Hon. TREVOR KHAN: Which time frame?

The Hon. ADAM SEARLE: The year to 30 June last year and then perhaps for the previous year so we can get a benchmark on what is happening. Thank you for that. You say there are difficulties in providing placements. That includes foster care placements; is that right?

Mr ALISTER HENSKENS: Yes.

The Hon. ADAM SEARLE: There is a shortage of foster care placements in New South Wales, I take it?

Mr ALISTER HENSKENS: I will go to Ms Czech. It is not so much, as I understand it, the shortage of foster parents, it is foster parents who are willing to take these children with some very complex needs. It is a very particular type of foster parent that will take on that. It is a burden over and above the usual foster parents' burden with some of these children and may require modification to their homes or other matters in advance of them accepting the child.

The Hon. ADAM SEARLE: In terms of modifications is that something that the department funds or supports?

Ms CZECH: Yes. There are a couple of scenarios that play out. Depending on where the property is—for example, if it is the foster carer's own property—we will often make modifications and pay for those

CORRECTED

modifications. It is different if it is a housing property that someone might be living in. Then we go through our good colleagues in the Land and Housing Corporation to seek funding. But if children need those things will make sure they happen, through whatever means.

The Hon. ADAM SEARLE: Just to be clear, Minister, you were earlier implying that there is not a shortage of foster parents per se in New South Wales; is that correct?

Mr ALISTER HENSKENS: I may defer to Ms Czech on this. I think during COVID the number of foster parents who were willing to come forward and become foster parents did. During the most recent lockdown I think that has declined somewhat. I will defer to Ms Czech on that.

Ms CZECH: The first statement I would make in response to that question is that we can always, and children can always, do with a greater pool of foster carers. Foster carers can deliver a range of different types of care, from emergency care through to more permanent arrangements, including where adoption might be in the best interests of children. Always we need to replenish the pool of carers that we have available. As the Minister said, both periods of COVID have meant the inquiries of people in the community to become foster carers has been slightly down. The other thing to note is that there is an authorisation process that needs to be gone through any time someone expresses an interest or applies to become a foster carer. That process typically takes between three and six months to complete. That sometimes contributes to the delay, if we are talking about kids in ACAs moving into those foster placements.

The Hon. ADAM SEARLE: How many foster parents did we have as at 30 June this year?

Ms CZECH: I might need to defer to my colleague online, Ms Campbell. She may have those numbers with her. If that is okay.

Ms CAMPBELL: I do not have those [audio malfunction].

The Hon. ADAM SEARLE: I can see, Minister, we are back on the information super highway.

Ms CAMPBELL: I do not have those specific details. However, I do have information on an organisation that we fund called My Forever Family NSW. In 2020-21 they recruited and supported carers and conducted 11 carer recruitment campaigns, resulting in referral of about 676 applicants to service providers for further training. This is actually higher than the 2019-20 result, which was 556 referrals. As Ms Czech alluded to, the process is once someone has indicated an interest in becoming a carer there is an assessment process. We are working together to look at how we can expedite that process while making sure that we do the right assessment to make sure that we get the right sort of carers to support children and young people.

The Hon. ADAM SEARLE: Right.

Ms CZECH: We can take the question on notice about the number of carers. I understand it is in the vicinity of 14,000, but we can come back with the exact numbers.

The Hon. ADAM SEARLE: If you can tell us as at 30 June this year and perhaps 30 June last year, so we have a benchmark.

Ms CZECH: Sure.

The Hon. ADAM SEARLE: I think you said there had been a decrease during the lockdown. Do you have an appreciation or a sense of by how much it has decreased?

Ms CZECH: We can take that on notice and provide that to the Committee.

The Hon. ADAM SEARLE: That would be good.

Mr ALISTER HENSKENS: Mr Searle, just to interrupt you, I think we should acknowledge the large number of our fellow citizens who are prepared to come forward and be foster parents. It is a substantial community—

The Hon. ADAM SEARLE: Minister, you did not hear a word of criticism of them from me or anybody else at this table. We understand that. In answer to some of Mr Shoebridge's questions, you have given some figures about out-of-home care—I think in the vicinity of 16,000. Are they all foster placed?

Ms CZECH: No.

The Hon. ADAM SEARLE: What is the breakdown?

Ms CZECH: I will just refer to my notes. I think I said the figure as at 30 June was 15,855, maybe.

The Hon. ADAM SEARLE: My note is 15,895.

CORRECTED

Ms CZECH: I am going on memory, which is not the best thing to do.

Mr ALISTER HENSKENS: Around 15,895.

The Hon. ADAM SEARLE: Around 16,000.

Mr ALISTER HENSKENS: Yes.

The Hon. ADAM SEARLE: Can you give us a sense of the breakdown? How many are in foster care? Are any of them in hotels or is that alternative care?

Mr ALISTER HENSKENS: They are the ACAs.

Ms CZECH: They are the alternate care arrangements, and that was the 91 number as at 12 October.

The Hon. ADAM SEARLE: I will come back to that.

Ms CZECH: I am just checking my notes. One of my colleagues—Ms Campbell might have it close to hand. There are about 600 children—and we again can provide this to the Committee—in residential care. Then there is a split of the remainder across both foster care and relative or kinship care. We can provide the numbers to the Committee and the comparison.

The Hon. ADAM SEARLE: If you could, on notice, provide it in a table form that would be very useful. For 30 June this year and the previous year, just so we have an appreciation of what is happening. Minister, earlier this year it was reported in a news report that there were about 70 to 80 children being put up in hotels each night because the department had nowhere else to send them. Was that a correct figure? Has the situation in Orange improved since then? Is that an incorrect report?

Mr ALISTER HENSKENS: I am not sure of the report that you are referring to.

The Hon. ADAM SEARLE: I might provide it to you later then.

Mr ALISTER HENSKENS: The ACA number would include any such children, as far as I am aware. But Ms Czech can correct me on that.

Ms CZECH: I am not aware of that article either. The 91 number—as you will appreciate from the evidence that we have given—the children within that cohort change as they exit as new ones enter.

The Hon. ADAM SEARLE: Is that an aggregate number? Is that the total number of individuals?

Ms CZECH: It is a point in time total of individuals. If I use the 12 October example, there are 91 children—so little people—in those arrangements on 12 October.

Mr ALISTER HENSKENS: Some of them will literally be in a situation where on a Friday night they have been removed by their family—no foster parent can be found. They will have to go into alternate care accommodation for a few days before a foster parent is found who is suitable for that child. So there can be quite a turnover, and there is a whole range of periods of time in which they remain in ACA.

The Hon. ADAM SEARLE: I appreciate that. How many children have passed through alternative care arrangements in each of the past two financial years? Rather than a point in time, I want the total number of persons.

Mr ALISTER HENSKENS: I think we will need to take that on notice, Mr Searle.

The Hon. ADAM SEARLE: That is exactly what I am expecting. I am actually seeking information here.

Ms CZECH: Yes, we can do that.

The Hon. ADAM SEARLE: That would be very useful.

The Hon. TREVOR KHAN: You are not taking an accusatory approach.

The Hon. ADAM SEARLE: I am simply asking for a light to be shone on these matters.

The Hon. TREVOR KHAN: It is a very different and novel approach.

Mr ALISTER HENSKENS: It is an oral set of interrogatories.

The Hon. ADAM SEARLE: I am no longer a shadow Minister, what can I say? Minister, or whoever is relevant, which districts have the highest number of children in alternative care arrangements? I think you have different districts for your department. You have, for example, the Central Coast district, Nepean-Blue Mountains,

CORRECTED

south-western Sydney and western Sydney. If you could provide the breakdown when you are providing that volume of children passing through alternative care arrangements, could you do it by region?

Ms CZECH: We can. There are 16 districts in New South Wales. We keep data for each of those districts on a whole range of things, as you will appreciate, including alternative care arrangements. Again, we can provide that information to the Committee.

The Hon. ADAM SEARLE: Please do. When you are providing that information, can you also inform us how many of those children are First Nations children?

Ms CZECH: Of course, we can provide that breakdown.

The Hon. ADAM SEARLE: A number of Committee members here were on that upper House inquiry into First Nations deaths in custody, and this was some of the material that we did—

The Hon. TREVOR KHAN: And remain interested.

The Hon. ADAM SEARLE: We remain interested, so we want to get that information.

The Hon. TREVOR KHAN: If unfulfilled.

The Hon. ADAM SEARLE: I acknowledge that interjection. What is the average accommodation cost per night for each of those children in alternative care arrangements? I am expecting this will all be on notice, Minister. This is not a "gotcha" moment.

Mr ALISTER HENSKENS: Mr Searle, it is not a cheap exercise.

The Hon. ADAM SEARLE: I am not expecting that it would be, Minister.

Mr ALISTER HENSKENS: That is why it is really a last resort, very much a last resort, not only from the children's point of view but also from a budgetary point of view—but most importantly from the children's point of view, of course.

The Hon. ADAM SEARLE: Sure. Again, the cost per night, per region perhaps, of each child in alternative—

Mr ALISTER HENSKENS: It will be different per region, I would imagine.

The Hon. ADAM SEARLE: I would expect so, and this is why I am asking for that breakdown so we can—in the nature of this being budget estimates—try to understand what those costs are, and also the incidental costs. I assume there are incidentals, which would be food and other non-accommodation costs.

Ms CZECH: It is all included in the total price. We can give you a figure.

The Hon. ADAM SEARLE: Okay, so it is an amortised cost.

Ms CZECH: And, as you have requested, we can do it by district. That is fine.

The Hon. ADAM SEARLE: Give us whatever granularity you have in the information.

Ms CZECH: Sure.

The Hon. ADAM SEARLE: That would be much appreciated. I will turn to risk of significant harm reports. The lockdowns have seen fewer interactions between mandatory reporters and children. Is that correct?

Mr ALISTER HENSKENS: There has been a decline in risk of serious harm reports during the lockdown.

The Hon. ADAM SEARLE: What has been that reduction? Is it a 10 per cent reduction, 20 per cent? Have you not tabulated that? Again, I am happy for you to take that on notice so we can get the accurate figures. Today is 29 October—is it down compared to this time last year, for example?

Ms CZECH: Like last year in the lockdown—as one of the Committee members mentioned earlier, it was clearly a much longer lockdown this time around—we have seen the number of both calls and concern reports coming into the Child Protection Helpline decrease. We can directly attribute that to children not being at school. The biggest decrease in reports has been from the Department of Education. I will find you the decrease. From memory I think in the lockdown period it was about a 17 per cent decrease. Obviously children have resumed school in the past two weeks, albeit in two stages. We are expecting, although I do not have the data yet, a pretty quick bounce back. That is based on what we saw last year, again after a much shorter lockdown period.

Mr ALISTER HENSKENS: Mr Searle, to address this issue one of the things that I established was a children's wellbeing task force to look at these issues with regard to child wellbeing not only in the lockdown but

CORRECTED

also transitioning out of the lockdown. That has been a task force that has consisted of people from my department, from Health and Education, as well as the NGOs that are very active in this space. They have had two working groups. I think they have met two or three times.

Ms CZECH: They have.

Mr ALISTER HENSKENS: They will be giving me recommendations on how to deal with the sort of issues that I think you may be heading towards.

The Hon. ADAM SEARLE: My understanding is that the latest DCJ statistics indicated that there were something like 114,000 risk of serious harm reports in the calendar year 2020 but around 72 per cent of those children were not seen by anyone from the department. Has that improved in 2021 or has it got worse? Again, if you do not have the figures to hand, you can provide them on notice to the Committee.

Mr ALISTER HENSKENS: What I should say before Ms Czech goes to the number is that in terms of actual numbers of children seen between, say, 2010 and 2011, where a bit under 13,000 children were seen—the latest figures I have got are for 2019-2020. Ms Czech may have 2020-2021. We are now seeing over 35,000, so it is almost a three times increase in the absolute number of children who are being seen who are the subject of a Risk of Serious Harm [RoSH] report. Part of the reason why the percentage of children seen has not matched that huge increase in number is because there has been an increase in reporting.

The Hon. ADAM SEARLE: Sure.

Mr ALISTER HENSKENS: But there has certainly been a substantial increase in the percentage of children seen over the last decade.

The Hon. ADAM SEARLE: And, in any case, we will get those figures on notice.

Ms CZECH: If I could add to the Minister's comments, our child protection case workers within DCJ have never seen more children than they did in the last financial year. It is quite a significant increase. If you look back to even five years ago, the numbers of children being seen have increased significantly. There is clearly still more to do.

The Hon. ADAM SEARLE: And, in any case, when you provide the figures we can see all that.

Ms CZECH: You can. If I can reinforce the Minister's point, it was 36,500 children seen. One of the challenges, which I am sure the Committee is aware of, is the number of RoSH reports coming into the Child Protection Helpline continues to increase. There was a 17 per cent increase last year. So the total number of reports received—and this data is yet to be published but it will be in the next few years—was just a tick over 126,000 reports of significant harm.

Mr ALISTER HENSKENS: Sorry, Mr Searle, because it may be of interest on this issue—which I think is an incredibly important issue—we have a number of initiatives particularly geared towards bumping up that percentage of children seen, one of which includes a helpline augmentation, which is currently in pilot, and another is looking at greater efficiency of caseworkers to get more children seen. We have got, I think, 2,333 child protection caseworkers in the State. What we are looking to get out of them is more in terms of children seen.

The Hon. ADAM SEARLE: Just in providing that, could you also indicate whether the percentage of children not seen has also been increasing or whether that has actually gone down? I understand that when you have more reporting there is more to do, and maybe you will see more, but, again, what is the overall percentage?

Ms CZECH: We can provide that. I will just add that there are almost 20,000 children who are reported at risk of significant harm but where we are unable to provide a face-to-face assessment we refer out to a service. An example might be a referral out to a multi-systemic therapy service. So it is not that those children are not getting a response; it is just not a response in some instances from DCJ caseworkers.

The Hon. ADAM SEARLE: In which case, when you provide the information on notice, if you can indicate how many are just not seen as opposed to the DCJ interface, that would be useful.

Ms CZECH: Sure. We can provide that information.

The Hon. ADAM SEARLE: It is really about who gets seen.

Mr ALISTER HENSKENS: That percentage of "not seen" is a little bit misleading for the reason that Ms Czech has said, because they are dealt with. It is not just by DCJ; it is by another non-government organisation [NGO] or other body.

CORRECTED

The Hon. ADAM SEARLE: Minister, I would just like to ask about the re-reporting rate. In 2018-19 I think it was about nearly 36 per cent, and in 2019-20 it was nearly 37 per cent. What are the most recent figures you have for that?

Ms CZECH: It is just over 40 per cent at the moment. As you have just referred to, it has gone up. The reasons for it going up have mostly been contributed to a higher volume of reports coming into the system. What I mean by that is, given there are more reports coming into the system, it is more likely one of those reports will be in what we call the re-report cohort. I think it is important just to take a second to explain. The re-report rate is on a particular cohort of children, which the cohort numbers are about 8,000. It is children where DCJ have provided a statutory child protection response and we have subsequently closed the matter after some work, and we have closed under what we call "case plan goal achieved" or risk assessment indicates no further intervention is required. It is not the broader system; it is that cohort on the basis that if we intervene we mitigate risk, we have safety networks around children, and when we exit, in the following 12 months children are not re-reported again.

The Hon. ADAM SEARLE: Thank you. We now move on to crossbench questions. Ms Abigail Boyd.

Ms ABIGAIL BOYD: Good morning, Minister Henskens. I want to ask you questions in your capacity as the Minister for disability services in particular. Firstly, in relation to the National Construction Code minimum accessibility standards, why isn't New South Wales joining the Australian Capital Territory, Victoria, Queensland, Tasmania and the Northern Territory in implementing those standards?

Mr ALISTER HENSKENS: As you would be aware, that is a matter that falls under Minister Anderson's portfolio.

The Hon. ADAM SEARLE: It is in safe hands then.

Mr ALISTER HENSKENS: There was a Government decision on that matter, which predates me becoming the Minister, and that was the Government's decision. As you would be aware, when it comes to new social and affordable housing, the standard is the silver standard, I think, in almost all cases. Mr Vevers will correct me if I am wrong. So the new stock of social and affordable housing that is funded by the Government, whether by community housing providers or otherwise, does meet that standard. Mr Vevers, is that correct?

Mr VEVERS: Yes, that is correct, Minister.

Ms ABIGAIL BOYD: I will just direct the questions to you for now—

Mr ALISTER HENSKENS: Yes.

Ms ABIGAIL BOYD: —but I might come back to you, Mr Vevers. I did ask these questions of Minister Anderson as well, so we have been through that. I understand that there was a prior Cabinet decision to not sign on to the standards. What are you doing as the Minister for disability services to overturn that decision?

Mr ALISTER HENSKENS: Well, it is a Government decision.

Ms ABIGAIL BOYD: You are a member of Cabinet though, are you not?

Mr ALISTER HENSKENS: I am, but I am not going to discuss what does or does not go on in Cabinet. That is not the purpose—

The Hon. ADAM SEARLE: Minister, that was not the question. She asked what you were doing as Minister.

Ms ABIGAIL BOYD: Yes.

Mr ALISTER HENSKENS: —not the purpose of this Committee.

Ms ABIGAIL BOYD: Could you tell me what is your personal understanding—so without referring to somebody else—of what these minimum accessibility standards are actually requiring?

Mr ALISTER HENSKENS: I have certainly spoken with disability advocates about this issue. They have explained to me the nature of the silver standards. As I understand it, it relates to, for example, if it is a multi-level dwelling, whether there is a bathroom on both levels, door widths and other accessibility issues; whether the bathrooms are configured for full disability or not.

Ms ABIGAIL BOYD: That is partially correct.

Mr ALISTER HENSKENS: Yes.

Ms ABIGAIL BOYD: If I could perhaps help you out, because I think it is important to list them because they are so basic: at least one level step free entrance to the building; that the walls around the toilet,

CORRECTED

shower and bath are reinforced so that in the future they could be retrofitted to be fully accessible bathrooms; a toilet on the ground level; and, as you said, having wide enough corridors and doors to get through. Very basic stuff. Wouldn't you agree that that should be the norm for all houses going forward?

Mr ALISTER HENSKENS: I think, Ms Boyd, as you are aware, there is a significant issue of housing affordability within our community. Certainly we have also got an aging demographic, which of course some of those measures are of assistance. But not everybody requires these features within their property. So the issue is tailoring the people who need it to the appropriate accommodation for them. In terms of the silver standard applying to everybody, that is obviously going to mean that people who do not need those features are going to be getting them and going to be paying for them. As I understand it, that is the counterargument. I also understand that measures of this kind have never been put in a building code before because the building code specifies minimum standards of construction. So it is a complex issue.

Ms ABIGAIL BOYD: Minister, if I could—

Mr ALISTER HENSKENS: But I must say, obviously accessibility for people with a disability is an incredibly important issue, which is really the thrust of your question—and I agree with you. In terms of government-controlled dwelling, social and affordable housing, we are meeting that standard; we are leading the way. Many private construction—

Ms ABIGAIL BOYD: And now we are venturing into the discussion I already had with Minister Anderson. I am glad that you mentioned that counterargument about, "Well, this only is really for a particular group of people and other people shouldn't have to pay for it", because I think it highlights this attitude of people with disability are one sort of isolated segment of our community. I do not happen to have a need myself to have wider doorways, for instance, but I have friends who have wheelchairs. Why are we not building houses where any visitor can come with any needs and be able to get through in those houses? Why are we saying these people can only be in these houses that are purpose built for them rather than just setting it as the norm for everybody?

The Hon. TREVOR KHAN: Point of order: Budget estimates has well and truly moved from talking about the budget papers. We have left that years ago. Questions have to fall within the area of responsibility of the Minister. Ms Abigail Boyd has identified that she has gone to the relevant Minister already, being Minister Anderson, and no doubt she received a fulsome and complete answer from the Minister.

The Hon. ADAM SEARLE: "Fulsome" and "complete" being distinct from one another.

The Hon. TREVOR KHAN: Indeed.

The Hon. ROSE JACKSON: In the modern sense of the word.

The Hon. TREVOR KHAN: But this is not the Minister who is responsible for these matters.

Ms ABIGAIL BOYD: To the point of order—

The Hon. ADAM SEARLE: I appreciate the point of order. I do not uphold the point of order. Ms Abigail Boyd will direct her questioning in a focused way, moving forward.

Ms ABIGAIL BOYD: I will direct my questions on disability to the Minister for disability services. Thank you.

The Hon. TREVOR KHAN: No, you are asking about buildings and some generalised—

Ms ABIGAIL BOYD: No, I am asking about advocating for people with a disability, and I do appreciate the interference you are running must mean that I am actually getting good answers here. Thank you.

The Hon. TREVOR KHAN: I do not think I need to interfere for this Minister.

The Hon. ADAM SEARLE: No, you certainly do not. Please let Ms Abigail Boyd ask her questions.

Ms ABIGAIL BOYD: Is your evidence here today that you will not be advocating for minimum accessibility standards to be adopted by this Government?

Mr ALISTER HENSKENS: It is my evidence that this is an important issue. Accessibility is an incredibly important issue for the community. My inter-government advocacy will be a matter for me rather than this Committee.

Ms ABIGAIL BOYD: Moving on to a different topic, do you think that in accordance with our international human rights obligations our democratic processes should be accessible for all people, including those with a disability?

CORRECTED

Mr ALISTER HENSKENS: I think there are many aspects to the importance of accessibility, which includes participation in the democratic process.

Ms ABIGAIL BOYD: Did you intervene when the Premier's office made the decision not to have Auslan interpreters present at press conferences?

Mr ALISTER HENSKENS: There was no decision of that kind at all.

Ms ABIGAIL BOYD: I think you are mistaken, Minister. Do you want to reconsider that answer?

Mr ALISTER HENSKENS: There was no decision. I appeared with the Premier about two weeks ago at Redfern to personally inspect the great vaccination work being done for public housing tenants in Redfern. We gave a press conference afterwards and there were Auslan interpreters at the press conference. There has been no change in policy.

Ms ABIGAIL BOYD: That is fantastic. In case you do not know, prior to the Premier taking his role there were Auslan interpreters present at all of the 11.00 a.m. press conferences. Since the Premier took office he has confirmed that they will make no commitments to have Auslan interpreters present and will instead deal with it on a case-by-case basis. Do you think that is appropriate?

Mr ALISTER HENSKENS: That was always the policy. In fact, the former Premier did away with the 11 o'clock press conferences.

Ms ABIGAIL BOYD: Assuming that is—

The Hon. ADAM SEARLE: But then she came back, Minister.

The Hon. TREVOR KHAN: You cannot interrupt. He is answering the question.

Ms ABIGAIL BOYD: Assuming that was the case, given that we have international human rights obligations to provide Auslan interpretation for all political communications and we fell way behind, do you not feel this is something that we should continue doing?

Mr ALISTER HENSKENS: Ms Boyd, I think you misrepresent both the policy of the former Premier and the policy of the new Premier. Auslan interpreters are available for all major public announcements by the Government. They were before the new Premier became Premier and they will continue after the current Premier. That does not mean that at every press conference ever given by the Premier or members of the Government there are Auslan interpreters. That has never been the policy. But—

Ms ABIGAIL BOYD: Okay. Let us accept that that has never been—

The Hon. TREVOR KHAN: Point of order—

Mr ALISTER HENSKENS: But the Government has a number of accessibility initiatives, which it has always had, with regard to important public announcements. There is a range of them online and otherwise so that important government messages are accessible to all of the community. I agree with the thrust of your question, which is that accessibility to government information is incredibly important, as is the use of Auslan interpreters. However, they have not always been used at every press conference in the past. They are used when the press conference is making a certain level of public information announcement and they will continue to be available into the future.

Ms ABIGAIL BOYD: We went from a situation where we were not meeting our human rights obligations to then suddenly we were, and everyone thought that was great. Now we have gone back to it being on an ad hoc basis.

Mr ALISTER HENSKENS: I disagree with that characterisation. You have not—

Ms ABIGAIL BOYD: Okay, you can disagree all you like.

Mr ALISTER HENSKENS: You clearly have not accepted the evidence and the fact that they were not always available—

Ms ABIGAIL BOYD: That is right. They were not, excepting—

Mr ALISTER HENSKENS: But they were available for the important public announcements and they continue to be available for the important public announcements. Where they—

Ms ABIGAIL BOYD: Do you think it is acceptable for someone who is deaf or hard of hearing to have to tune in to find out if there is going to be an Auslan interpreter and to then have to just turn off and perhaps wait to read about it somewhere? Do you think that is appropriate?

CORRECTED

Mr ALISTER HENSKENS: It really depends on what you are talking about. I do a range of interviews with the media. I do not have an Auslan interpreter. Ministers have not always had Auslan interpreters with them. I think we have got to be a little bit practical about what are the critical pieces of public communication, which we have always and will continue to supply Auslan interpreters for, and what are the more incidental. But then even on the incidental there is closed captioning on television. There are other methods of ensuring that the communication is accessible.

Ms ABIGAIL BOYD: Are you aware that closed captioning is not the same as Auslan interpretation?

Mr ALISTER HENSKENS: No, I do know that. I was saying that as an alternative—

Ms ABIGAIL BOYD: Right! Okay, just clarifying. Are you—

Mr ALISTER HENSKENS: You do not seem to be listening to my answers very well.

The Hon. TREVOR KHAN: Point of order: It is impossible for Hansard to possibly—

The Hon. ADAM SEARLE: You do not need to take the point of order. I understand what your point of order is. On this occasion both Ms Boyd and the Minister were talking over each other.

The Hon. TREVOR KHAN: I agree with that.

The Hon. ADAM SEARLE: If they could just take it one at a time, please.

Ms ABIGAIL BOYD: We will endeavour to do better. Minister, are you aware that the Andrews Government in Victoria has Auslan interpretation at all of its press conferences?

Mr ALISTER HENSKENS: I am concentrating on what is happening in New South Wales.

Ms ABIGAIL BOYD: Why is New South Wales so far behind and you do not actually seem to be aware of the facts?

Mr ALISTER HENSKENS: Our Disability Inclusion Plan adopts the human rights, including accessible information for all.

Ms ABIGAIL BOYD: It is lovely that your plan does, but in practice that is not being implemented, is it?

Mr ALISTER HENSKENS: No, it is being implemented.

Ms ABIGAIL BOYD: But you have just told me that you do not intend to have Auslan interpreters at all of the major press conferences.

Mr ALISTER HENSKENS: No, I did not say that at all. You are misrepresenting what I am saying. If you want to misrepresent my evidence then you can keep going on—

Ms ABIGAIL BOYD: I really do not.

Mr ALISTER HENSKENS: —and then maybe you have got something that you can actually throw at me.

Ms ABIGAIL BOYD: No, Minister—

The Hon. ADAM SEARLE: I ask the Minister and Ms Boyd—

Mr ALISTER HENSKENS: But why don't you just listen to what I am saying and represent it faithfully?

Ms ABIGAIL BOYD: Minister, I do not want to misrepresent you.

The Hon. ADAM SEARLE: Ms Boyd—

Mr ALISTER HENSKENS: Well, you are.

The Hon. ADAM SEARLE: Ms Boyd, you can ask a question and the Minister will answer. Then you can ask another question. If we can just keep it to that order, please.

Ms ABIGAIL BOYD: Thank you. Minister, I do not want to misrepresent you. What I would like you to actually say is that, yes, you understand the importance of this and of course you will endeavour to do as well as the Andrews Government on this. But I am not hearing that from you, am I?

The Hon. NATASHA MACLAREN-JONES: That is certainly a good government to follow.

CORRECTED

Ms ABIGAIL BOYD: Minister, I am not hearing that from you, am I?

Mr ALISTER HENSKENS: There has been no change in the policy. I do not believe that you had a criticism of the policy previously and—

Ms ABIGAIL BOYD: I certainly did.

Mr ALISTER HENSKENS: —the policy has not changed.

Ms ABIGAIL BOYD: Okay. Are you aware of how many people in New South Wales are living with a disability, off the top of your head?

Mr ALISTER HENSKENS: There are two categories of people with a disability in New South Wales. There are those with an NDIS plan and there are those without. What I do know is that in terms of people with an NDIS plan there are now 80,000 people in New South Wales who are covered under the NDIS who were never given supports prior to the NDIS. I can tell you that New South Wales was the first jurisdiction to sign up to the NDIS. It probably would never have happened without the support of New South Wales. New South Wales committed \$3.6 billion this year to the NDIS for people with a disability—

Ms ABIGAIL BOYD: With respect, that is not answering my question. My question was whether you knew off the top of your head—for instance, do you understand the percentage of people on NDIS compared to the people with disability? Do you know how low that is?

Mr ALISTER HENSKENS: There are 150,000 children and adults—I think more than 150,000 children and adults—who are being supported by the NDIS in New South Wales.

Ms ABIGAIL BOYD: Alright. This is not very helpful, so I will tell you. Over 1.3 million people in New South Wales are people with a disability. A very small percentage—less than 10 per cent—are actually on the NDIS. What message do you think that your government is sending to people with a disability at the moment given your responses both to the Auslan interpretation issue and the failure to sign on to the minimum National Construction Code standards?

Mr ALISTER HENSKENS: I will start at the beginning of that question, which then seemed to morph into a few other topics. Obviously the people who qualify for the NDIS are assessed under Federal legislation, namely the National Disability Insurance Scheme Act 2013 [NDIS Act]. They are assessed by the National Disability Insurance Agency [NDIA], which is the Commonwealth authority that implements the NDIS. To the extent that it is not all of the larger group of people with a disability, that was a decision that flows from—

Ms ABIGAIL BOYD: That was not my question.

Mr ALISTER HENSKENS: —the Federal Labor construction of the NDIS back in 2013.

Ms ABIGAIL BOYD: That was not my question, Minister.

Mr ALISTER HENSKENS: What I can say, just to reiterate, is that is still 81,000 more people who are today getting support than were getting—

Ms ABIGAIL BOYD: Minister, this is not an opportunity for you to talk about irrelevant issues.

The Hon. ADAM SEARLE: There will be one speaker at a time, please.

Mr ALISTER HENSKENS: —before the NDIS was instituted. There has been a substantial increase in support for people with a disability as a consequence of the NDIS. To try to suggest—

Ms ABIGAIL BOYD: Minister, I understand you are new to estimates but it is not a chance for you to grandstand on a completely separate issue.

Mr ALISTER HENSKENS: Well, I think your suggestion was—

The Hon. ADAM SEARLE: Ms Boyd, you may not like the Minister's answer but unfortunately he does get to provide the answer he wishes.

Mr ALISTER HENSKENS: Yes. And I think if the question was worth asking—

Ms ABIGAIL BOYD: He has to be directly relevant, though.

The Hon. TREVOR KHAN: No, he does not.

The Hon. ADAM SEARLE: Not here.

Mr ALISTER HENSKENS: —then you should listen to the answer.

CORRECTED

Ms ABIGAIL BOYD: It would be nice if he was.

The Hon. ADAM SEARLE: It would. We should fix that.

Mr ALISTER HENSKENS: If the question was worth asking then you should listen to the answer. The premise of your question was that people with a disability in New South Wales were being supported less now than in the past.

Ms ABIGAIL BOYD: Less than before you were Minister.

Mr ALISTER HENSKENS: It is clearly the case that there are 81,000 people now with a disability in New South Wales—

Ms ABIGAIL BOYD: What about the other 1.2 million, Minister?

Mr ALISTER HENSKENS: —who are being provided with supports for the very first time, that were not being provided with supports before the NDIS.

Ms ABIGAIL BOYD: I would not hang your hat on the NDIS as being a major achievement at this point. My question to you was: What message are you sending to the 1.3 million people in New South Wales with a disability, when your Government has refused to sign on to the National Construction Code minimum accessibility standards and will not commit to having Auslan interpreters at every press conference?

Mr ALISTER HENSKENS: New South Wales—

Ms ABIGAIL BOYD: I can tell you, they are horrified.

The Hon. TREVOR KHAN: I am going to take a point of order.

Ms ABIGAIL BOYD: I thought you would.

The Hon. TREVOR KHAN: The Minister starts to answer and within three words Ms Boyd is jumping in again. It just shows a lack of discipline to do it that way. She asks the question but she should at least allow the Minister to start to attempt the answer.

The Hon. ADAM SEARLE: On this occasion there was a very small gap when the Minister was speaking, and Ms Boyd filled that gap.

The Hon. TREVOR KHAN: That is being extraordinarily kind.

The Hon. ADAM SEARLE: If the Minister does his very best to more directly answer the questions, perhaps Ms Boyd would exercise more discipline.

Ms ABIGAIL BOYD: Thank you, Chair.

Mr ALISTER HENSKENS: New South Wales has been a leader in its support for people with a disability by its support of the NDIS, by being the first jurisdiction to sign on for the NDIS and, by committing substantial financial resources to the NDIS. We have been a substantial advocate for people with a disability, in trying to improve the NDIS and its performance.

Ms ABIGAIL BOYD: Minister, the NDIS is not relevant to my question.

Mr ALISTER HENSKENS: I am being interrupted again.

Ms ABIGAIL BOYD: The NDIS is not relevant to either Auslan interpretation or minimum accessibility standards. It is irrelevant.

The Hon. TREVOR KHAN: Point of order: The Minister is entitled to answer. And he is able to answer—

Ms ABIGAIL BOYD: He is clearly not.

The Hon. TREVOR KHAN: —by reference to other matters that you do not take into account in your question. That does not make it irrelevant.

Ms ABIGAIL BOYD: It just shows that he does not understand.

The Hon. TREVOR KHAN: And you still interrupted.

The Hon. ADAM SEARLE: Sadly, time for crossbench questions is up. I do not uphold the point of order, just for completeness. Minister, it is a Premier's priority of your Government, to decrease the proportion of children and young people re-reported at risk of significant harm by 20 per cent by 2023.

CORRECTED

Mr ALISTER HENSKENS: Yes.

The Hon. ADAM SEARLE: In my previous questions, the information seems to suggest that the re-reporting rate is in fact trending up. Using your own government's benchmark, do the recent statistics not show that you are failing to protect vulnerable children?

Mr ALISTER HENSKENS: I think Ms Czech already alluded to the response to that question in one of the previous answers that she gave. It is that, with an increase in the number of overall reports it necessarily has an impact on your re-reporting rate. That has been part of the issue. Now, what we are doing—

The Hon. ADAM SEARLE: We are also talking about the percentage of people who get seen.

Mr ALISTER HENSKENS: Yes. It impacts on the percentage, because it is a percentage of a larger number.

The Hon. ADAM SEARLE: Yes.

Mr ALISTER HENSKENS: And it impacts on the number that could possibly be re-reported.

The Hon. ADAM SEARLE: Even allowing for all of that, if the percentage of re-reporting is going up you are moving further away from your government's own stated goal rather than closer to it, are you not? You are failing to protect vulnerable children.

Mr ALISTER HENSKENS: We have three key strategies in this area to address the very issue that you have raised.

The Hon. ADAM SEARLE: Please tell us.

Mr ALISTER HENSKENS: This is based on evidence and existing programs that are known to influence re-reports. We are improving assessment of risk of significant harm reports, focusing casework interventions on key areas and ensuring greater assurance on decisions to closed cases. We have a re-reporting task force, which is responsible for progressing those initiatives.

The Hon. ADAM SEARLE: With more re-reports being made and possibly an even higher percentage than before continuing to go up, that may indicate that, for example, there may be a lack of resourcing for your department. I am not being critical of your workers. I am just trying to get an appreciation of the actual problem, which is the re-reporting rate seems to be on an upward trajectory. What are you doing as a government to try to address that?

Mr ALISTER HENSKENS: We have the highest number of caseworkers that we have ever had. I do not think, Mr Searle, that this is a resourcing issue.

Ms CZECH: No.

Mr ALISTER HENSKENS: I may just throw to Ms Czech to further elaborate.

Ms CZECH: Mr Searle, you are absolutely right. There has been an upward trend recently in the re-report rate. As I mentioned earlier, just over 40 per cent at the moment. This Premier's priority is a lag indicator. The re-report rate is from work we did 12 months ago. The strategies that the Minister just briefly mentioned have commenced in the last 12 months, and we have not yet seen the impact of those strategies. However, each of those strategies we have had modelled about what percentage impact they would have against the re-report priority. Based on some other modelling that has happened with our data people—they are usually within 0.5 to 1 per cent accurate of their modelling—we are quite confident in the modelling of the strategies. What that indicates is that by 30 June 2023, which is the end date for the counting measure for the priority, we will certainly have a downward trajectory towards target. We are very confident in that. I must say, whether we hit 32.3 per cent, which is the target, on 30 June 2021—we may not.

Mr ALISTER HENSKENS: 2023.

Ms CZECH: 2023, sorry. I am selling myself short by 12 months. We may not but we are very confident that not only are the strategies the right things to do for children, but we will head towards target. We hope to get there. We may not, but if we do not we will just miss. That is our prediction.

The Hon. ADAM SEARLE: We will head towards target. I understand. Minister, will this remain a priority under the current Premier?

Mr ALISTER HENSKENS: I cannot speak for the Premier.

The Hon. ADAM SEARLE: Presumably as part of the Government, you will have input into that process. Do you think it should stay one of the priorities?

CORRECTED

Mr ALISTER HENSKENS: I think it is a very important matrix. Whether it is the best matrix, to be honest I have not been in the portfolio long enough to give you an honest opinion on that. There may be other better benchmarks.

The Hon. ADAM SEARLE: You had a rising inflection then, Minister.

Mr ALISTER HENSKENS: Mr Searle, you are asking me questions well beyond my pay grade. These are Premier's priorities, they are not Minister's priorities.

The Hon. SHAOQUETT MOSELMANE: Minister, just listening to the interaction between you and my colleague Ms Boyd—

The Hon. TREVOR KHAN: It certainly was an interaction.

The Hon. SHAOQUETT MOSELMANE: —with regard to the National Construction Code, why will you not to sign up to the National Construction Code, particularly when your Federal colleagues have declared their intention to make accessible housing specification mandatory in the National Construction Code?

The Hon. SHAOQUETT MOSELMANE:

Mr ALISTER HENSKENS: Mr Moselmane, I can only refer to my earlier answers. You are really asking me something that I have already explained.

The Hon. SHAOQUETT MOSELMANE: No, I would like to understand a bit more. What is it about the National Construction Code that you refuse to accept? Is there any element in it that you do not want to accept in New South Wales, or you will not adopt in New South Wales?

Mr ALISTER HENSKENS: I think I explained to you that social and affordable housing funded by the Government is being built to that standard.

The Hon. SHAOQUETT MOSELMANE: What standard?

Mr ALISTER HENSKENS: I explained to you—sorry?

The Hon. SHAOQUETT MOSELMANE: What standard?

Mr ALISTER HENSKENS: To the silver standard. There is an economic view taken by Minister Anderson within his portfolio, where these matters reside—

The Hon. SHAOQUETT MOSELMANE: We are talking about disability services, though.

The Hon. TREVOR KHAN: Come on, Mr Moselmane, let him answer.

The Hon. ADAM SEARLE: He is answering.

Mr ALISTER HENSKENS: —that notwithstanding what is in the code, there are certainly many privately funded buildings that are built to that code. There is a movement towards it. Do we need more accessible housing? Yes, I do agree with that. Is going down the code route the only way of achieving that? No, I do not think it is.

The Hon. SHAOQUETT MOSELMANE: Will you adopt any of the national code at all, Minister?

Mr ALISTER HENSKENS: You are really now getting into Minister Anderson's area. I do not know what parts of the code—

The Hon. SHAOQUETT MOSELMANE: I am talking about disability services.

Mr ALISTER HENSKENS: I do not know everything about the building code and I am not qualified to answer that question. It is outside of my portfolio.

The Hon. SHAOQUETT MOSELMANE: You are just washing your hands of it altogether?

Mr ALISTER HENSKENS: I am sorry, I do not understand what parts of the building code you are expecting me to be answering in respect of the question, "Do you support any parts of the code?"

The Hon. SHAOQUETT MOSELMANE: I will move on. My last question is about disability services, which is your area, Minister. There are no longer any residents in the Stockton Centre in Newcastle, Tomaree Lodge in Port Stephens, Kanangra at Morisset, Kenmore at Goulburn, the Rydalmere Centre and the Summer Hill group home. Is that correct?

Mr ALISTER HENSKENS: I think the disability homes that you are asking me about relate to Port Stephens, Stockton and Morisset. Is that correct?

CORRECTED

The Hon. SHAOQUETT MOSELMANE: Correct. Are there any residents in those?

Mr ALISTER HENSKENS: No, there are not.

The Hon. SHAOQUETT MOSELMANE: Where did they go? Did they go to non-government group homes?

Mr ALISTER HENSKENS: This obviously precedes my time as Minister, but my understanding was that there was quite an extensive program of relocating the people who were in those homes elsewhere.

The Hon. SHAOQUETT MOSELMANE: Where is elsewhere, Minister?

Mr ALISTER HENSKENS: Into other appropriate accommodation.

The Hon. SHAOQUETT MOSELMANE: Are they government or non-government?

Mr ALISTER HENSKENS: I think it was in accordance with the NDIS. They were funded accommodation under the NDIS and they were dealt with under the NDIS arrangements, which is a Commonwealth matter.

Mr VEVERS: Minister, I wonder if I can assist a little there.

Mr ALISTER HENSKENS: Yes.

Mr VEVERS: The large majority of people went into brand-new, newly constructed group homes run by non-government organisations. A small number of them opted for a different arrangement, but the large majority went into group homes built by a consortium called Home4life.

The Hon. SHAOQUETT MOSELMANE: Is the Government running any more disability services? Are there any more government-run centres?

Mr VEVERS: No. The Government exited, as part of the NDIS arrangements, from the direct provision of group homes.

Mr ALISTER HENSKENS: They were under Federal labour arrangements.

The Hon. SHAOQUETT MOSELMANE: What do you do, Minister, in this particular sphere—in this space?

Mr ALISTER HENSKENS: In which space are we talking about, Mr Moselmane?

The Hon. SHAOQUETT MOSELMANE: Disability services.

Mr ALISTER HENSKENS: New South Wales does a number of things. The starting point is we make a very large financial contribution to the NDIS every year—this year in the order of \$3.6 billion. In addition to that we fund a number of other services, including advocacy services for people with a disability. Ms Campbell can probably give greater granularity as to the way in which the remainder of our disability budget is spent, but it is a substantial contribution to supporting people with a disability in New South Wales. Would you like to hear from Ms Campbell on the detail in answer to that question?

The Hon. SHAOQUETT MOSELMANE: Sure.

Ms CAMPBELL: Thanks, Minister. As you touched on, we fund what is called the Disability Advocacy Futures Program. That was \$13 million in 2021. That was in response to the Ageing and Disability Commissioner's report on New South Wales' advocacy functions. We also have engagement and family support teams, and they are funded at \$6.3 million this year and \$26 million over four years. That is really to assist children and young people in voluntary and out-of-home care into the NDIS and to access packages.

At the moment DCJ also funds the Restrictive Practices Authorisation, which is \$3.2 million per year, to fulfil New South Wales' agreed functions under the national Quality and Safeguarding Framework. That will in the future move across to the Ageing and Disability Commission. In addition to other roles, we have got a very small disability policy team within DCJ that helps in the negotiations with the Commonwealth and the NDIS. Particularly where there may be issues that participants experience, we often step up and provide that support. Certainly Minister Henskens is a very strong advocate at the Commonwealth and with the NDIS in ensuring NDIS participants get access to the scheme.

The Hon. SHAOQUETT MOSELMANE: I will ask the Minister questions about the public sector workforce. In 2019 your Government announced a disability employment plan, which:

... aims to increase the number of people with disability employed across the NSW public sector from an estimated 2.7 per cent to 5.6 per cent by 2025.

CORRECTED

I assume you are aware of the plan, Minister?

Mr ALISTER HENSKENS: Yes, I am.

The Hon. SHAOQUETT MOSELMANE: I have seen the Public Service Commission's most recent workforce profile from 2020, and the numbers have fallen from 2.7 per cent to 2.4 per cent. In actual fact, Minister, you are going backwards, are you not?

Mr ALISTER HENSKENS: Mr Moselmane, the matters of the public service are actually under Minister Harwin's remit in terms of the management of the public sector workforce. I can indicate to you that I agree with you: There is the potential—and, indeed, the necessity—for more people with a disability to be employed in the public sector. There is a range of strategies, which Minister Harwin would no doubt be able to inform you about in his budget estimates hearing about those measures. I know that there are certainly some measures which I intend on having discussions about, which I have become aware of speaking to the sector and speaking with people who are directed towards getting more people with disability in the workforce in productive areas that best use their abilities. That has been something which historically I do not think we have done well enough as a community. I think there is a great opportunity there to do more. That is one of the issues that I hope to promote more as the Minister going forward.

The Hon. SHAOQUETT MOSELMANE: What do you hope to do more, Minister, given that the statistics show that you are actually going backwards?

Mr ALISTER HENSKENS: Mr Moselmane, there is an evolving understanding and identification of the capacities of people with a disability, particularly in neurodiversity and so on, in terms of the sort of roles they can play in the workforce, particularly in the sort of workforce that the public service represents. I think there are some great opportunities for us to do better in this area, and that is one of the things I hope to explore in the coming months as the Minister.

The Hon. SHAOQUETT MOSELMANE: Do you have a plan, Minister? Is there a plan put together that you would like to explore?

Mr ALISTER HENSKENS: I have a plan in my head. It is not a written plan. As I have already said, Mr Moselmane, the public service is not, strictly speaking, under my control. I am more an advocate in this area rather than a controller.

The Hon. ADAM SEARLE: On that point, Minister, you are the Minister responsible for the Disability Inclusion Act.

Mr ALISTER HENSKENS: Yes.

The Hon. ADAM SEARLE: The principles of that Act include enhancing and recognising people's right to participate in economic life. We are talking about employment in the public sector, which is the biggest employer in New South Wales. We are very interested in what views you have about how that can be improved.

Mr ALISTER HENSKENS: As I have said, Mr Searle, I believe that in the area of neurodiversity, there are evolving techniques in terms of identifying capacity and matching people with the roles that they can perform within the workforce. I think we need to use that evolving experience and technology worldwide to ensure that we can get a greater uptake of employment for people with a disability. That is, in broad terms, where I would like to examine at a higher and more detailed level.

The Hon. ADAM SEARLE: Could you share with us some of your insights?

Mr ALISTER HENSKENS: At a very high level—

The Hon. ADAM SEARLE: It is at such a high level that it lacks any kind of specificity, Minister. We would really like to understand, not just you as a Minister—this is the budget estimates for your portfolio. Your portfolio has an impact on the whole of government. Please tell us what you are going to do to enhance disability participation in economic life in New South Wales specifically.

Mr ALISTER HENSKENS: We have a current disability inclusion plan—

The Hon. ADAM SEARLE: Which is failing.

The Hon. TREVOR KHAN: Adam, he is answering the question.

The Hon. ADAM SEARLE: Well, I am just helping him.

The ACTING CHAIR: Order! The Minister is entitled to give his answer without interruption if possible. There has been a bit of to and fro. Minister, had you finished?

CORRECTED

Mr ALISTER HENSKENS: Sorry, I am just looking at a note. This may be Ms Campbell's area, so she may be able to jump in here. The next disability inclusion plan—

Ms CAMPBELL: [Audio malfunction].

The ACTING CHAIR: Ms Campbell has jumped in too early.

Mr ALISTER HENSKENS: I might go to Ms Campbell to talk to this issue.

Ms CAMPBELL: Sorry for that. I have to unmute and then re-mute. Thanks, Minister. People would be aware that this is a Premier's priority and it focuses on three key areas. The first is around recruitment and retention; the second area—and there are a range of activities under that—the leadership awareness and culture change; and the third area is accessible workplaces, systems and tools. As the Minister has indicated, clearly our key focus is also with the New South Wales Disability Inclusion Act, and improving employment participation for people with a disability is a key priority. The disability action plan lists over 100 separate actions to support increased employment for people with disability, and all local councils have disability inclusion action plans aligned with this disability employment priority.

There is also a raft of different things occurring. We participated DCJ in the 2019 Australian Network on Disability Access and Inclusion Index. The final report informed the development of the latest DCJ disability inclusion plan. In 2021 we worked in partnership with Australian Network on Disability to continue to offer 10 Stepping Into Internships for university students with a disability. We have also successfully maintained the Australian Network on Disability, Disability Confident Recruiter status across the department—

The Hon. ADAM SEARLE: Minister—

Ms CAMPBELL: —which means that our recruitment and selection practices have been independently validated as acceptable and inclusive for people with a disability. There is also a number of career initiatives that are in place to support the advancement of people with disability at DCJ. This includes funding for three staff with disability to obtain project management or leadership qualifications from the Australian Institute of Management. I will probably stop there, but there are a range of initiatives and also within local councils there are a range of initiatives to really support the employment of people with a disability, but particularly looking at employment within the New South Wales Government.

The Hon. ADAM SEARLE: Minister, notwithstanding all of that, the plan is actually failing in terms of outputs. What are you, as Minister—or you, as a government—doing to put it back on track so you are actually tracking towards those targets?

Mr ALISTER HENSKENS: That work is really being led by the Public Service Commission.

The Hon. ADAM SEARLE: So "not my job"?

Ms CAMPBELL: [Audio malfunction].

The ACTING CHAIR: Is this Ms Campbell?

The Hon. ROSE JACKSON: Shut it down!

The ACTING CHAIR: Someone is going to have to teach me how to get the mute button.

The Hon. ADAM SEARLE: Minister, my understanding is your answer was "Not my job. It's the Public Service Commission's job".

Mr ALISTER HENSKENS: I am certainly—

Ms CAMPBELL: [Audio malfunction].

The Hon. TREVOR KHAN: Pulling it out of the wall, I think, might be the way.

The ACTING CHAIR: Yes. To you, Minister.

Mr ALISTER HENSKENS: Yes, Mr Shoebridge.

The ACTING CHAIR: Had you completed the answers?

The Hon. ADAM SEARLE: I think his answer was "It's not my job."

Mr ALISTER HENSKENS: I do not think that is a correct characterisation, but anyway.

The Hon. ADAM SEARLE: I think it is the only conclusion that can be drawn from that.

CORRECTED

The ACTING CHAIR: I think that round of questioning has now concluded. Minister, you said that 94 of the 125—I think there actually might be 126 recommendations in "Family is Culture", but 94 of the recommendations had been wholly or partially implemented. Can you provide sometime today or, if not, as early as possible on notice a list of those recommendations that have been fully implemented and those recommendations that have been partially implemented?

Mr ALISTER HENSKENS: No doubt, Mr Shoebridge, you have seen the "Family is Culture" progress report from May 2021.

The ACTING CHAIR: I have.

Mr ALISTER HENSKENS: That obviously goes through all of the recommendations. I think, in terms of the items that were not completed in May that have now become completed and, therefore, there is a new status—

The ACTING CHAIR: An update on the May report is what I am asking for.

Mr ALISTER HENSKENS: We could give you an update in terms of status. But obviously the items which were completed in May—we will not need to tell you again that they have been completed.

The ACTING CHAIR: I am more than happy to rephrase my question: If you could give me an update on the May report, that might be the easiest way of addressing it.

Mr ALISTER HENSKENS: Yes. I do not know how quickly that can be done, whether it can be done today, but we will do it as quickly as we can, Mr Shoebridge.

The ACTING CHAIR: Minister, the evidence was that only 20.6 per cent of Aboriginal children in out-of-home care are in Aboriginal community-controlled organisations. Minister, given the target is to have 100 per cent of Aboriginal children in out-of-home care under the auspices of Aboriginal community-controlled organisations, do you accept that you are not on track to meet your target by 2022?

Mr ALISTER HENSKENS: I think Ms Campbell would be able to give more detail on this, but we are certainly commissioning more Aboriginal-controlled organisations in this space. She can probably provide more details on the proportion of organisations that are currently providing services.

The ACTING CHAIR: Minister, one in five Aboriginal children in out-of-home care are in Aboriginal community-controlled organisations. Your target is to have 100 per cent of Aboriginal children in out-of-home care in Aboriginal-controlled organisations by 2022. You are not going to meet that target with your current strategies, are you, if you are at 20 per cent today and it is October 2021? You are not on track to meet it.

Mr ALISTER HENSKENS: We are certainly increasing the number. There is certainly some capacity building in terms of organisations that can fulfil that target, which is being worked on. We are certainly diligently working towards the target, Mr Shoebridge.

The ACTING CHAIR: Minister, you cannot possibly say that. It is almost November 2021. You still have 80 per cent of Aboriginal kids in out-of-home care being auspiced by non-Aboriginal organisations. You are not even close to the target. So can you tell me what initiatives or support there is to transition Aboriginal children to Aboriginal community-controlled organisations? How much money are you spending on this?

Mr ALISTER HENSKENS: I will go to Ms Campbell, but, Mr Shoebridge, the transition to Aboriginal organisations is not a financial issue because those services are being provided for the Aboriginal children in any event by non-Aboriginal-controlled organisations. So this is not a monetary matter; it is a capacity issue. We are certainly doing what we can to fulfil this outcome, and I will just ask Ms Campbell to elaborate more in terms of your last question in answer to that.

The ACTING CHAIR: Ms Campbell.

Ms CAMPBELL: Thanks, Minister. In terms of transition of Aboriginal children into Aboriginal out-of-home care agencies, we have an initiative called the Aboriginal growth and partnerships project, which is supporting transition and continues to support transition of Aboriginal children to Aboriginal agencies. It is also supporting the establishment of new Aboriginal organisations delivering permanency support programs and expanding the capacity of existing Aboriginal organisations. In the last 24 months four new Aboriginal services have been established in New South Wales. These include the Orange Aboriginal Medical Service in Orange, New South Wales; the Riverina Medical and Dental Aboriginal Corporation in Wagga Wagga; the Winanga-Li Aboriginal Child and Family Centre in Gunnedah; and the Narang Bir-rong Corporation in western Sydney.

We funded AbSec for an Aboriginal growth and partnerships project. That amount was \$1.21 million over two years until 30 June 2022. We have also provided funding to AbSec of about \$1.5 million for

CORRECTED

strengthening supports in western and Far West projects to really establish more Aboriginal community-controlled organisations in western and far western New South Wales. There is a plan underway and we are certainly working in partnership with AbSec and other key agencies to actively increase the number of Aboriginal-controlled organisations supporting Aboriginal children.

The ACTING CHAIR: Minister, in the last 24 months the success—if we can call it that—has been the establishment of two new Aboriginal-controlled organisations to deal with out-of-home care—only two. You are not going to pretend that is success, are you?

Mr ALISTER HENSKENS: Mr Shoebridge, we are not there yet. But as Ms Campbell has explained, there is a process that we are working through to get more Aboriginal-controlled organisations working in this space—

The ACTING CHAIR: Two in two years. You are not going to pretend that is success, are you, Minister?

Mr ALISTER HENSKENS: The response to the *Family is Culture* report was the middle of last year.

The ACTING CHAIR: Yes. So you may have achieved none in the last 12 months?

Mr ALISTER HENSKENS: No, I am just saying that—I am not sure—

The ACTING CHAIR: Some 43 per cent of the children in out-of-home care are Aboriginal kids and the only funding commitment that I heard Ms Campbell speak to, in terms of resourcing and creating Aboriginal-controlled organisations, was—I am being generous here—a combined \$2.7 million to AbSec, which is one-tenth of 1 per cent of your \$2.4 billion budget. That is embarrassing, Minister, is it not? That is insulting and embarrassing, in fact.

Mr ALISTER HENSKENS: Mr Shoebridge, I am having a little bit of a difficulty understanding. If the Government creates organisations then they are not an Aboriginal-controlled organisation, obviously. The money is there to fund Aboriginal organisations to provide these services. It is a transition that has to take place with the Indigenous community to get these organisations created and operating to provide the services. This is a partnership—

The ACTING CHAIR: Minister, it is a partnership—

Mr ALISTER HENSKENS: As you would understand, it is not easy to provide services at the levels required for appropriate levels of child protection quickly. It needs to be done methodically and properly. Of course, that will ensure the best outcome for Indigenous children.

The ACTING CHAIR: Minister, at the rate your department is moving, an entire generation of Aboriginal kids, or 80 per cent of those who are put in out-of-home care, are going to continue going through a system where they are not in the care of Aboriginal-controlled organisations, continue to fail as identified in the *Family is Culture* report and continue what, on any question, is the ongoing Stolen Generations. That is what you are on track to do, is it not?

Mr ALISTER HENSKENS: I do not agree with that.

The ACTING CHAIR: Minister—

Mr ALISTER HENSKENS: I do not agree with that because, Mr Shoebridge—

The ACTING CHAIR: You have got \$2.7 million at most.

The Hon. TREVOR KHAN: Point of order: I know you are Acting Chair. You put a proposition asking the Minister to either agree or disagree and when he seeks to answer you speak over the top of him. That cannot be appropriate. The Minister is entitled to answer the question.

The ACTING CHAIR: Indeed. Minister?

Mr ALISTER HENSKENS: Mr Shoebridge, I agree that the outcome we want is for out-of-home care for Indigenous children being provided by Aboriginal-controlled organisations. I agree with that outcome. However, I do not accept that the fact that 80 per cent are not in that environment means that they are a Stolen Generation or that there is not still a recognition of the culturally appropriate ways in which to provide their out-of-home care. Within the department there is a huge focus on ensuring that people are put in culturally appropriate environments. I think the proposition you were putting to me does not fully take into account that reality.

CORRECTED

The ACTING CHAIR: Minister, I do not understand what that reality is in a system where Aboriginal kids make up, at most, 4 per cent of the children in the State yet make up 43 per cent of the children being removed from culture, country and families under the system under your protection. I do not understand—

Mr ALISTER HENSKENS: I am not suggesting that that is an acceptable outcome—

The ACTING CHAIR: —how the department is working. I do not understand how it is culturally appropriate.

Mr ALISTER HENSKENS: That proposition does not deal with the answer that I just gave.

The ACTING CHAIR: Alright.

Mr ALISTER HENSKENS: Does it? It does not.

The ACTING CHAIR: Minister, why do you not answer this question: What proportion of Aboriginal children and young people in out-of-home care have a documented cultural care plan?

Mr ALISTER HENSKENS: I will go to Ms Czech on that.

Ms CZECH: At 30 June 2021 for those Aboriginal children in statutory out-of-home care, 60.3 per cent had an approved cultural support plan, which is 4.3 percentage points higher than what it was in June 2020. Clearly there is more work to do. It is certainly nowhere near 100 per cent. We are investing in a range of learning and development initiatives both for caseworkers within DCJ and those within the NGO sector as well, as well as rolling out Aboriginal cultural capability training.

The ACTING CHAIR: Who did the cultural care plan for the 60 per cent of Aboriginal kids who have it? How many of those were done by the Department of Communities and Justice and non-Aboriginal NGOs and how many were actually done by culturally informed, culturally engaged Aboriginal community-controlled organisations?

Mr ALISTER HENSKENS: Can I just interject before Ms Czech answers that question to say that we do have Indigenous people working for the department and we do have Indigenous working in non-Indigenous-controlled NGOs. Your proposition does not seem to recognise that reality.

Ms CZECH: Mr Shoebridge, if I could respond to your question in terms of who completes the cultural care plan, that will depend on who has got case management of the child. In New South Wales that can be DCJ or it can be an NGO. The completion, as I said, is the responsibility of who has case management of that child. What we do in DCJ is actually consult with Aboriginal staff. We sometimes will lean on AbSec or contract AbSec to support us in the completion of those cultural care plans—or other independent bodies and Aboriginal organisations that are in the community. I cannot speak on behalf of the NGO sector but I understand it is similar. I make the final point that the important issue of culture is one of the standards that the New South Wales Children's Guardian requires of all designated agencies that deliver statutory out-of-home care and it does have a monitoring function around cultural care planning, along with a whole range of other standards.

Mr ALISTER HENSKENS: You would be aware that Richard Weston has been appointed the Deputy Children's Guardian for Aboriginal Children, with oversight of that within the Office of the Children's Guardian.

The ACTING CHAIR: Minister, what are the reporting mechanisms for non-Aboriginal organisations that receive allocated Aboriginal funding in your department?

Mr ALISTER HENSKENS: That is an incredibly broad question, Mr Shoebridge. I might ask Ms Campbell if she can begin to understand where it is directed.

Ms CAMPBELL: I was a bit unclear about the question, Mr Shoebridge. Could you just repeat that for me?

The ACTING CHAIR: As you know, when a non-Aboriginal organisation has responsibility for looking after Aboriginal children in out-of-home care, there is funding for cultural care plans and there is funding specifically associated with that the fact that the child in their care is an Aboriginal child. What are the reporting mechanisms to ensure transparency on that funding that is meant to be allocated for Aboriginal cultural connections, so we know where that money is going?

Ms CAMPBELL: Within DCJ we have local and central contract managers who monitor what is in the contract and what is meant to be delivered. In addition to that, there is also the Office of the Children's Guardian, which clearly has a role in oversight of NGOs in complying with the standards around Aboriginal cultural care planning.

CORRECTED

The ACTING CHAIR: Minister, what has your department achieved under the Closing the Gap priority reform 2? To assist, that is building the Aboriginal community-controlled sector. Is it the four organisations over two years? Is that it?

Mr ALISTER HENSKENS: That Closing the Gap target is obviously broader than just my portfolio. Minister Harwin is the Minister for Aboriginal Affairs and is responsible for the Closing the Gap targets. As you are aware from one of my earlier answers, we have created an Aboriginal knowledge circle; we have the Deputy Children's Guardian for Aboriginal Children; we have within the department an Aboriginal outcomes task force; and we have an Aboriginal quality assurance team. We have a range of measures within the department which are geared towards the Closing the Gap target. We have now employed a new deputy secretary who is an Aboriginal gentleman and the current CEO of legal aid, and he will come in to oversight this within my department. That is a very high level—

The ACTING CHAIR: Minister, every thing you just referenced were resources inside the department, which is 100 per cent contrary to what that priority is about. That priority is not about building the department; it is about building the Aboriginal community controlled sector. Everything you have just put on the record is 100 per cent contrary to that. Can I ask you about the Aboriginal community-controlled sector?

Mr VEVERS: I wonder if I might give a very practical example of what we are doing. We are in the process of transferring 1,500 properties from government control to the control of Aboriginal community housing providers. We started that process this year. So far 500 properties have been transferred to four Aboriginal-controlled organisations. The remaining 1,000 are in the process of tenders being invited from Aboriginal-controlled organisations. That is a very practical example of moving resources from government control to the control of Aboriginal organisations.

The ACTING CHAIR: Thank you, Mr Vevers. Are there any other practical examples you can give, Minister?

Mr ALISTER HENSKENS: Ms Campbell is responsible for the Closing the Gap targets. I wonder if she might elaborate further.

Ms CAMPBELL: I will just touch on other programs. We have only talked about four Aboriginal out-of-home care providers. But there is also—

The ACTING CHAIR: Two.

Ms CAMPBELL: There is also, within the early intervention, youth and volunteering 44 Aboriginal organisations across three program areas. Family Connect and Support supports families into early childhood education and targeted early interventions. Within family preservation and child protection there are 56, so 20 per cent Aboriginal providers. This includes Aboriginal-controlled health organisations, Aboriginal and non-Aboriginal organisation partnerships, and Aboriginal sole traders engaged to convene family group conferencing and dispute resolution. Within the specialist homelessness sector, we have acknowledged that there needs to be a significant increase in the number of Aboriginal-controlled organisations. We are currently in the process of going out—we are about to go out—to tender in four locations for Aboriginal specific services. Under the Together Home program that Mr Vevers and the Minister have talked about, we recognise that of those particular packages that were available there needed to be 30 per cent. We also acknowledge that we needed to identify an Aboriginal service provider to actually manage that program. The first one commenced earlier this year on the Central Coast, which was part of a co-design that happened with the Aboriginal community up there. We have now got new people moving into that program. They are just a few examples.

Mr ALISTER HENSKENS: Thank you, Ms Campbell. On that last example, the Central Coast Aboriginal-controlled organisation that was dealing with the Together Home program was particularly effective. That organisation is now mentoring other Aboriginal controlled organisations to also get involved in the Together Home program, at other locations around the State. Mr Shoebridge, this is an evolving and building engagement of more Aboriginal controlled organisations. I am confident that we are heading in the right direction on this matter.

The ACTING CHAIR: Minister, on notice could you indicate how much of the \$2.4 billion in the budget has gone to Aboriginal-controlled organisations? If you could provide that on notice, that would be appreciated. If you could compare that to the last financial year, that would also be appreciated. Would you mind taking those on notice?

Mr ALISTER HENSKENS: Sure.

The Hon. ROSE JACKSON: I assume Mr Vevers has this but, Minister, you might—the current social housing waiting list.

CORRECTED

Mr ALISTER HENSKENS: Mr Vevers, I think you have probably got that number at hand.

Mr VEVERS: Yes. The waiting list is published for the end of June each financial year. There were 46,087—this is June 2020 because the 2021 list is not yet published—people on the general list and 5,308 on the priority list.

The Hon. ROSE JACKSON: When are we going to get the 2021 list, because it is now almost November?

Mr VEVERS: It is published in November each year. There is a process that we go through to eliminate people who have tragically passed away, for example, or people who indicate they are no longer in need of being on the waiting list. We go through that process in order to publish an accurate number, and that takes some time to go through.

The Hon. ROSE JACKSON: Do you know how many of those people are women over 55?

Mr VEVERS: We would know that. I do not know that right now. I would need to take that on notice. I will take it on notice.

The Hon. ROSE JACKSON: Minister, I think Ms Campbell was earlier trying to answer the question to say that there are no specialist homelessness services that are dedicated to women over 55. As you probably know, that is the fastest-growing group of homeless people in New South Wales. Are there any dedicated strategies that the Government has to address that?

Mr ALISTER HENSKENS: With regard to the priority group, we certainly have priority for access to social housing to the most vulnerable groups of people.

The Hon. ROSE JACKSON: But, as you hopefully know, the age cut-off for priority access is 80. So if your only vulnerability is age, you are not eligible for priority access until you are 80.

Mr ALISTER HENSKENS: We also have a number of other categories for priority housing, which includes domestic violence victims and the like. For Aboriginal people it is actually 55, not 80. Mr Vevers is more expert on these matters than I am, but there is a range of—disability is another area—different criteria which give people priority to the priority waiting list.

The Hon. ROSE JACKSON: Are you aware of this issue that I am raising, which is an increasing number of women who are not otherwise eligible for priority access but are experiencing homelessness or are at risk of homelessness because they have limited superannuation, there is a marriage breakdown, there is an illness, or something happens. These women are currently ending up in places like boarding houses and other relatively inappropriate locations for women over 55. Are you doing anything about that?

Mr ALISTER HENSKENS: It is an important issue. Certainly you would be aware—I know this will cover some of these women but not all of them—of the almost half a billion dollar announcement we made with regard to domestic violence supports and the core and cluster augmentation in up to 75 different localities across the State. We are certainly sensitive. I know you are not talking about all people who are surviving domestic violence. I know you are talking about a broader cohort. I might go to Mr Vevers, if I can.

Mr VEVERS: We are absolutely aware of that cohort of people and so are our staff, and we make our staff aware of it. The age limit that you refer to is not actually for priority housing. That is for people who are on the general waiting list. If they reach the age of 80, they do get a priority but that is not priority; it is an in between priority.

The Hon. ROSE JACKSON: That is right. Priority A and priority B, as we discussed before.

Mr VEVERS: Yes. But the process of assessing people is a very individualised process and it is actually a very thorough process. We look at everybody case by case. I absolutely agree that we need to make the staff who are undertaking those assessments aware of the needs of particular cohorts, which we do, and that does form part of our training of staff.

Mr ALISTER HENSKENS: Can I add two things to that? The first is that if somebody is at risk of homelessness then that gives them priority, I believe. Mr Vevers will correct me if I am incorrect. The second matter is that our support for the vulnerable in the area of housing is not limited to the provision of a social housing property. Indeed, I think Mr Vevers can give you the figures on the number of people who are helped in the private rental market through our Rent Choice programs. We have announced two lots of \$10 million upgrades in recent months to support people in the private rental market who cannot otherwise get a social housing property. I think Mr Vevers can speak to the number of people who are assisted in that way.

CORRECTED

Mr VEVERS: If I could give you some sense, around 10,000 people each year come into social housing. That is all forms of social housing. We assist 16,700 people to enter into the private rental market. That is either financial assistance or we help them actually find a place in the private rental market.

The Hon. ROSE JACKSON: I think I have run out of time.

The ACTING CHAIR: You have run out of time.

The Hon. ADAM SEARLE: We are now into Government time.

The ACTING CHAIR: Government members now have an opportunity to ask any clarifying questions.

The Hon. TREVOR KHAN: No—fully informed.

The ACTING CHAIR: Minister, thank you for your attendance today, and to all the bureaucrats. I particularly thank Ms Campbell and Mr O'Reilly. I know it has been difficult to contribute from your end. We appreciate your ongoing efforts. That concludes today's hearing.

(The witnesses withdrew.)

The Committee proceeded to deliberate.