

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON LAW AND JUSTICE

INQUIRY INTO CRIME PREVENTION THROUGH SOCIAL SUPPORT

At Sydney on Monday 8 November 1999

The Committee met at 10.00 a.m.

PRESENT

Mr R. D. Dyer (Chair)

Mr P. Breen
Mr J. Hatzistergos
Mr J. F. Ryan

FRANCES AGNES BARDETTA, President, Association of Child Care Centre of New South Wales, 569 Old Northern Road, Castle Hill, sworn and examined:

CHAIR: What is your occupation?

Mrs BARDETTA: I am a preschool teacher and owner-operator of a centre. I am also president of the Association of Child Care Centres of New South Wales and National President of the Australian Confederation of Child Care.

CHAIR: In what capacity are you appearing before the Committee?

Mrs BARDETTA: As an owner-operator and educator and also as President of the Association of Child Care Centres of New South Wales.

CHAIR: Did you receive a summons issued under my hand under the provisions of the Parliamentary Evidence Act 1901?

Mrs BARDETTA: I did.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mrs BARDETTA: I am.

CHAIR: Could you please briefly outline your qualifications and experience as they are relevant to the terms of reference of this inquiry?

Mrs BARDETTA: I am a trained primary school teacher. I basically taught within the western suburbs of Sydney for over 14 years and in 1976 opened a child care centre in Baulkham Hills and have been involved in early childhood services ever since.

CHAIR: The association has made a written submission. I take it that you would wish the submission to be included as part of your sworn evidence?

Mrs BARDETTA: Yes, please.

CHAIR: If you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee would be willing to accede to such a request. Mrs Bardetta, I invite you for a period of up to about 20 minutes to elaborate orally on the submission that the association has made. We will then ask you questions.

Mrs BARDETTA: The Committee has invited me to discuss the work my organisation does in early intervention and to link that work with the issues raised in our first submission. My story is mostly about child care centres, how they supply various early intervention and support services to children and parents and how they co-ordinate and integrate the delivery of those services. First, though, I will outline the association's role in supporting children's services. The association has for 30 years helped its members in their quest to improve the quality and value of services to child and parents. Most members own and operate what are called long day care centres. This includes preschools as well, but members also operate stand-alone out of school hours services, stand-alone preschools, home-based centres—we have a

huge component of home-based care—and church-owned community centres.

The association is managed by an honorary executive committee. The executive is elected annually by our State membership. Funds come entirely from members or from our fundraising efforts. Major objectives of the association are training, information sharing and representing members as well as our children and parents in decision-making forums. With respect to training, I think we have a rather proud history. The association, way back almost 30 years ago, recognised a need for the training of the people involved in the delivery of the services. There was no access unless one was a university graduate. Lots of people working within the field did not have the academic qualifications to allow entry. So our then president went to North Sydney TAFE and explained the need within the industry for training. She was told that North Sydney TAFE could supply lecturers, at a cost. She went next door to North Sydney High School, hired rooms for the evening and started a training course which became the TAFE triple-C and is now the diploma of applied sciences early childhood. That was initiated simply by a need that grew out of members of the association.

From there we have gone on to develop OTEC, which is ongoing training in early childhood. We ask our members across the State to find a topic in which they are interested and we supply the lecturers and send out course details and involve our people in the training that they are asking for. The training is delivered throughout the State on a needs basis and we operate regular conferences—at least two each year. We also distribute a newsletter in which we keep people up to date. When I refer to child care centres I am usually referring to all centres, private or public. That is not to say that there are no differences between two. Private centres are owned and operated in ways which lead to differences, especially in continuity of service.

What the association stands for, what it wants for children, where it believes improvements are possible and some ideas on how to get there were all issues we explored in our January 1998 discussion paper "Child Care for Children", which we enclosed with our first submission in November 1998. That discussion paper argued for greater government commitment to high quality but affordable child care services with a greater focus on the needs of the child, because doing so would mean better social justice outcomes, a better education system, less juvenile crime, better function and more cohesive families. As this Committee will know, improving those outcomes is very much related to improving access to the delivery of early intervention services. Above all else, those programs need to start at the start, begin at the beginning.

Professor Vinson touched on a major issue in his evidence of 25 October. He expressed amazement that for 25 years our community has not been able to find good ways to concentrate assistance and move it upstream. That is, we have not been able to start at the start. I say that child care centres are a good way that the community can move a greater proportion of its investment in the child and family upstream. Why do I believe that? It is because of the range of child and parenting support services we deliver and how we deliver them. Child care centres build on the connection between child and parent by complementing and supplementing parenting, not by substituting it. Child care centres are, together with parents, the start of education, health and crime prevention. All centres are a partnership with the public and the private sectors. They are openly regulated and quality tested. They are, through the child care assistance system, part of a fair and financially sustainable system of targeting community assistance to where that assistance is most needed.

Most importantly, child care centres, by their very nature, connect with parents in a special

way because of the special relationship. That relationship is voluntary: Parents are free to walk away. That relationship is based on mutual trust and respect and on common interests in the wellbeing of the parents' child. It is also important to recognise that child care centres provide community support for parenting, but not of the busybody variety. The centres provide their services to everybody, so any parent using those services is not stigmatised as needing government intervention or assistance. Putting that in the words of Professor Vampani in his evidence to the Committee on 25 October, child care centres improve outcomes across the whole of the population. They do not just focus on those at the bottom of the pile who seem to be the most disadvantaged.

Child care centres deliver a twin benefit: They are a universal system and a targeted system both at the same time. Centres' programs, because of Government assistance, are available to everybody, but within that, individualised programs and support are targeted to a child or parent who may have additional needs. Of course, there are some Commonwealth policies which limit access for non-working parents and are also restricting early intervention benefits. I will deal with that aspect later.

Before looking at examples to show what we do, I want to explore this notion of relationships and how I think that notion can be used to think about better social support and better crime prevention. I do so because I think it is important to understand how early intervention work fits in the scheme of things. It may also help the Committee understand what we are asking the Committee to do for centre-based services and for children and their parents. In relation to child care centres and their building of relationships, we say that in some ways child care centres and the criminal justice system are part of the same world. Centres are the front end of the crime prevention network. In the foreword to *Relational Justice*, Lord Wolfe states:

The message which this book provides is there could be an alternative approach which would stem or just possibly turn the tide.

He is referring to the tidal wave of antisocial behaviour. He goes on to state:

The approach involves identifying and seeking to tackle one of the major underlying causes of breakdown of social behaviour, and that cause is one which I have no hesitation in accepting exists. It is the total or partial failure of a series of relationships—relationships which should exist among and between individuals, communities and institutions.

That fact connects to a search that is going on around the world. New South Wales is not alone in searching for improved ways to grapple with one of the underlying causes of breakdown in social behaviour, and that is, inadequate relationships between individuals, between family members, between communities, and between people and institutions. So let us go back to basics. Relationships, especially between child and parent, are how we define our wellbeing. Self understanding, a sense of purpose, fulfilment and happiness all come from that relationship.

Relating that to children, I can say that there is plenty of research as well as my experience to tell me that long-term stable relationships are vital to learning to communicate, to having the confidence to explore the world and to developing relationships with peers. Moral development, sympathy for strangers, balancing of self-interest with group interest, balancing choice with obligation all can be traced to the quality of relationships and individual experiences in childhood, especially in the first five years. I believe this notion of self understanding is critical. In the words of recent British policy research in this area, the notion of individual self understanding is the foundation of the criminal justice system, the bedrock upon which public order is built.

The other side of the coin is inadequate or absent parent-child relations. Those inadequacies are linked not just to juvenile delinquency but also to violence and a range of psychological disorders, eating disorders, adolescent depression and difficulty in developing social relationships. What we want this inquiry to do is to help us to show how child care centres help to create that self understanding and to build and sustain those crucial relationships, especially between the child and a parent. We want crime prevention policy to better understand what we do and how to use us more. We ask this inquiry to help inform that policy process. We want to be clear about what government and the general community should be trying to do and why.

Recent research is helping all of us to understand how social and economic disadvantage results in high levels of crime. As Dr Weatherburn puts it, economic and social disadvantage appears to increase the rate of juvenile participation in crime mainly by increasing the rate of child neglect. We do not see Dr Weatherburn's 1997 report as downgrading the importance or relevance of poverty or unemployment; rather, he is talking about smarter ways to tackle those social problems. We also agree with the way that Professor Vampani puts it. There is an overlap between neglect and poverty, and neglect maybe one of the significant pathways by which poverty actually results in those outcomes, including criminality.

What should be the priority target? We contend that the priority should be to find ways to reduce the conditions which foster neglect. That translates into the need to find ways to improve child-parent connected-ness, to support parenting and to give all children a fair chance in life, regardless of the parents' resources or skills. Some people are considered poor, but they are excellent at parenting. At the same time, some people who are thought to be well off either do not know how or do not want to connect with their child.

Concentrating on poverty can therefore mean that policy is aiming at the wrong targets. I know from experience that poor parenting is not related to socioeconomic factors. Dr Weatherburn's more refined explanation of cause and effect tells us not only that crime prevention policy objectives should seek to reduce the conditions which foster neglect, but also what sort of early childhood support services need to be better used. They are those which deliver adequate and affordable child care, health and parent support services, and child care centres deliver all three.

Dr Weatherburn's report makes another important point. Not only should long-term crime prevention capitalise on early intervention programs that are known to improve the quality of parenting behaviour: It needs to deliver those child and parenting services well before the onset of involvement in crime. Once again, we ask the Committee to note that child care centres do just that. It is clichéd but it is true: Prevention is smarter, fairer and cheaper than punishment. That is because prevention is a better way to deal with causes instead of symptoms. Prevention is a better way to deal not just with the procedures of justice but also with its purpose. We have all known for 25 years that spending on prevention is smarter than spending on punishment. One knows that Australia's child care centres are a good way to deliver that early intervention spending. We do it effectively, we do it fairly and we do it in a socially and financially sustainable way, non-intrusively and without stigma.

Having tried to put my story into the right context, I will now give the Committee some illustrations of how child care centres deliver early intervention and support services. Let us remember some basics. Children need to be properly fed and properly clothed. They need to learn about self understanding, and they need to learn about self-control. Above all, they need unconditional love, especially through parental bonding and supervision. Those things are in

essence the conditions that are essential to the healthy physical and emotional development of the child. Neglect is really the failure to provide those conditions. New South Wales research is now showing that one-quarter of neglected children eventually turn to crime largely because they do not have the kind of attachments which are the foundations for self-control and for caring for others.

In our first submission, we posed 17 questions to be used as a framework to help the Committee choose what sort of early intervention systems will have the best crime prevention pay-off. I have tried to reduce those questions down to the essentials, namely: caring about others—relationships with peers and getting along with groups; proper nutrition; proper clothing; proper disciplined methods; proper supervision by a parent; learning to communicate; and developing the confidence to explore the world. Benjamin Franklin was right: Well done is better than well said. So what is it that we do? Underlying all effective early childhood parent support is one fundamental principle: There must be a connection between the child care centre provider and the parent, and between the child carer and the child. That connection cannot be bought; it can only be earned bit by bit, day by day, year by year. It takes time, and the connection evolves over time.

Very often, it is the ability to observe a child and parent over time which enables the skilled and committed educator to observe what is, and what needs to be, for child and parent. Then, based on that connection and based on those observations, child care centres find ways to address those needs. They do so in a way which protects and nurtures those connections, usually without a parent having to ask for support. Continuity and consistency matter a lot. The longer that connection between the centre operator and the parent exists, the greater the community; and the stronger the relationship, the better will be the outcomes when special support is needed for either the child or the parent.

Because of that connection and relationship—and, of course, their skills, experience and their willingness to be bothered—early childhood staff can sometimes see the stresses in parents before those stresses cause problems for the child or for the parent. We all have various techniques to deal with such situations. Generally we find ways for parents to get some space, some relief or some help either with cooking or washing or just a night out. We recently had a mum who was needing 12 weeks bed rest. Dad was at his wits end as to what he was going to do. He had two very lively little boys. We just organised within the centre a roster for parents to provide cooking. Some of the mums took the children overnight for sleep-overs. They also helped with the washing. He just had to drop it at the centre and it was done and he picked it up later. He is a doctor and he is a very busy man. At the end of the 12 weeks he said that he had never eaten so well nor been so well looked after. It is those sorts of things that represent a community in action and exemplify what the child care centre can do.

Sometimes, though, the evidence of neglect becomes quite visible. A child may continually present with dirty clothes or dirty hair and may generally just not be looked after. How does one deal with that without it becoming an embarrassment? In most centres, we have role-play times and game-play times so we trot out the beauty salon and Auntie Frances will often say, "Who is going to do my hair for me?" They will fuss over me and then I say, "Now can I do your hair?" We all take turns at being at the salon and the hair gets done, and it can even get washed. It is the same with clothing. We might start with washing the dolly's clothes and then ask, "Who would like to wash their clothes?" One makes sure that the child who needs to have that done is involved in that game, but not stigmatised or drawn out especially. It is those little non-intrusive things that work quite well and the message goes home because the child will say when mummy or daddy comes, "Look at my beautiful hair. Don't my clothes

smell nice? We washed today. We had a lovely time. We played and we did the dollies first, and Mary was in it, too", so they know that it was not just for them. The message is quietly going home. Without having to talk to the parent, the parent usually gets the message and things start to happen.

Another matter is the emotional trauma within a child. That came quite clearly home to me just recently. One of my little boys, who has been with me since the baby boom and was about to go to school, was acting up quite violently. This was not normal for him. So I took him aside, gave him a cuddle and said, "You must be feeling really rotten. What is going on?" He said, "I just hate it that my daddy doesn't live with us, he lives with another lady." His dad had been living with the other lady since this child was born. Why was it suddenly becoming a problem? So I said to him, "Keenan, you have dealt with this for a long time now. Why do you feel so bad about it?" "Because everybody is making daddy cards for father's day and I won't see him to give him mine."

So we needed to talk to mummy, who then rang daddy, and daddy came in and we had a long talk in which I said, "The child needs you to be a bit more visible in the scheme of things and take a hand in this." So daddy has been spending a lot more time over the weekends with his boy. He was very grateful; he did not know the impact that it was still having after all this time; he thought the child had learned to live with it. So there are times when you need to be very much aware of what is going on and how to handle it. That could have been tricky if we did not have that strong bond with both mummy and daddy that we do have. Keenan, by the way, is back to his normal, lovely self.

Another matter that is quite a problem for most child care centres, and I think for most parents too, is nutrition. A lot of children will come in, particularly in the morning, with hash browns for breakfast. We had always provided a breakfast program, but some of the parents were allowing themselves to be manipulated by the children, to the point that a Westmead paediatrician was telling me not to worry about the fact that she was having McDonald's because he was compensating with vitamin B injections. I do not know what you think about that, but I found that appalling.

So, in real terms, what we try to demonstrate our point by what we put out for breakfast and by giving out menu plans, because many of the children will tell the parents that they "don't want that sort of stew, it's not like Uncle Tony's." So the parents will come and get the recipe. Also, we have parent evenings at which we have someone from the Asthma Foundation or the Nutrition Foundation, or teachers from the school when it is getting time for the children to move on to school, to talk about how to prepare the meals. We try to provide those sorts of things too. In the long term, often you will find it is the children who start teaching the parents.

Another strong way in which to identify problems and deal with them is role playing in the home corner. A child will pick up a doll, scream at it and shake it. You know immediately that this is not a behaviour that the child has witnessed at the centre, that it has come from somewhere else. Often, you are teaching the child right from the beginning how to parent. Quite often you will say, "Look at these poor babies. They are going to end up with pneumonia; you have left them all on the floor without their clothes. Let's get them dressed," et cetera. These little games that you are playing every day are laying down the foundation for parenting later on. It may look like play, but these are very strong foundations for later life.

This role playing is supplemented with centre newsletters. The library is located at the entrance of most child care centres. Parents can borrow from those libraries. The library may

contain videos teaching about child development, what is reasonable to expect and what is not. We do not discriminate on the available procedures. We put lots of items in the library and let everyone read as much as they can in order to find out what works for them.

Another way that we can help parents who are down and out is by having ostensibly fundraising activities such as a clothing pool. You might say, "Everybody who has finished with their lovely things are asked to bring them in. We will wash them, bag them up and sell them off." We will advertise this in the local paper, so that it is not homing in on the people in the centre. But the people in the centre will have first pick of those things. This is one way in which they will not just feel they are being asked to give something, but that they are actually helping the centre.

We know that these strategies work. A lot of our girls do babysitting. Of a night, they will go off to parents' homes on an invitation, not because the parent has been targeted as being in need of help or anything but because the parent has invited them into the home. The girls will often come back and say things like, "I think so-and-so needs a bit of a hand with nutrition. Those kiddies are eating noodles for tea every night." One way we get around this is to run centre-based certificate courses in the child care centre. We offer those courses to parents as well as to staff.

We advertise within the local area in order to attract the attention of parents. You can ask the parent who we believe may need that education if she could come along "because we need your help", because she is so "good at helping do suppers and things". It is those who love to be asked who learn so much by being involved in those activities. One particular girl ended up with an A-grade pass. She was one of the mothers that we were most concerned about, and she went on to do a diploma and has now applied to the University of New South Wales to become an early childhood teacher. So it offers pathways.

The centre-based care certificate is a tool for many things—for discipline, showing parents how to handle difficult children, and so on. And there are difficult children. We tend to think that the parents are not doing their jobs, but some kiddies are born difficult. I had five, and one of those was exceedingly difficult. Child development gives parents realistic expectation levels. It teaches them and staff how to recognise and deal with abuse. It teaches how to talk with children, what is appropriate language and what is not. It teaches multiculturalism and about disabilities.

One of the most incredible things that I have found over many years is that some parents think that their children are naughty and disobedient when in fact those children have a hearing loss that the parents have not picked up. We had one little boy who used to sit right at the television, trying to look at it. He would be doing his puzzles close up at the television. Even when he was 3½ years old his mum had not picked up the fact that he needed glasses.

What are our child care centres hoping that the Committee will achieve? New South Wales child care centres are second to none, but we see ways in which we can be even more effective to the child and to society, and this inquiry can help us do so. We ask for your help to tell crime prevention policy makers and parents what role we play and how we can help in crime prevention. The main way to help us to be more effective is to help us reach more children and more families by improving access. This is a link that the Chair, way back at the meeting we held at the Sheraton, recognised immediately. The policy of trying to cut access for the people who need us most was wrong. That is why I am hoping that that link and what we are doing here might filter through to the powers at the top end, who need to understand that

cutting access to the people who need us most is not a good idea, not in the short or long term.

A major way to facilitate improved access is to lend your voice to those trying to persuade government that it is no longer sensible to have access to early childhood services determined only, or mostly, by work-related needs of parents. For 30 years we have said that child care is for children, and we do not walk away from that. Child care has to be for children first, and for parents next. The strength of the nexus between work and child care is outdated, and the priority is wrong. The worst policy mistake has been the 20-hour cap for non-working mothers. These are the parents who typically need us the most, not the least. Funding should be for the child, not the centre, and not exclusively for the parent. Preventive support is supposed to pay for services for the child.

There needs to be requirement that ensures that parents spend that money on the child. All governments need to understand and support the higher cost of children aged naught to three years, especially given what we now know about the importance of those first three years. At a State level, parents need to know that child care delivers preschool. There seems to be a perception, which has been about for ages, that if you want an education you go to a proper preschool, as they call it, and if you want care you go to a long day care centre. May I remind the Committee that the regulations for both are the same. We require the same qualified staff, we require the same programs. The accreditation is only for long day care, so that quota control is delivered in long day care only.

When we say that governments need to understand that there is a higher cost in caring for children of naught to three years, I would not like to see that, in aiming for the provision of universality of preschool for four-year-olds, you are forgetting about the importance of those naught to three years. At a State level, parents need to know that child care does deliver preschool. It makes sense that New South Wales increase access for four-year-olds to preschool, whether delivered by public preschools or private preschools or through preschool programs embedded in private long day care.

State regulations mean higher quality, but at a higher cost, and that impacts on affordability and thus accessibility. Though New South Wales insists on higher standards and higher costs than other States, it should also help all New South Wales parents with State resourced assistance. That is a big ask, I know, but not just to the parents using government centres. Improving quality means ongoing improvement in research and in the content of in-service training and knowledge. There is much scope for greater collaboration on private skills and public infrastructure and resources. New South Wales could do a lot to make our training more effective. I think I may have used my 20 minutes.

CHAIR: Mrs Bardetta, could I focus on a couple of funding issues first. I think, for reasons of fairness, I ought to put to you something that I put to Ms Ball, who appeared before the Committee fairly recently. I asked her about her perception of Federal Government funding policies, particularly focussing on the abolition of the operational subsidy for community-based child care. You made critical comment regarding the 20-hour cap on the use of child care. Could I ask you, whilst recognising that child care funding is complex, to identify, at the State and Federal level, what your perception is of what is good and bad about the system and what improvements need to be made?

Mrs BARDETTA: It must be understood that the private sector never received operational subsidies, so that decision did not affect us. However, it did affect us in that there was a great deal of publicity about it, and the press did not distinguish that it was for a

particular sector. So the message went out that child care became expensive. It did not say that some child care service deliverers became more expensive; it just said child care service deliverers became expensive. That did affect us. Parents who were with us at the time of the changes did not move away, but for two years we have struggled emphatically with the perception problem. We have overcome that in a lot of ways, mostly through marketing, with radio advertising and that sort of thing. We have had to address that and we seem to have turned round that perception, but it is still being used. I know it is the political game and that is how we play, but it is somewhat tragic when kiddies are caught up in that.

The other thing I again will emphasise is that the 20-hour issue has bitten hard and bitten hard in the areas where we classically need to be delivering the service more, if for no other reason than the nutrition we offer: breakfast, morning tea and lunch. At least we know those children are getting adequate nutrition in those areas where high unemployment is rife. State Government funds only go to government centres. That is an issue for the State to resolve. I am not here to say one way or the other, but we have always said to fund the child not the service and allow access for those who need it most and let them buy it where they want it. We have always campaigned on that.

CHAIR: Is it your view that the Federal Government made a mistake regarding the placing of the cap on child care for non-working mothers, that is, the 20-hour limit?

Mrs BARDETTA: Yes.

CHAIR: Has it given you any reason why the cap was imposed?

Mrs BARDETTA: Well, it was historical; established by the previous Government. Childcare was built on the platform of allowing entry into the work force for mothers. They have continued to wear that baby. They have not revisited the premise. No-one has at this stage. That war cry we go out with all the time, child care for children, is something we would like someone to take up and understand what it really means.

CHAIR: From your association's point of view are you saying that this cap has had an unfortunate consequence regarding non-working mothers accessing child care?

Mrs BARDETTA: Well, anyone who saw the picture of that 2-year-old holding his mother's head while she was out to it on heroin in Cabramatta knows the impact of that. That mother did not have a job. She did not have access.

CHAIR: On the last occasion I put also to Ms Ball some remarks Professor Vimpani made to the Committee focusing on multiple child care, that is, child care of a particular child in more than one form of child care. Professor Vimpani referred the Committee to what I suppose could be described as some emerging research by a professor in early childhood in South Australia, Professor Gammage. He tends to say that if young children are exposed to, say, up to 15 different intimate carers there may be some adverse effects, although Professor Vimpani was rather cautious about making that claim.

Interestingly enough, two days after Professor Vimpani gave that evidence to this Committee the Minister for Community Services, Mrs Lo Po', issued a media release, which was based on a study commissioned by the Department of Community Services [DOCS] Office of Child Care said to be based on more than 1,000 questionnaires, focus groups and telephone interviews with parents across the State.

The research evidently found, among other things, that one in three parents rely on multiple forms of child care, including long day care, preschool and informal care by grandparents; 75 per cent of 2-year-olds and 64 per cent of 1-year-olds used more than two types of care in a week. The last thing I shall say about the media release is that it said that parents who use multiple types of child care said their children experienced separation anxiety. What is your experience about the typical use of child care by parents and children? Is multiple use common and is there any warrant, in your view, for attributing separation anxiety as an outcome of multiple use of child care?

Mrs BARDETTA: Multiple use is becoming more common, but for a number of reasons. One, the media campaign that child care is very expensive. The fact that it is in New South Wales because we have greater demand in New South Wales by way of regulations for more qualified people. There is some debate as to whether the outcomes for children can justify that. The other thing, of course, is the cap for non-working parents. I honestly believe that centre-based care, particularly when it is of a private nature where you have a long-term commitment of management, which is a core that always stays there, can offer stability. Whether or not parents are willing to pay for that comes down to educating the parent.

We need to be looking particularly at what is happening in England with the effects of early learning programs. They are educating everyone that is involved in the delivery of early childhood services: parents that come into the service, the staff, the playgroup people. It does not matter what sort of service you are running, everybody has become involved in this program where they address such issues as the importance of continuity, the importance of brain developing particularly in the under threes.

I know this might sound strange but this is typical of what happens: People will come into the service, they will look at everything you have got there and they will say, "Oh, this is too good for kids. You should turn it into a bistro or an art gallery." It is an attitude. We as a society must turn around that attitude. That is the strength of what could come from here, the collaborative approach to not just educating staff in the centres but the parents who come into them or are seeking care and making them understand the importance of continuity.

Yes, there is more than one answer to your problem: it is not just the cap, it is not just the widening of the gap fee, it is not just the regulations that hit the cost up and it is not just the industrial framework in which we work. You can understand that most of us would love to have our centres open 24 hours a day seven days a week, but industrially we are caught and we cannot because the parents simply could not pay for what it would cost us to provide that.

CHAIR: Has the State Government's Families First Program a role to play in the child care sector by filling in gaps?

Mrs BARDETTA: At this stage we know nothing about it. I rang my office twice before I came here and physically went in and ferreted around everything, but we have heard and received nothing. I can only say to you that I do not know.

CHAIR: That surprises me. It is my recollection that on the last occasion the representative of the Community Child Care Co-operative told us that there had been some degree of consultation and contact, but you are saying the private child care sector—

Mrs BARDETTA: I have asked all our executive and I have gone through everything and

nothing has come in to tell us what it is or what it intends to do. I would love to know more about it and whether in any way we could be incorporated into its delivery. We are there, we want to be used.

CHAIR: In your association's submission you use the word "connectedness" a lot?

Mrs BARDETTA: Yes.

CHAIR: Are you referring there to connecting the parent and the child?

Mrs BARDETTA: Yes. Relationship building is another term.

CHAIR: Clearly you feel that child care centres have a crucial role to play, is that right?

Mrs BARDETTA: Vital.

CHAIR: In overcoming neglect?

Mrs BARDETTA: In all its facets. I do not believe from my teaching experience that this stops at council borders. It is right across. A lot of times staff will come to me from college or university and they will say, "But I didn't particularly want to work in an area like this. I wanted to work in a needs area." I will say to them, "Stay with me for a month and repeat that statement." There are needs and there are needs and some areas are much better at hiding needs than others; they are much more skilled.

CHAIR: As you know, this Committee is examining crime prevention through social support. Dr Weatherburn gave clear evidence that neglect is an important, in fact, the most important, predictor of subsequent offending behaviour. As you said in your initial remarks, from your awareness of the evidence of Professor Vinson, he extended that into poverty. Do you agree that they are essentially talking about the same thing?

Mrs BARDETTA: I think so. I still believe, from my observation of working in areas like Lethbridge Park and Marayong that there are poor people who are brilliant at parenting. They can make do and the main thing is that they give their child love, support and time. And there are people in the area from which I come, which is highly affluent, that truly believe they can pay the child and we pay the consequence in our area with a high teenage suicide rate and high use of drugs. There is all sorts of criminal behaviour and it is much more involved than hooning around in cars and pinching cigarettes from the newsagent. I think putting that needle in your arm is just as big an offence.

The Hon. J. F. RYAN: You have been referring to a specific child care centre. In what suburb does that child care centre operate? I imagine it is a suburb of Sydney?

Mrs BARDETTA: No. Some of those stories I have told you I have deliberately chosen from different areas. The one when I was talking about the little boy who had the problem with the daddy was my own centre. It is in Castle Hill.

The Hon. J. F. RYAN: Is your organisation aware of any survey of people that have become involved in the prison or justice system to have been in child care?

Mrs BARDETTA: No. If there is such evidence, we would love to see it.

The Hon. J. F. RYAN: I do not know that it has been done, I merely wanted to know whether you had any knowledge of that. I imagine that the 20-hour cap means a non-working parent would use a day care centre for about three days, is that right?

Mrs BARDETTA: No. In my case, where the centre is open for 12 hours, it actually limits you to one day.

The Hon. J. F. RYAN: Are there not means whereby parents can bring their children in for shorter periods of time and extend it over three days?

Mrs BARDETTA: Yes, they can, but in actual fact the hours claimed are the hours the centre operates that limits them to a day.

The Hon. J. F. RYAN: But if a parent brought in their child from 9.30 a.m. and left him or her there until 3.00 p.m. would they not claim only five hours?

Mrs BARDETTA: No. That is an hours-booked system. That does not work in Australia simply because we have to have our staff for the licence and you cannot fill in those pieces on either side of the day. So, the claim is made for the hours of operation of the centre.

The Hon. J. F. RYAN: Regardless of how much time the child is there?

Mrs BARDETTA: Yes. You will find very few people would use the centre from 9.00 a.m. until 3.00 p.m. If they want that sort of service they go to a preschool that is State funded and would cost them around \$16 a day as opposed to a long day care centre, which would cost between \$30 and \$37 a day.

The Hon. J. F. RYAN: But there is no capacity to claim for a shorter time?

Mrs BARDETTA: No.

The Hon. J. F. RYAN: You referred to costs in New South Wales being driven up by regulations requiring higher levels of quality. Are the New South Wales regulations similar to other States?

Mrs BARDETTA: No, not at all.

The Hon. J. F. RYAN: What are the specific differences?

Mrs BARDETTA: In New South Wales we are required to have early childhood teachers [ECTs], people from university, for each group of children depending on the number of children. In Queensland there is one ECT in the service overseeing the development of the program, which is administered through people with a diploma or certificate. In Victoria, South Australia and Western Australian there is no need for ECTs; that is not to say they do not have them, they do if they see the need. In Queensland they have a child care award, which is fairer across the board for everyone. In New South Wales teachers are sometimes two, three or four times more expensive than a person with a diploma.

The Hon. J. F. RYAN: You referred extensively to nutrition of children.

Mrs BARDETTA: Yes, it is vital.

The Hon. J. F. RYAN: It has been my experience that very few of the child care services that operate in the western suburbs of Sydney provide meals for children. Most centres require meals to be brought from home. Do you suggest that perhaps there is a variation from centre to centre?

Mrs BARDETTA: Yes. It depends on the ability of the centre to charge, and meals may be one such area. Even if meals are brought from home the centres often provide nutrition experts to speak at parent evenings about providing better food nutrition for children. That advice is also provided by way of newsletters. However, that is not the general practice. Most long day care centres that are members of our association supply meals from breakfast onwards but not the evening meal, although some do.

The Hon. J. F. RYAN: Regarding the contribution that child care centres can make in respect of child neglect, an argument that sometimes runs through the community is that by and large children who wind up in child care centres come from parents who are more inclined to think about the care of the children and that the kids who are more likely to be neglected do not attend a child care centre, because the parents would not think of it. For example, the image you conveyed about the drug-dependent parent. It is highly unlikely that the parent would have thought of presenting the child to a child care centre at all. Is there a limit to what the centres can do? They tend to look after the kids who were not in significant danger; the kids who are at risk of neglect and abuse probably will not attend a child care centre.

Mrs BARDETTA: I addressed that in what I said about my perception of the Committee's role in educating parents as to what we can provide and do provide and also talking-up the world's best practice. All governments in this country, no matter what colour, should be very proud that they have developed the world's best practice in child care. The rest of the world sees Australia as leaders in this field. The last topic area the Committee asked me to consider was what I hope this inquiry can achieve. I took heart at the open forum when I saw people of both parties, of all persuasions, giving a commitment to what the Government had undertaken.

It would be wonderful if we could transfer that across the State and Federal borders. I live in hope that people will one day sit down and say "this is for our kids". Governments can come together for East Timor; it should not be too hard for us all to come together on this issue and stop taking political pot shots.

The Hon. J. F. RYAN: There is an emerging consensus by policy makers that there is value in exposing every child to a form of preschool training. That comes in different forms but by and large the most common form of policy commitment is that every child in the year before he or she attends school ought to attend a preschool for a time. Is that the kind of commitment you would like to see? Or were you thinking of something entirely different?

Mrs BARDETTA: I suppose that is a start, but I prefer to see accessibility and affordability for the parents of children from birth. The parents can be helped immensely. A recent edition of the *Sunday Magazine* stated that by the year 2005 60 per cent of women under 35 will not have the commitment of marriage. What will happen to society if it is going to consist of more and more single mothers? The mother will need support, she cannot do it on her own. Just as we cannot do this on our own, we need the Government's support. The Government cannot do it on its own, because it is too expensive. Government needs the

commitment of the private sector, which has the ability to make investments. Together we can do something really brilliant to turn this around.

You asked me about a four-year-old undergoing preschool; quite frankly sometimes that is too late. I would like to see an involvement in a playgroup, which has a role to play in the education and support of parents, as do preschools. Moving children into a formalised preschool system is not the answer for a four-year-old; is more about educating parents as to the worth and value of early childhood centres.

The Hon. J. HATZISTERGOS: In private centres, I understand that ECTs are not required unless the centre is of a certain size, say from 0 to 29 places. Is that correct?

Mrs BARDETTA: Yes.

The Hon. J. HATZISTERGOS: Under that number no ECT is required?

Mrs BARDETTA: There is a requirement for a diploma teacher, but not an ECT.

The Hon. J. HATZISTERGOS: Would you agree that looking after children aged from zero to two is probably the more expensive component, because of the high supervision ratio?

Mrs BARDETTA: Yes.

The Hon. J. HATZISTERGOS: In the private sector there tends to be a skewing to maintain their numbers from zero to 29 so they do not have to employ an ECT and to restrict the age group from three years to five years so that they do not have the more expensive ratio to look after. I have studied development applications and discovered that that notorious practice has maintained profitability. It cuts across the issue that you have identified. You say it is important to look after this group, to target this vulnerable group, and yet there has been a rush of centres trying to increase profitability by manipulating those two variables. Can you comment on that?

Mrs BARDETTA: This topic has been raised vehemently in the press. The research that has been done in the Castle Hill and Baulkham Hills areas established that the six council centres which provided for children aged zero to two years accommodated 30 children, and the private sector looked after 153 children. My centre alone provides for 20 children aged from nought to two years. In the past there had been a tendency to build centres to accommodate up to 29 places, but that is no longer the case. If you really looked at the development applications you would have seen that basically they are for accommodation for between 40 and 60 children. With government assistance, knowing that children will be able to come, there will be a greater growth.

In Queensland the centres are huge because the greater preponderance of teachers is not required. Under the regulations a 90-place centre is required to have four ECTs, that they can only have 60 children aged three to five. Therefore, there will be four ECTs for 60 children because the ECTs do not deal with children under three. The lady who runs a 59-place centre for children aged between three and five needs only two teachers. However because the licence states 90 places, there must be four teachers. There are anomalies in the regulations.

The Hon. J. HATZISTERGOS: I accept that.

Mrs BARDETTA: The regulations have not been thoroughly discussed and debated, they contain strange anomalies which continue to pop up. I do not agree that across the State you will find a preponderance of 29-place centres being built in the past eight years.

The Hon. J. F. RYAN: A private operator does not build a centre for charity, but intends to make a profit. I see no problem with that. Is there a financial incentive for people to build a larger centre? Economically, it seems to make more sense to build lots of 29-place centres. Why do private operators build larger centres?

Mrs BARDETTA: Simply because there are economies in scale. It is much better to be able to offer a service across the board, so that parents can have their baby, toddler and preschooler at one location. Most of our centres offer before- and after-school care. I want to talk to the Committee about how we handle transition to school.

The Hon. J. HATZISTERGOS: I now address the problem of the 20-hour limit on non-working parents. I accept your criticism, but on the reverse side one of the arguments is that the use of child care by parents who were non-working is an abuse because they use it for lifestyle reasons rather than for reasons that you have identified. For example, parents attending to their chores, such as going to a hairdresser, et cetera. How do you respond to that type of criticism?

Mrs BARDETTA: I have always said and continue to say that child care is for the children. I operate in Castle Hill and around the corner, on the same block of land, is a caravan park. A lot of non-working single mothers live there and they may place their child with us for a day. The mother and the child may not have good shoes or good clothes, but we often get that mother to come and help us do things. In that way we build up her self-esteem and she may go and look for a job. Sometimes we help her with her presentation, sometimes through holding a Nutrimetics or hair party, at which she is given a facial or has her hair done. In that way she builds a good relationship with us and we organise for her to borrow clothes to go for a job interview. And, sometimes, she will obtain a job.

So, yes, she may have come for respite, but it does not mean that it is not a launching pad to somewhere else. If you can do it for one, or two, or three, I think it is valuable. Of course you are going to say there is a vested interest here, because the more children who come, the more viable we become. But I do not see that as a problem.

The Hon. J. HATZISTERGOS: Is there not a case for targeting assistance in relation to non-working parents, to ensure that those who really need assistance receive it?

Mrs BARDETTA: That depends on whether you are targeting the parent or the child.

The Hon. J. HATZISTERGOS: The final matter I want to raise with you is food and nutrition. One of the things I have noticed about some centres is their use of pre-packaged and pre-prepared food. The food is prepared and distributed in much the same way as happens in hospitals—that is, the food is prepared in central kitchens and is then distributed around the various centres. This seems to be happening somewhat in child care centres.

Mrs BARDETTA: It has not taken off very well. Three companies have tried it; two have folded, and one is still struggling on. I do not think it is the way in which most centres deliver their food.

The Hon. J. HATZISTERGOS: Irrespective of the extent to which it is used, what do you think of the service?

Mrs BARDETTA: Some are better than others, I expect. I cannot honestly tell you, because I have not experienced them. I have been lucky enough to always have a very dedicated cook who is very particular about what goes into meals and what does not. I think that is again part of what we as an association can do to educate our people. We have brought these people along to conferences where they have had trade booths et cetera, but they have not received a great deal of support. Most of us are very concerned about the travelling of that food from the source where it is cooked to the centre, and we are a bit sceptical about what could happen if it is not kept at the right temperature, et cetera.

CHAIR: We will have to conclude this segment shortly. However, I want to give you a brief opportunity to say something about a matter you flagged a moment ago, that is, the transition from child care to school.

Mrs BARDETTA: I think this is one of the very great strengths of the private sector. A lot of us have buses. As the children get ready for school, we take them in little groups to visit the schools. The parents do this as well, on the opening days. But we do little things like get them up to the school and give them a little look around the playground, show them the water sheds, et cetera, and let them have a little play. Then we say, "That's John's school; now lets go and have a look at Brian's school", et cetera, and we all go around and have a look. Then when the actual time comes, they still come to the centre in the morning, have their breakfast with their brothers and sisters, then they go off to school, and they come back in the afternoon.

We no longer operate that service, simply because of the position we are in. But just recently when I was in hospital, one of the children who has now gone on to school came to visit me and started to tell me about her project. The next thing, she is back at kindy getting pictures, toys, et cetera, to help enhance the presentation of her project. There is still that connectedness. I think it is a vital difference in the manner in which the multifunctional private centre operates and the long-term relationship that we have. For example, I have students who are the children of students. So I am up to the grandmother stage now. This happens when you have been in an area. You may not have been in the same service, you may have moved around, but you are in the area and they will find you out and come back, so there is still that connectedness. I think that the going to school service is a vital service whereby centres can smooth that transition along, and it enables those kiddies going in a group to have that support of the peers that they have grown up with.

(The witness withdrew)

(Short adjournment)

MELISSA JACQUELINE BELLANTA, Solicitor, Intellectual Disability Rights Service, Level 1/128 Chalmers Street, Surry Hills, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

Ms BELLANTA: On behalf of the Intellectual Disability Rights Service.

CHAIR: Did you receive a summons issued under my hand under the provisions of the Parliamentary Evidence Act 1901?

Ms BELLANTA: Yes, I did.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Ms BELLANTA: Yes.

CHAIR: Would you briefly outline your qualifications and experience as they are relevant to the terms of reference for this inquiry?

Ms BELLANTA: Just my involvement as a solicitor for the Intellectual Disability Rights Service [IDRS]. We are involved with people on numerous legal issues, criminal justice issues being significant in that.

CHAIR: The Intellectual Disability Rights Service has made a detailed written submission to this inquiry. Is it your wish that that submission be included as part of your sworn evidence?

Ms BELLANTA: Yes.

CHAIR: If you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will be willing to accede to your request. At this stage I invite you to make a brief opening oral statement to the Committee, in the order of about 20 minutes in length.

Ms BELLANTA: I would like to note firstly that before I came here today IDRS was requested to see whether there were any parents of people with intellectual disability who wanted to come along to make a presentation in conjunction with me. There was a particular person who was interested in doing that, but unfortunately she lives in a rural area and it was not possible for her to get down here. However, about five minutes before I left to come here today she faxed me a written statement which she wanted me to read. As it relates to a number of the things that I wanted to pick up on in my presentation, I thought for both those reasons I would read out that statement before going on to my presentation. This mother of a client of ours says:

Thanks for the opportunity to give a brief account of how my son, disadvantaged by disability, not only fell through the net but through the net into a BLACK HOLE.

My son in primary school was popular, great at athletics, sports, a bit slow academically and known to mumble. He was affectionate but at times a bully. High school became difficult for him. At fourteen he told me that he was different to other people. He stopped playing A-grade football at fifteen, became withdrawn, began fighting with peers, and was consequently suspended from school. I then requested that my son be assessed, after which a psychologist pronounced

him mild to moderately intellectually disabled. He was then asked to leave school as resources were not available in years 11 and 12 [for him to continue]. As my son enjoyed school, this was a blow. He began to sleep during the day and watch TV at night. He was not interested in anything and became familiar with street kids.

My son was prescribed antidepressant medication for depression symptoms at this time. He was assessed by a Network employment agency to secure supported employment. They found that he would need living skills training before he was job ready. Another blow.

My son attempted TAFE but was unable to complete course due to injury sustained in a push bike accident. His contact with police became an issue, as interviews in custody were difficult and he appeared not to know what was expected of him.

We moved from Uralla to Armidale at this time . . .

My son then attempted another TAFE course organised by Disabilities Unit but was unable to complete it.

He also expressed the desire to live independently and we supported him in this as it seemed the normal thing to do. This, however proved to be a catalyst. We soon discovered that our son was extremely vulnerable to exploitation, abuse and home invasion by local street "predators" who target "victims".

I applied to the Public Guardian to help advocate for services to my son, who was not covered under DOCS guidelines and did not fit any criteria for assistance. I applied to the Office of Protective Commissioner as my son could not manage his finances or budget. He was giving his pension to street people and not paying bills. Access to money became more difficult due to court fines and damage to his flat. (e. g. broken windows and doors.)

We then applied to the Department of Housing for public housing only to find that their policy was not to provide for people who could not maintain tenancy without support and services. My son was not eligible for public housing. He had eviction notices from private landlords but I appealed to the Tenancy Tribunal till I could work something out.

My son's behaviour was now seriously deteriorating. He'd cover his head in hair gel or Vicks. His clothes were stained and not worn appropriately. He was familiar to police. I spent many hours sitting with him in the station house. The police themselves were aware that he had a "handicap" and were frustrated that there was little they could do.

When my son was assaulted by people in the community, his statements to police were labelled as that of an "unreliable witness". His perpetrators were never charged or brought to account, despite claims from his neighbours of the abuse he copped from others.

My son was now receiving Meals on Wheels and having the medication delivered by Community Health Nurses. He was supervised by Prob. and Parole weekly and had a solicitor appointed by legal aid.

I became aware that crisis accommodation was not available to young men over 19 yrs at Armidale. I applied to Placements Committee at DOCS for supported accommodation.

Finally my son received a funding package from Family Services—

I understand that was within the Department of Community Services—

but this was too little too late as staff were not trained and level of support was inadequate. His medication was not followed up and he went cold turkey off medication without supervision. A month after the program finished he was in gaol. It was confirmed after assessment in gaol, that my son was autistic . . . He has now spent a total of nine months in prison. His sentence for malicious assault (after he himself was assaulted with a bottle) was four weeks. However, it was realised he required higher levels of support and as no services could be found he was forced to serve his parole period in prison. As there are no programs, (i.e. living skills and communication skills) for people in prison for people who have disabilities except the Special Purposes Unit, my son committed two more offences in this time.

That presentation was from the mother of "Michael", who is referred to in the written submission, so there is a little more detail in the written submission about his situation, and I will be referring to that a little more in illustration of a number of the points I will be making. That is in a sense a very poignant and pithy case study which illustrates a number of the issues that face people with intellectual disabilities and which impact on the contact with the criminal justice system.

I note that the terms of reference provided to you require you to investigate, amongst other things, “the relationship between crime and the types and levels of social support provided to families and communities”. One of the things that IDRS wanted to stress in its written submission is that there is a clear relationship between crime and the absence of social services, particularly for people with mild and borderline intellectual disabilities.

I want to make just three observations in this regard. People with mild and borderline intellectual disabilities regularly failed to qualify for services funded by Ageing and Disability Department and provided by DOCS or non-government providers. (This client, Michael, is an example of that, not being considered eligible for DOCS services.) I guess this is because, in light of the resource crisis that exists in the disability sector, a priority is placed on services for people on the basis of severity of disability. So vast numbers of people around that miss out on services in the disability sector.

In addition to that, people with mild and borderline intellectual disability often fail to qualify for disability support pensions or public housing.

On the other hand, people with mild and borderline intellectual disabilities are far more likely to be involved in the criminal justice system than people with higher levels of intellectual disability.

So, we have a group of people who have difficulty living completely independently in society without support and who are barred from the disability and other support services on the one hand, yet who are most at risk of involvement in criminal activity on the other. To flesh out that point a little more, many people with mild or borderline intellectual disabilities are considered ineligible for disability support pensions, and where this is the case most people will often be placed on forms of welfare or welfare schemes that are inappropriate for them. For instance, the Newstart allowance scheme can often require a certain amount of wherewithal to comply with its requirements. Failure to do so can result in incurring debts. For instance, inappropriately declaring your income can lead to proceedings against you by Centrelink for fraud—“social security fraud” as it is often termed by the Federal Government—and it can often lead to reductions in your welfare entitlements.

Negotiating with the Job Network can be a very daunting experience for someone with a mild or borderline intellectual disability who also has poor or no literary skills. These factors alone, quite apart from anything else, such as taking into account the serious difficulties that people with mild or borderline intellectual disabilities have in accessing the job market, create critical financial pressures upon them.

I note in passing too that there are difficulties with the disability support pension for people with intellectual disabilities who go into gaol. You are supposed to declare to Centrelink when you go to gaol that that is where you are, because you are no longer eligible to receive a disability support pension while you are there. If that does not happen the person will acquire a debt as a result of receiving money while in gaol. Often they will come out of prison with a debt to Centrelink. This can be exacerbated by the fact that when people come out of gaol they are supposed to be entitled to a two-week payment of their disability support pension and the Department of Corrective Services is supposed to line that up for them. Often that does not happen, so someone could come out of gaol with the debt and with no money. That accentuates the particular issues relating to lack of financial support for people with mild and borderline intellectual disabilities.

You can also see from the submission (from Michael's mother) that people with mild and borderline intellectual disabilities can often find it greatly difficult to access decent accommodation, because they are ineligible for public housing. It is even more difficult then for them on the private rental market to present as desirable tenants. People with mild and borderline intellectual disabilities have low support needs in comparison with people with higher levels of intellectual disability but they can still exhibit a range of serious maladaptive behaviours, particularly due to the potent cocktail of unemployment and financial pressures, as well as low esteem stemming from the social exclusion or exploitation they receive from members of the community, not to mention additional issues such as a history of abuse or a dual diagnosis of mental illness which may affect them.

I note that Anne Langford—and I am not sure whether she is making a submission to you but she is a clinical co-ordinator at the Department of Corrective Services—has suggested that many people with borderline intellectual disabilities in the prison population have a dual diagnosis, so there is that issue of mental illness which is critical for them. I note also that Susan Hayes, who also put in a submission to the Committee, has noted a number of people with mild or borderline intellectual disabilities within the prison system are faced not only with cognitive difficulties but also with serious deficits in their adaptive behaviours. It is often that particular issue that has led them into contact with the criminal justice system.

Because of all these issues, as IDRS sees it the issues of unmet need for people with mild and borderline intellectual disabilities in relation to supported and other accommodation, employment referral, vocational training and supported employment programs, living skills programs, training in specialist psychological and other services, in addition to adequate and appropriate income support, are the key factors in assisting such people to avoid involvement in the criminal justice system.

The next point that IDRS wanted to make in its written submission concerned institutions for people with intellectual disabilities. I note you will want to ask me questions about that, but this may be an entree to that. Mass institutionalisation. (As I am sure we are all aware) of people with intellectual disabilities parallels that for people of Aboriginal and Torres Strait Islander backgrounds and it has borne for people with intellectual disabilities the same bitter fruit that has been documented in the Human Rights and Equal Opportunities Commission's inquiry into the stolen generation. You can see the same sorts of things turning up for people with an intellectual disability—psychological trauma, social alienation, the wholesale loss of familial and support networks and a lack of independence and socialisation—that make it difficult for such people to move back into the community in an integrated way.

Necessarily, those factors place highly onerous challenges on our society and its support services when considering how best to devolve institutions and to integrate their inhabitants into the wider community. Indeed, the unmet need I have just described within the disability sector on the part of many, many people with intellectual disabilities is of critical importance when you are looking at people who are moving out of institutions. No co-ordinated funding and planning is provided for the transition of people out of whole-of-life institutions.

By way of illustration of this, IDRS received a call from a DOCS group home manager in the last couple of weeks. She was about to receive three young men from an institution into her group home. All the men had histories of absconding and assaultive behaviours. She wanted to know from IDRS whether we knew of any protocols that could assist staff members at the group home to relate to police in relation to any difficulties that might arise out of the

movement of these people into the group home.

It appeared to me that she was not really sure what she was asking for. She and the staff were simply feeling extremely out of their depth at the thought of potential violent incidents or absconding behaviours by these people. No support or planned programs were there to assist her to cope. If nothing else, there are big issues concerning traffic safety and the lack of social awareness those people would have. In the case of those three people some sort of co-ordinated transition plan is absolutely necessary. I do not know what the situation is as of today for those three people but it seems like a classic situation in which such people could become involved in the criminal justice system and potentially place themselves and other people at risk.

The point I want to make is the absolute importance of some sort of co-ordination, planning and integration for such people. Considering the massive expenses and risks concerning the transition of people with intellectual disability out of institutions, some of which you can see in that illustration, it is often tempting for people to place the issue of deinstitutionalisation in the 'too-hard basket' or even to advocate the retention of people with intellectual disabilities in institutions for the safety of the community. However, this view assumes that people with intellectual disability are not themselves part of our community. It also attempts to negate the fact that people with intellectual disability have the same human rights, including the right to protection from crime and abuse, as everyone else.

If you look at the issue of institutionalisation from the perspective of people with an intellectual disability who live in institutions, you quickly see that the retention of institutions for them bears a very direct relationship with crime across New South Wales. As the written submission of IDRS notes, there have been numerous reports on institutions in New South Wales, if not other places, documenting the level of criminal assaults and abuse of residents that occurs within them. In recognition of this fact, we have had numerous political promises to the effect that people with intellectual disabilities will be moved out of institutions into the community, none of which to day have amounted to a reduction of the total number of people living in institutions.

As noted in our submission, the Community Services Commission's report indicates that even though there has been a very public closure of a number of big institutions the number of people in institutions in New South Wales overall has not declined. I note in passing that Australia has a deplorable international reputation on this issue, given that the devolution of institutions in Scandinavia, for instance, happened in the 1960s and 1970s, and numerous Canadian States no longer have any people with intellectual disabilities living in institutions.

I note as a supplement to this discussion of deinstitutionalisation that there is presently no co-ordinated transition for people in prison with an intellectual disability on their release into the community. This highlights precisely the same need for planning and support for people who are moving out into the community. Unfortunately, the same person involved in the submission that I read out from a parent earlier illustrates this all too vividly. This person was due for release from prison very recently. For months before this both his mother and advocates, including IDRS, had been lobbying the Department of Community Services indicating that some sort of plan for his release was critical; that he could not just be released into the community.

After intensive lobbying DOCS did accept responsibility for this person and appointed a case worker. However, nothing was done in relation to his case until a week prior to his release.

DOCS did some quick leg work at this stage and decided that it did not have any services that could meet this person's need, given that he had very particular needs and a history of assaultive behaviours. DOCS ended up asking his mother whether the client could just move back home with her—it was too difficult. Obviously, the utter inappropriateness of this as well as risks to a whole range of people meant that the mother protested against this vigorously. As a result the client has been placed into an institution for a three-month period while DOCS tries to work out what happens with him.

That is an example of how important it is that there is some sort of framework for planning the transition not only of people from institutions into the community but also of people from prisons into the community, particularly where they have an intellectual disability.

I note that the Committee has received many submissions about the need for co-ordinated services for people with intellectual disability at risk of entry into the criminal justice system and for rehabilitation programs for people with intellectual disabilities who are already involved in that system either as an alternative to sentencing or within the prison population.

I also note that Law Reform Commission Report No. 80 recommended that the formation of such services should be taken on by ADD and that a case work service should be set up for people with intellectual disability, so that every person with an intellectual disability who is involved in the criminal justice system has a case worker who is responsible for coordinating the range of services required for that person.

IDRS wants to stress that there is a great need for such a service as the case example I gave you illustrates, but notes that its effectiveness would depend on funding and funding and more funding, as well as specialist training for the particular case workers involved. Again, there is no good having a case work service unless continual importance is placed on the professional development and calibre of the people involved in that service. They have to receive appropriate resource support.

I guess there are four main points that provide the overall framework for the submission of IDRS in this regard. They are: the lack of social support services across all areas for people with mild and borderline intellectual disabilities in particular; the need for planned transition for people with intellectual disabilities from institutions first and foremost and secondly from prisons; the high rate of crime within institutions, making their devolution of critical importance; and the need for particular programs to be developed for people with intellectual disability which are coordinated by ADD and recognised by criminal justice personnel as valid alternatives to entanglement in the criminal justice system. I was going to say something else but I think it is probably covered in the questions you are about to ask me so I will leave it there.

CHAIR: In your oral evidence you referred to the difficulty of people with intellectual disability accessing employment programs. In your view has that become any worse since the replacement of the old CES by the Job Network?

Ms BELLANTA: Most definitely, although we receive only anecdotal evidence of this. A number of people who used to work in CES have said to us that they saw their role in a much more holistic way than was required when they moved to Centrelink. CES used to see its role in a holistic social work sense whereas Centrelink is very much about finding particular jobs for particular people rather than having a holistic view of their needs. It can be very difficult and confusing for people negotiating the Job Network to work out what services are available for them if they are not receiving support to do that.

CHAIR: Are there specialist services anywhere available for placing people with intellectual disability in jobs?

Ms BELLANTA: There are certainly employment services that deal with people with disability. Usually involvement with those services depends on funding through the Department of Community Services. So numerous people who receive funding or who have a disability case worker within, say, DOCS will then have a gateway to employment services. That is not necessarily available to someone who is not recognised by DOCS and is receiving funding. That illustrates the point that I wanted to make, that numerous people miss out on services which are there and which cater for people with disabilities in employment in particular.

CHAIR: On another matter, largely as a result of federal funding changes, the stock of public housing in New South Wales has remained more or less constant. What impact, if any, in your view does that have on people with intellectual disability?

Ms BELLANTA: I guess the main point is that appropriate and decent accommodation is vital for people to operate effectively in the community. There are many examples of the high level of criminal activity that happens in boarding houses and hostels. Decent accommodation impacts on every aspect of your life. If you have somewhere decent to wash and to sleep you will be more presentable for jobs. The importance of that cannot be underestimated. Evidently, the huge waiting list for public housing causes massive competition in placements. As I noted, people with intellectual disabilities will very often be seen as less desirable than other people who are also legitimately waiting for public housing.

CHAIR: When Professor Susan Hayes gave evidence to this inquiry she referred, among other matters, to a program in the Illawarra region run by the Illawarra Disabled Persons Trust that had brought together some criminal justice agencies and other agencies to prevent unnecessary involvement with the criminal justice system. Are you aware of that initiative or any others that are similar?

Ms BELLANTA: I am definitely aware that that initiative exists. Unfortunately, I am not aware of the intricacies of what the system involves. So I would not be able to comment on the particulars of that program. In our submission it is stated that IDRS, in conjunction with the Council for Intellectual Disability, is about to begin on a program which is basically starting with a number of recommendations that the Law Reform Commission made in Report No. 80 about co-ordinated approaches to the involvement of people with intellectual disability in the criminal justice system. The aim of that project is to speak to numerous stakeholders and come up with a sample of people who are at risk of entry into the criminal justice system and to look at ways of developing some sort of administrative, social and legal network in order to implement those recommendations. That is to happen, as opposed to what has happened.

CHAIR: You would no doubt be aware that the New South Wales Law Reform Commission issued a major report dealing with people with intellectual disability and their interface with the criminal justice system in 1996. Are you aware of any significant progress that has been made in implementing the recommendations and, if so, in what regard?

Ms BELLANTA: Unfortunately, the answer is no. As I said, for instance, one of the recommendations that the Law Reform Commission made was that ADD should assume some sort of co-ordinated role and develop a comprehensive policy and procedural framework in order to ensure that people with intellectual disability are met across a range of issues rather

than the current segmentation that occurs between the Department of Community Services, the Department of Corrective Services, mental health issues and such things. That has not happened. Another example is the recommendation for the case work service for people with an intellectual disability upon entry into the criminal justice system. That has not occurred.

One of the aims of this prospective project in which Intellectual Disability Rights Service [IDRS] and the Council on Intellectual Disability [CID] are involved is ensuring that there is some framework for the implementation of a number of those recommendations, which merely highlights the fact that they have not been implemented to date.

CHAIR: I think it is fair to say that your organisation's submission lays a great deal of stress on deinstitutionalisation. The Committee has heard evidence that overrepresentation of intellectually disabled people in prisons has increased over the last decade and that that can largely or partly be attributed to deinstitutionalisation in the sense that things that once happened behind the walls or closed doors are now more visible. For example, Professor Susan Hayes certainly told the Committee that one of the problems of people with an intellectual disability in outside society is that they tend to be very visible and noticeable in their behaviours. Is there a danger that we are swapping one institution for another? Can I ask for your comments in that regard?

Ms BELLANTA: I definitely think that that is the case in the sense that it is not deinstitutionalisation per se which has contributed to the disproportionate number of people with an intellectual disability in the criminal justice system. It is the fact that deinstitutionalisation has occurred in an ad hoc way, without planning the programs for those people to integrate into the community. It seems logical to suppose that if somebody is just released into the community who has never spent time in the community and has no socialisation skills and has problems with learning socialisation skills, problems will result. The critical point at which deinstitutionalisation has an effect on the criminal justice system is in so far as there has just been no planned and coordinated transition for those people.

While acknowledging that that is the case, IDRS wanted to stress that deinstitutionalisation in and of itself is a form of crime prevention for a number of people who have intellectual disabilities, given the high levels of abuse that currently occur within institutions. It is a very complex issue. I am anxious to avoid the implication that people should therefore stay in institutions because it is all too hard for them to be moved out into the community.

CHAIR: You might be aware that when I was the Minister for Disability Services, I ordered the closure of the Watagan Centre in the Hunter region. There was planning by the Department of Ageing and Disability [ADD] and I think it is fair to say that, by and large, they have been successfully placed in the community. Would you regard as a suitable model for closure of institutions that it has to be preceded by adequate planning?

Ms BELLANTA: Yes. I am not aware of the intricacies of what occurred in that planning process. But, certainly, that example sounds as though it shows up how important integrated planning was in that case in avoiding a lot of the difficulties that occurred for people who were moved out of institutions where such planning does not occur

CHAIR: I think it is also fair to say that your submission is critical of the slowness of the Ageing and Disability Department's planning process for devolution. What is your perception of the reason for that slowness? Would you say it is funding constraints or concerns that there may not be adequate support in the community?

Ms BELLANTA: I would say it is just that critical crush on support services and the resource crisis within the disability sector. ADD is assailed on all fronts in the sense that there are so many people who need services that are funded by ADD. I am sure that that has a vast amount to do with the movement and transition of people from institutions, which is an extremely resource-intensive process.

CHAIR: Would you agree with me that moving from a large residential institution to a group home is not of itself a complete answer; that a group home can itself be described as an institution and, unless it is well run, problems can occur there as well?

Ms BELLANTA: That it is certainly the case. Ideally, movement from an institution can be seen in stages. I guess the idea would be to move into a group home model and then have the ultimate aim of being able to move on to the next stage of independence into other forms of accommodation. Obviously, that depends on the particular details of an individual person's life. Some people who presently live in group homes could not function in totally independent forms of living whereas many people in group homes, with proper support and training, could well be eligible for more independent forms of housing at some point in the future.

CHAIR: In that regard, can I deal with an admittedly difficult issue, that is, people with severely challenging behaviour? Realistically, are the supports for the more difficult cases likely to be available that will get them into a community setting without behaviours that bring them into contact with the criminal justice system?

Ms BELLANTA: In terms of precisely what I guess that question is about, there will always be some people with such serious challenging behaviours that living a completely independent life in the community, or living in the community without some sort of security or additional support, will not be possible. Obviously, in extreme cases, that is the case. That is why the Law Reform Commission's report indicated that some people, for the safety of the community rather than for punishment of themselves, would feasibly need to live in secure accommodation. But, obviously, that is the extreme for people, as opposed to the norm.

The Hon. J. F. RYAN: What does IDRS do? Is it an advocacy service or largely a legal service provider?

Ms BELLANTA: IDRS has a few different hats but, first and foremost, it is a community legal centre. We have two solicitors and we run an advice line every afternoon so that people can call in and ask advice. From those clients, we take on limited casework. Our main brief is to give advice and to act for the benefit of people with an intellectual disability. Obviously, realistically, we do not just speak to people who have an intellectual disability. We speak to people who support them such as families and advocates.

We also have a community education arm and we work on particular projects or provide community education to people. An example is when IDRS—at least until it ran out of funding—had a 'road show', we went to different areas in rural New South Wales and gave a series of legal advice sessions for people such as parents—a few wanted to come and asked specific questions about legal issues involving their children with an intellectual disability—training for disability workers, and balancing issues such as duty of care with dignity and human rights of people they care for, as well as a session that was designed for criminal justice personnel such as police and other people who work in the criminal justice system in rural towns. We talked about issues such as identifying people with an intellectual disability and the role of support people in dealing with offenders who have come before the police and who have been accused of crimes. Issues like that and different kinds of projects of that type are not necessarily or strictly "legal".

The Hon. J. F. RYAN: This may seem to be tangential, but I want to return to the issue of Job Network versus the old Commonwealth Employment Service [CES]. I recall a lot of constituents spoke to me about CES and said that one of the problems it had was that people were frequently at risk of being case managed, that is, they were on a list with 200 or 300 other people and did not get a service at all.

I am not trying to make any specific comments about Job Network being a better service, but is it true to say that CES was not a particularly good service provider for people with a disability, either?

Ms BELLANTA: I need to qualify what I was saying before because I am certainly not qualified to hold up CES as a wonderful thing. I simply do not know enough about how it ran. People express frustration that the Job Network, for instance, is not about taking into account the specific interests of people who have an intellectual disability and that there is a vital need for such people to have some sort of holistic casework service to assist them in finding placements within the employment market.

The Hon. J. F. RYAN: I hate to ask this question, but I have to. Governments overseas—for example, the Blair Government in Great Britain—are beginning to question the process of deinstitutionalisation. They have said that there are far too many people with either challenging behaviours or real intellectual difficulties who are being put into the community where they simply cannot cope. They are beginning to question that entire policy. For the record, I need to ask you: Do you think that we should be doing the same?

Ms BELLANTA: I certainly do not think that. I think, as I have said in relation to numerous cases, deinstitutionalisation has occurred in an ad hoc and poor manner. I am certainly not saying that that has happened in every case where institutions have been closed down. But to then say that deinstitutionalisation does not work because it was not done properly is not a proper conclusion to draw in supporting the idea that deinstitutionalisation should not happen. I also refer to the perspective of people who have an intellectual disability and who live in institutions as well. I have already drawn your attention to that and I will not repeat it.

The Hon. J. F. RYAN: I will take the argument down the track a little further. It is not only necessary to look to places where things do not work, but witnesses before this inquiry have found it difficult to point to specific examples where intellectually disabled people with challenging behaviours have been able to be provided with adequate support to live successfully in the community. Are you able to provide examples of people with challenging behaviours being satisfactorily supported? Without those models, it is a bit hard to see that policy having a future.

Ms BELLANTA: There are certainly numerous programs, such as behaviour management programs, and positive behavioural management for people with intellectual disabilities, and I am sure, even though personally I cannot think of one example to offer you, there are numerous cases of people who live in supported accommodation and who receive excellent support for their challenging behaviours. It is for that reason that we do not see them. They do not come into contact with the criminal justice system as a result.

I acknowledge that many people who have challenging behaviours have slipped through the system for numerous reasons. We refer to people with borderline intellectual disabilities as examples of that.

The Hon. J. F. RYAN: Can you explain the role of citizen advocates? What other roles do volunteers play to assist in preventing crime?

Ms BELLANTA: Citizen advocates are members of the community who are appointed as support, in a sense, for a particular individual. It can be extremely important for many people who have an intellectual disability who simply do not have family or other supportive networks. Take the example of the person whose mother's submission I read out: While terrible things happened to him in a very critical situation, what has happened has occurred by the constant vigilance of his mother who has been knocking on doors and ensuring that someone listens or takes him into account. A citizen advocate is supposed to do that type of thing for an individual who does not have other people to do that for them, or lobbies relevant departments to obtain that particular person's support needs or even provides emotional support for that person, given that there are not other significant people in their lives who do that.

A citizen advocate has an extremely important role. Their work for the community is extremely

important. There are, however, volunteers who usually have their lives to lead or other jobs and families. There is a limit to the level of support that those people can provide to an individual. Given that the disability sector relies heavily on volunteers of that nature, it obviously places a huge amount of pressure on all involved, remembering that they are trying to squeeze in that sort of work among all their other responsibilities.

The Hon. P. J. BREEN: On the question of prison populations, your submission says that the intellectually disabled have twice the recidivism rate of the general prison population. Do you know the overall figures for people with intellectual disabilities in prison?

Ms BELLANTA: I do not know the exact figures. There have been a number of surveys conducted, and the results of those I believe have been provided to the Committee in submissions by Susan Hayes, for instance, who conducted a survey into six Local Courts. Her figures relate to people who have just been charged with offences. So, no, I am not aware of the specific statistics in that regard. I am not sure whether you have heard from Ms Anne Langford, Clinical Co-ordinator of Intellectual Disability Programs, Department of Corrective Services, who has provided figures in relation to recidivism. She recently delivered a paper to the Australian Society for the Study of Intellectual Disability [ASSID] conference and probably will be able to provide the Committee with those sorts of statistics.

The Hon. P. J. BREEN: You said that Australia has an appalling reputation in the devolution of institutions for people with intellectual disabilities. Is the critical difference in Australia that we do not have appropriate facilities in the community? Is that the kind of core problem?

Ms BELLANTA: We have not created the sorts of services that have made it possible for people with disabilities to move effectively into the community. That may be a question of the priorities on the part of government.

The Hon. P. J. BREEN: Have other countries provided facilities for people with disabilities, as kind of halfway houses? Is that what you are suggesting?

Ms BELLANTA: I do not know whether they are providing halfway houses. The Canadian model is very different in its provision of support services for people with intellectual disability in general. It has an individualised funding system. In most cases, in British Columbia for example, individualised funding packages are given to individuals. Microboards are created on which the chairperson is a person with an intellectual disability. The chairperson and others on the board lobby for particular services that might be relevant to the peculiar needs of a particular individual, as opposed to the Australian system, which offers services that people then try to fit in with. I cannot give details about the Canadian system; however, I note that it is quite different from the Australian model.

The Hon. P. J. BREEN: So, although we have this bad reputation, it is not possible for you to isolate exactly why it is that we have done so badly?

Ms BELLANTA: In the most immediate sense, we have had numerous political calls for the mass closure of institutions and for deinstitutionalisation to occur, and it has not occurred. I am not commenting on the practicalities of how to do that, but it appears to be a lack of political will that has led to the fact that a lot of people in New South Wales are still living in institutions.

CHAIR: When Professor Hayes gave evidence to the Committee on an earlier occasion she spoke about the need for screening tests to be used by courts and the police, hopefully, to detect people with an intellectual disability. Are you aware whether it is a considerable problem that many people with such disabilities are not detected when they come into contact with the criminal justice system?

Ms BELLANTA: Yes. The first reason for that is the problem that we started with: there are so many people with borderline or mild levels of intellectual disability who have not received services or may not necessarily even be aware that they have an intellectual disability themselves, and certainly do not receive particular forms of appropriate support. They are in that sense in a vacuum and not identified. From sessions that the IDRS has run on its 'road show', and from having spoken to many police, identification really is an issue. How does one identify someone with an intellectual disability, given that there are certain mechanisms that are supposed to kick in once the police have identified that a person is a vulnerable witness? That can be very difficult if the person being questioned cannot be identified by police as having an intellectual disability. That is a serious issue for police who are dealing with a person who is coming into contact with the criminal justice system for the first time.

CHAIR: Are you aware of any specific training for police regarding people with intellectual disability?

Ms BELLANTA: There are training programs, but they are implemented in a more or less ad hoc way. For instance, IDRS will soon run a series of workshops for detectives in Hornsby. That has come about through a personal contact made with the co-ordinator of that particular training program and members of IDRS. I am sure that that occurs in similar circumstances in numerous places. There certainly is no mandatory training in intellectual disability provided to police as they come through the system.

CHAIR: You would be aware that where a young person, for example, is questioned regarding a perceived offence, the young person has the right to have a parent or other support person present to assist the young person. Is there a need for some sort of specialist advocate to be available to be present when a person with an intellectual disability is questioned by police?

Ms BELLANTA: The question of support for people with intellectual disability is a difficult one in the sense that the support person can only go so far in assisting someone in regard to what is a legal process. So, firstly, there is a need for legal representatives for people with intellectual disability. Obviously and realistically, there are simply not enough legal services available to enable legally trained people to rush down to the police station every time someone with an intellectual disability is apprehended by police.

Given that the ideal situation is for a legal representative to go to a police station to assist a person with an intellectual disability, and given that that ideal situation is not realistic, it would assist if people were trained to act as support people. For instance, there could be a number of people that people with intellectual disability could contact when police know that the person has an intellectual disability, and that person could be asked to come in and act as a support person in that situation. That might be of real benefit to the person with an intellectual disability. Victoria has a witness service from which police can access people who have gained a kind of accreditation to act as support people in exactly that circumstance. At least, even in that informal way, most police to whom IDRS has spoken have expressed the view that it would be very helpful to have contacts that they could call when someone with an

intellectual disability comes in to be questioned.

CHAIR: Could I return to the vexed issue of deinstitutionalisation. For my part, for some I have been a supporter and advocate of deinstitutionalisation. Do you think there is increasing evidence of a backlash that has been occasioned by lack of acceptance by some people who find it very difficult to envisage that as being viable within a community setting? Add to that that it is also difficult to envisage the level of support being available in say an ordinary group home containing five people for the sort of person I have in mind, that is a person with severe challenging behaviour? Do you think that is causing a backlash? Is that discrediting the movement towards people living in a community setting?

Ms BELLANTA: Firstly—and I know this is not directly answering your question—there is still a lot of community prejudice against people with intellectual disability living in the community. For instance, a lot of problems occur where people with intellectual disability live in small rural communities. The constant harassment that they receive from the community makes it very difficult for them to operate within that community. That is the first issue. Part of that comes from the fact that as a society we have acted on the basis of ‘out of sight is out of mind’, and that it is okay for people to be behind closed doors because they will not have to be faced and we will not have to worry about them. There certainly is that sort of problem, and it contributes to the backlash that you mentioned.

If we are talking about the extremes, there are some who have such serious and challenging behaviours that they need a level of support that would not be provided in a community. However, I want to stress that that places on us as a society a challenge to develop and make available particular services that might be helpful in those hard cases. It should not be a means of discrediting the opportunities for many people who could move into the community and operate as everyone else in the community would operate given appropriate support services. There can be a problem with taking those hard cases and using them as an argument against deinstitutionalisation per se.

CHAIR: I am not seeking to use it as an argument against deinstitutionalisation. Perhaps I did not articulate the position well previously. In the cases of some people with severe and challenging behaviours is there a need for something other than a small group home in a community setting? Is there some solution between a very large residential institution and a small group home?

Ms BELLANTA: Yes. I guess I hesitate because I do not feel I have the expertise as a service provider to come up with a particular model that would fit ideally the circumstances you talk about. I think we must come up with more creative options for the hard cases. There must be other models that can meet the needs of those people. However, I do not feel qualified to talk about what those models would be.

(The witness withdrew)

(The Committee adjourned at 12.25 p.m.)