

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Monday, 29 August 2016

Examination of proposed expenditure for the portfolio areas

EARLY CHILDHOOD EDUCATION ABORIGINAL AFFAIRS

CORRECTED PROOF

The Committee met at 9:00.

MEMBERS

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

The Hon. B. Franklin

The Hon. S. Mitchell

The Hon. S. Moselmane

The Hon. M. Pearson

The Hon. C. Houssos

The Hon. W. Secord

Reverend the Hon. F. Nile

Mr D. Shoebridge

PRESENT

The Hon. L. Williams [*Minister for Early Childhood Education, and Minister for Aboriginal Affairs*]

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

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

LESLIE LOBLE, Deputy Secretary, External Affairs and Regulation, Department of Education, affirmed and examined

JASON ARDLER, Head, Aboriginal Affairs, Department of Education, affirmed and examined

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

GREGORY PRIOR, Deputy Secretary, Schools Operation and Performance, Department of Education, affirmed and examined

The ACTING CHAIR: I welcome everyone to the public inquiry by the General Purpose Standing Committee No. 3 of budget estimates for the portfolios of Early Childhood Education and Aboriginal Affairs for the year 2015-16. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of the land. I also pay respects to elders, past and present, of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Williams and accompanying officials to the hearing. Today's Committee will examine the proposed expenditure for the portfolios of Early Childhood Education and Aboriginal Affairs. Today's hearing is open to the public and is being broadcast live via Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available.

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

There may be some questions that witnesses could answer if they had more time or with certain documents at hand. In those circumstances witnesses are advised that they can take a question on notice and they must provide the answer within 21 days. Any messages from advisers or members of staff seated in the public gallery should be delivered through the Committee secretariat. Minister, I remind you that you are able to pass messages back and forth to the advisers seated behind you. Transcripts of the hearings will be available on the website from tomorrow morning. Finally, I ask everyone, including witnesses, Committee staff and people in the gallery, to turn their mobile phones either to silent or to off. All witnesses from departments, statutory bodies or corporations will be sworn in prior to giving evidence.

Minister, I remind you that you do not need to be sworn in as you have already sworn an oath to your office as a member of Parliament. For all other witnesses, I ask that in turn they state their full name, job title and agency and swear either an oath or take an affirmation. I declare the proposed expenditure for Early Childhood Education and Aboriginal Affairs open for examination. The questioning of the portfolio of Early Childhood Education will run from 9.00 a.m. until 9.40 a.m. and questions for the portfolio of Aboriginal Affairs will run from 9.40 a.m. until 10.20 a.m. There is no provision for opening statements. Therefore, we will commence with questions from the Opposition.

The Hon. WALT SECORD: Good morning, Minister. I would like to take you to the budget allocation for Early Childhood Education. What is the projected budget for 2015-16?

Ms LESLIE WILLIAMS: For 2015-16, the projected budget was \$347.8 million.

The Hon. WALT SECORD: And for 2014-15?

Ms LESLIE WILLIAMS: I do not have all those figures in front of me for all those budget amounts.

The Hon. WALT SECORD: Could the person who has financial responsibility answer the question?

Ms LESLIE WILLIAMS: Yes. I can pass that to Mr West.

The Hon. WALT SECORD: What was the budget allocation for 2014-15? To make it easier, 2013-14, 2012-13, and 2011-12?

Mr WEST: I am sorry, I do not have that information with me.

The Hon. WALT SECORD: How far back do you go?

Mr WEST: I beg your pardon?

The Hon. WALT SECORD: How far back does your information go?

Mr WEST: I have only got until last year.

The Hon. WALT SECORD: Can you give me last year's figure, then?

Mr WEST: It has already been provided by the Minister.

The Hon. WALT SECORD: So you have only this year's figure?

Mr WEST: That is correct.

The Hon. WALT SECORD: Okay. I have the budget papers in front of me. It is actually in the budget papers. It shows that since 2011 to 2016, the department underspent \$365 million in the area of early childhood education. Mrs Williams, with a massive waiting list of parents needing affordable early childhood education, how can you underspend \$365 million in five years? Can you please explain that?

Ms LESLIE WILLIAMS: Certainly. First, the difference is between the budget allocation and the spend. For the past year, it was only \$15.2 million, but for the previous years that you are referring to, that is largely as a result of the uncertainty from Commonwealth funding. I am sure you are aware that we have funding contributed to early childhood education both by the State and the Commonwealth. The New South Wales Government primarily funds community preschools. We have some 750 across the State. We fund them through the preschool funding model.

The Hon. WALT SECORD: Acting Chair, could I return to the question? The question is: How did you fail to spend \$365 million?

Ms LESLIE WILLIAMS: As I said, the difference between the budget allocation and the spend is largely due to the uncertainty of funds that we received from the Commonwealth. In fact, the issue is that the funding we received from the Commonwealth is for short terms. You will know from the hearing last year that I explained that the first national partnership agreement with the Commonwealth was for one year. The next agreement was for two years, which will conclude next year. The problem is, as I said, that it is short term. Often we receive funding late because the funding from the Commonwealth is based on performance indicators so it is not just a single amount that is given to us at the beginning of every year.

The Hon. WALT SECORD: Can I stop you there? You said "performance indicators". Does that mean that New South Wales is not meeting performance indicators and you are not receiving the money that is promised because you are not meeting the standards?

Ms LESLIE WILLIAMS: No, there are a number of performance indicators. New South Wales, through our advocacy, got the Commonwealth to change. Previously under the funding that was provided to us by the Commonwealth, basically if you did not meet the indicator—say it was 95 per cent of children attending for 600 hours, if we take that one—we have previously received no funding and now it is based on an improvement. As I said, the offer was received late—

The Hon. WALT SECORD: Was it not in your interests to—

Ms LESLIE WILLIAMS: Can I finish answering the first part of the question? It is also difficult to predict what they will be, because the performance indicators are based on performance and that is reported each year through the census. I refer you to the Auditor-General's performance—

The Hon. COURTNEY HOUSSOS: Minister, I might stop you there, because we have a few questions on that. For the Commonwealth component of that early childhood funding, have you ensured that that is quarantined for Early Childhood funding in the future or has that been returned to general revenue?

Ms LESLIE WILLIAMS: No, what happens is that in response to that uncertainty with our funding that we receive from the Commonwealth through the national partnership, the Treasury releases budget allocations based on our annual service delivery requirements.

The Hon. COURTNEY HOUSSOS: I am sorry, Minister, that does not really answer my question. My question is: the money—

The Hon. BEN FRANKLIN: Point of order: The Minister was literally 15 seconds into her answer. If we actually listened to the answer, it might address the question that was asked.

The Hon. WALT SECORD: She is simply reading from notes; she is not answering the question.

The Hon. COURTNEY HOUSSOS: To the point of order: We have very limited time for Early Childhood Education. I realise that the Minister had only just begun her answer, but I need to get to the gist of it because we only have 20 minutes this morning.

The ACTING CHAIR: I think the Minister was getting to the substance of the question and will allow her to continue.

Ms LESLIE WILLIAMS: As I said, the funding is not returned to the Commonwealth. The funding—

The Hon. COURTNEY HOUSSOS: That was not my question. My question was: Is it quarantined within the New South Wales budget for future use on early childhood education?

Ms LESLIE WILLIAMS: That is what I just explained to you. The Treasury releases the budget based on the annual service delivery. That is because we made a commitment through the preschool funding model of \$150 million a year. If we have uncertainty about the funding that is coming from the Commonwealth, we, as the New South Wales Government, want to be responsible and make sure we can continue to deliver the community preschools' funding of \$150 million a year.

The Hon. WALT SECORD: I am sorry, Minister, that answer makes no sense whatsoever and bears no relation to the question that we asked.

Ms LESLIE WILLIAMS: You are asking about—

The Hon. WALT SECORD: We are asking about an underspend and you are giving us just ramble.

The Hon. COURTNEY HOUSSOS: Minister, you said that New South Wales receives the Federal money late or it is unreliable.

Ms LESLIE WILLIAMS: We may not receive the full amount.

The Hon. COURTNEY HOUSSOS: What I am asking is: If the funding is received late, does that get banked towards the future Early Childhood spend or is that money simply lost into the general revenue?

Ms LESLIE WILLIAMS: No, that money is not lost into the general revenue. I am happy to ask Mr West to expand further on that.

Mr WEST: The funding is not lost to general revenue. The department works with the Treasury to match the expenditure that we anticipate into the future to the available funding. Where there are differences between year-on-year, Treasury acts as "a banker" so it actually holds the funds in reserve until such time as they are required. When the funds are required, Treasury will release those funds into the budget. In response to the question, the answer is no, the funds do not go back into general revenue; they are quarantined by New South Wales Treasury for further release into the budget process at a future time.

The Hon. WALT SECORD: Minister, on the weekend your Federal counterpart wrote to you and confirmed in an article in the *Daily Telegraph* by Natasha Bitá that a quarter of New South Wales' childcare centres do not meet national quality standards and the Minister felt so strongly about this that he wrote to you.

Ms LESLIE WILLIAMS: That is correct.

The Hon. WALT SECORD: What did the letter say?

Ms LESLIE WILLIAMS: First of all I make the point that Senator Birmingham wrote to me in fact in response to correspondence that I wrote to him. The letter was basically about family day care services in New South Wales. I understand that there has been much media attention about that as a result of some alleged criminal activity.

The Hon. WALT SECORD: No, this correspondence to you was about preschool, after-school and vacation care centres. He said that a quarter did not meet national standards under your watch.

The Hon. COURTNEY HOUSSOS: Minister, are you aware of the National Quality Framework and the Baird Government's role in acting as the regulator?

Ms LESLIE WILLIAMS: Yes, a co-regulator.

The Hon. COURTNEY HOUSSOS: The question to you is in regards to the role of New South Wales Early Childhood Education and Care Directorate's role as the regulator of child care.

Ms LESLIE WILLIAMS: Yes, we are a co-regulator with the Commonwealth. Your specific question was about that regulation process?

The Hon. COURTNEY HOUSSOS: That is exactly right. There was a newspaper report at the weekend that showed a third—

Ms LESLIE WILLIAMS: I am trying to ascertain what is your specific question about our regulatory role with the Commonwealth.

The Hon. COURTNEY HOUSSOS: A quarter of New South Wales' childcare facilities that are regulated by the New South Wales Government and that the New South Wales Early Childhood Education and Care Directorate is a regulator of, were shown to be not achieving their national quality framework standards.

The Hon. WALT SECORD: Minister, to assist, 70 childcare centres.

Ms LESLIE WILLIAMS: Were under the classification, I think you are referring to. I do not have that statement in front of me. "Working towards", was the classification that was used?

The Hon. COURTNEY HOUSSOS: No.

Ms LESLIE WILLIAMS: I am trying to ascertain exactly what you are asking. I am happy to answer any questions about regulation, but I am not quite sure specifically what you are asking.

The Hon. WALT SECORD: Your Federal counterpart criticised you.

Ms LESLIE WILLIAMS: I accept that there was criticism—

The Hon. BEN FRANKLIN: Point of order: What is the actual question? I sympathise with the Minister because you have not actually asked a question.

The Hon. WALT SECORD: I will make it very, very simple. Minister, your Federal counterpart has written to you saying that a quarter of childcare centres under your watch are not meeting national standards. What are you doing about that? It is a pretty simple question to answer.

The Hon. BEN FRANKLIN: It is the first time you have asked it.

Ms LESLIE WILLIAMS: The fact is that that is the first time I have heard the question. I am happy to talk about the way in which the regulation works.

The Hon. WALT SECORD: No, what are you doing about this? A quarter are not meeting the national standards.

Ms LESLIE WILLIAMS: I will explain that it in answering.

The Hon. WALT SECORD: You have the floor; go ahead.

Ms LESLIE WILLIAMS: I appreciate that. As you have identified, New South Wales is a co-regulator with the Commonwealth. We have different roles to play in the regulation process. I alert the Committee to the fact that there are over 5,300 services in New South Wales. We have already assessed, in line with other jurisdictions, over 4,000 of those. There are a number of categories in terms of the outcome of an assessment and rating by the Early Childhood Education department. This is not an assessment that gives the service a pass or fail. What we want to see is an assessment that has been welcomed not only by all the other States, including New South Wales, but has been welcomed by service providers themselves and that it is a continuous improvement assessment. A service is assessed—for example, they may be assessed as "working towards"—under seven assessment areas and underneath those sit another 58 assessment areas.

A service may have been exceeding in six out of the seven areas but maybe got a "working towards" in one of them, then they would be rated overall as "working towards". That service would then, with the support of the Early Childhood Education department and others look to improve that to reach "exceeding" in each of them. Just because a service has a "working towards" rating overall—it may have been in only one category—does not mean that that service has failed. With reference to, for example, ratings related to the health and safety of children, obviously that is our absolute highest priority. If there was a risk to a child's safety or health identified when we assessed that service, that would be addressed immediately and that service would not have a "working towards" rating. I might ask Ms Loble to—

The Hon. WALT SECORD: I am mindful of the time. Minister, you mentioned childcare service providers. Are you confident that the people doing the inspections on your Government's behalf are doing the job properly?

Ms LESLIE WILLIAMS: I have no reason to believe that those people who assess services on the ground would not be doing that accurately and effectively.

The Hon. WALT SECORD: I want to take you to the case of—

Ms LESLIE WILLIAMS: I am not sure exactly how many assessors there are and I am not going to pretend that I have met every one of them, but I have no reason to believe that they would not be doing their job effectively.

The Hon. WALT SECORD: I want to take you to one provider that you probably will be familiar with.

Ms LESLIE WILLIAMS: Maybe, but let us consider that there are over 5,000 services.

The Hon. WALT SECORD: I think you might be familiar with this one: Family childcare centres run by Mohammad and Ibrahim Omar and Ali Assaad. Are you familiar with them?

Ms LESLIE WILLIAMS: I have not visited the services.

The Hon. WALT SECORD: You have visited their services?

Ms LESLIE WILLIAMS: No, I said I have not visited the services. Are you referring to family day care services?

The Hon. WALT SECORD: Yes.

Ms LESLIE WILLIAMS: No, I have not visited them.

The Hon. WALT SECORD: Are you familiar with the one in Haldon Street, Lakemba?

Ms LESLIE WILLIAMS: Only with what has been in the media with regard to the arrests pertaining to those services.

The Hon. WALT SECORD: What were those arrests?

Ms LESLIE WILLIAMS: There were arrests pertaining to alleged fraud of Commonwealth funding, not of State funding.

The Hon. WALT SECORD: What was the background to this fraud?

Ms LESLIE WILLIAMS: I am not going to go into specific details about those cases. Obviously arrests have been made by the Australian Federal Police, the cases are currently before the court and it is not appropriate that I make further comment on those.

The Hon. WALT SECORD: Was this fraud picked up by the Federal Government or by your inspectors?

Ms LESLIE WILLIAMS: As I said, I am not going to make further comment. Arrests have been made over alleged fraud of Commonwealth Government funding. The matter is before the courts, and it is not appropriate that I make further comment at this time.

The Hon. WALT SECORD: Can we take it back a bit?

Ms LESLIE WILLIAMS: Sure.

The Hon. WALT SECORD: Can your advisers advise whether the fraud was picked up by the Federal Government or by the State Government?

The Hon. SARAH MITCHELL: Point of order: The Minister has made it clear that it is a legal matter and they cannot give further information. I think that is a sufficient answer.

The ACTING CHAIR: I uphold the point of order. You have two minutes left.

The Hon. COURTNEY HOUSSOS: The centres in question were family day-care centres that were allegedly receiving money fraudulently—

Ms LESLIE WILLIAMS: From the Commonwealth Government.

The Hon. COURTNEY HOUSSOS: The Auditor-General's performance audit of 26 May 2016 into early childhood education says that the Government:

... uses a risk-based approach to prioritise its regulatory approval, compliance and enforcement activities.

Has this seen an increase or decrease in the number of regulatory inspections of family day-care centres in New South Wales?

Ms LESLIE WILLIAMS: Your first comment was about the risk-based approach. I think it needs to be made clear and put it into context that more than 70 per cent of children in New South Wales attend long

day-care services, so we have focused our attention for assessment and rating on long day-care services in the first instance. There are 414 family day care services in New South Wales, and we have assessment rated 147 of those.

The Hon. COURTNEY HOUSSOS: What are the figures for the previous year's inspections?

Ms LESLIE WILLIAMS: I do not have those figures in front of me. Are you specifically referring to family day care services?

The Hon. COURTNEY HOUSSOS: Specifically to family day care services: How many of those were inspected in 2014-15?

Ms LESLIE WILLIAMS: I would have to ask Ms Loble to comment.

Ms LOBLE: I do not have a year-by-year breakdown. I can tell you, as the Minister said, there have been 147 assessments and ratings. There also have been 52 family day care services deregistered and half of all family day care services that apply are not approved. There have been 843 compliance visits and 442 investigations.

The Hon. WALT SECORD: Has the family childcare centre operated by Mohammad and Ibrahim Omar and Ali Assaad at Haldon Street, Lakemba, which has been linked to funnelling funds overseas to terrorist groups, been deregistered by your organisation?

Ms LOBLE: It is suspended.

The Hon. WALT SECORD: How does "suspended" differ from "deregistered"?

Ms LOBLE: The national law spells out very specific steps that we have to go through including, for example, 30 days notice on any service. They then have a time to respond to that, and once we make a decision it is another 14 days before it goes into effect. [*Time expired*]

The ACTING CHAIR: We now move to questions from crossbench members, starting with Reverend the Hon. Fred Nile.

Reverend the Hon. FRED NILE: There has been some controversy about the National Quality Framework and improvements have been sought to some of its requirements, particularly the ratio of workers per child. What is the current ratio under the national framework?

Ms LESLIE WILLIAMS: The ratio will differ depending on the age of the children. The younger the children, the more educators per child. I will ask Ms Loble to comment.

Ms LOBLE: For services with fewer than 25 children, they need to have access to an early childhood teacher at least 20 per cent of the time that the service is open. For 25 to 29 children, a teacher must be in attendance for six hours a day or at least 60 per cent of operating time.

Reverend the Hon. FRED NILE: Can you break that down to the ratio—one to four or one to five children? I think that is in the framework.

Ms LOBLE: This is particularly in relation to teachers. In regard to overall staff-to-child ratios in centre-based services for all States and Territories beginning this year: for birth to 24 months, it is one staff person for every four children; for two-year-olds to three-year-olds, it is one to five; and for older than 36 months and up to and including preschool age, it is one to 10 in New South Wales.

Reverend the Hon. FRED NILE: What was the one to four ratio previously?

Ms LOBLE: For 2016 that was one to four.

Reverend the Hon. FRED NILE: I thought the ratio had been changed.

Ms LOBLE: No, for babies it has been pretty consistently one to four but I am happy to take that on notice and see if there was a particular point in time it changed.

Reverend the Hon. FRED NILE: That is all right. I have had some complaints from childcare centres that this ratio of employees to number of children had been lowered and in order to meet that they had to increase their budget. Some of these centres are now having financial trouble because of that pressure. I am just wondering whether you are aware of that and whether there has been any response by you to those centres. Is that a realistic ratio? Are there any exceptions to it? Can a centre say, "We want to make—"

Ms LOBLE: I am not aware of any issues being raised about babies and the ratio there, but I am happy to look into that.

Reverend the Hon. FRED NILE: And for the older children as well.

Ms LOBLE: In regard to the older children, perhaps it is a question that has been raised. New South Wales has retained its longstanding ratio of one to 10. That ratio was in place before the national law, and we have kept that. For older children, the national law in some jurisdictions gives them one to 11, but in others such as South Australia, Western Australia and Tasmania it is just the same as New South Wales with one to 10.

Reverend the Hon. FRED NILE: Are you putting any pressure on those centres to increase that?

Ms LOBLE: The national law was enacted in this Parliament in 2010. There have been a number of transition times for services to get ready for different ratios, and services have been aware of those ratios since 2010.

Reverend the Hon. FRED NILE: Are all those figures in the National Quality Framework?

Ms LOBLE: Yes.

Reverend the Hon. FRED NILE: Is that a document you can table? Will it be a huge document? We have not seen a copy of it.

Ms LOBLE: I am happy to table the law and the associated regulations.

Reverend the Hon. FRED NILE: Particularly the National Quality Framework.

Ms LESLIE WILLIAMS: The National Quality Framework is accessible online as well, as is the way that the assessments, ratings and so on are done, but we can provide that.

Reverend the Hon. FRED NILE: Are you aware of any controversy with centres saying they may have to close down because they cannot meet those ratios?

Ms LESLIE WILLIAMS: I am not aware of any centres having been raised with me with regard to ratios being a concern. All early childhood education centres would have the health and safety of the children under their care as their highest priority. If that means reducing those ratios, I cannot imagine that would be something they would oppose.

The Hon. MARK PEARSON: Would the Minister consider introducing age-appropriate early childhood education activities that assist children to develop compassion and empathy for animals, given the link between childhood animal abuse and later life violent offending and antisocial behaviours?

Ms LESLIE WILLIAMS: Having animals in early childhood education centres is a matter for the management committee to decide. I have been in many early childhood education centres that have animals. The children are taught by the educators and the staff how to look after them and how to handle them appropriately, and I think that is positive. I for example went to a preschool at Yass—Yass Little Learners—that had kittens and the children were learning to look after them appropriately. Overall, decisions of that nature are for the management board of the individual early childhood education centre to make.

The Hon. MARK PEARSON: Would you consider putting in place a policy about children being educated to become more compassionate and understanding of the sentience of animals? The police are looking at the cycle of violence and have found that 92 per cent of offenders have a history of abusing and harming animals at the beginning of their life and through their life. It is an important issue; it is more than a warm fuzzy feeling issue. It is important in regard to the psychology of children.

Ms LESLIE WILLIAMS: Like other jurisdictions, the New South Wales Government requires early childhood education centres to teach under the Early Years Learning Framework, which is fairly broad. Again, my view is that early childhood education teachers should make specific decisions about what they teach in preschools based on the cohort of students at the time. In answer to the question specifically, it is not a policy that I have considered, and I do not know that it would be appropriate to apply such specifications to early childhood education centres.

The Hon. MARK PEARSON: I suggest that it would be good to turn one's mind to implementing a clearer policy, given what it entails.

Ms LESLIE WILLIAMS: I take your view on that.

The Hon. MARK PEARSON: The Minister might like to take this question on notice. Each year thousands of baby chicks are born in preschools and primary schools across New South Wales in chick-hatching programs. They deliver fertilised eggs in incubators to schools for chicks to hatch in an effort to demonstrate the miracle of life. The week-old chicks are then either returned to the supplier for disposal or given to students to take home. Obviously, nature dictates that 50 per cent of them will be born roosters, which are often unsuitable

or illegal to be kept in suburban backyards. Due to the growing numbers of these programs, it is becoming increasingly difficult for roosters to be taken into shelters or rehomed. Technology and innovation has led to the development of more humane methods of addressing this learning outcome in curricula, such as excursions to farms, video documentaries, online apps that show students the stages of development of the chicks, and by providing cross-sectional eggs that can be opened and explored. Given these issues, as well as the inherent biosecurity and disease risk of exposing young children to pathogens carried by chickens, will the Minister prohibit the use of live animals in early childhood learning initiatives in favour of other methods in this experimental approach?

The Hon. WALT SECORD: Come on, break new ground, Leslie.

The Hon. MARK PEARSON: It is a new horizon for the Animal Justice Party.

Ms LESLIE WILLIAMS: I will take the question on notice.

The ACTING CHAIR: Are there any more questions from crossbench members?

The Hon. MARK PEARSON: I have finished, thank you.

The ACTING CHAIR: To allocate the additional time to the Opposition, we will need to hold a deliberative meeting—

Reverend the Hon. FRED NILE: I have more questions. Approximately how many children are in long day-care centres?

Ms LESLIE WILLIAMS: I do not have an approximate figure. As I said, we know that approximately 70 per cent of children access long day-care centres, and that is the preference of the parents. Much of the time that decision is made by working parents because the centres offer extended hours that are not provided by community preschools. I could ask Ms Loble to make a comment.

Ms LOBLE: I cannot give a precise number because the Commonwealth Government holds that data. It is not collected at the State level because the Commonwealth makes determinations about the eligibility of children to receive the childcare benefit and the childcare rebate. I am happy to take that question on notice so that I can provide a more accurate response.

Reverend the Hon. FRED NILE: But the centres are all licensed by the State Government.

Ms LOBLE: Yes.

Reverend the Hon. FRED NILE: Would they not be licensed and as part of that process state that they have 50 children?

Ms LOBLE: No. There may be a cap, but that is different from the actual enrolments.

Reverend the Hon. FRED NILE: Do you have any figures for other childcare centres? That applies to long day-care centres. What about the others?

Ms LOBLE: The same thing would apply to family day care and before and after school care. In regard to community-based preschools—

Ms LESLIE WILLIAMS: While Ms Loble is getting that information, I would like to clarify that the New South Wales Government provides funding to the community preschool sector. That is primarily where \$150 million a year goes through our preschool funding model. As required by the National Partnership Agreement with the Commonwealth, we provide some funding to long day-care centres. However, as indicated by Ms Loble, primarily they are funded through the childcare rebate and childcare benefits provided by the Commonwealth Government. In the past two years we have provided some funding to long day-care centres to assist them with their education component for four- and five-year-olds in the year before school.

Ms LOBLE: There are approximately 19,000 children enrolled 600 hours in community-based preschools in New South Wales.

Reverend the Hon. FRED NILE: What are the figures for each category?

Ms LOBLE: As I said, the difficulty is that actual enrolment figures are held by the Commonwealth Government. I am happy to take that question on notice.

Reverend the Hon. FRED NILE: Is that looked after by the Commonwealth Department of Education and Training?

Ms LOBLE: The Commonwealth determines eligibility for any child to be funded through services such as long day-care, family day-care and before and after school care. The services provide it with the information about how many children they have and about their eligibility. The Commonwealth Government then reviews that and makes a determination. That database of who is enrolled and who is funded is held by the Commonwealth Government.

Reverend the Hon. FRED NILE: Where in the Commonwealth is it held—in the Treasury or the education department?

Ms LOBLE: The education department.

Reverend the Hon. FRED NILE: Thank you.

Mr DAVID SHOEBRIDGE: Minister, sorry I am late. I was stuck in another inquiry.

Ms LESLIE WILLIAMS: That is all right.

Mr DAVID SHOEBRIDGE: Minister—and I am sorry if this has been asked earlier—there have been substantial concerns about the fact that just 10 of 5,000 New South Wales childcare centres have been given an "excellent" rating and that that compares unfavourably as a ratio to that of the Australian Capital Territory. What are you doing to address that very real concern, as we have overwhelmingly excellent childcare centres in New South Wales as opposed to a fraction of a per cent?

Ms LESLIE WILLIAMS: That is right. We have had some discussion about that, but I am happy to explain again. The "excellent" ratings are done by the Australian Children's Education and Care Quality Authority [ACECQA]. I was explaining before that when a service is assessed and rated under the National Quality Framework, they do not receive a pass or a fail. The whole idea of the rating and assessment is a continuous improvement model. So, for example, as I was saying before, they are rated under seven key areas and under those sit another 58 areas. If a service, for example, for six out of those seven key areas, receives an "exceeding" rating but for just one of them receives a "working towards" rating, their overall ranking is "working towards". It does not mean that they are not performing. If they receive a "working towards" they certainly have achieved all that needs to be achieved in terms of the—

Mr DAVID SHOEBRIDGE: But they are probably a failure in a key area, I suppose.

Ms LESLIE WILLIAMS: As I said, it is not designed as a pass-fail assessment. It is about trying to get continuous improvement in services. I know very well that when I have been to services that may have an overall "working towards" rating they are very focused on making sure that they can improve that rating. Every early childhood centre I have been to takes those ratings very seriously and wants to be the very best that they can in their field.

Mr DAVID SHOEBRIDGE: Minister, you would understand that many families are struggling to pay for child care and it is a real stress on New South Wales families, yet the number of funded childcare places is proposed to drop in this year's budget from just over 50,000 to just under 50,000, which is less than 18 per cent of licensed childcare places in New South Wales.

Ms LESLIE WILLIAMS: Can you clarify where you—

Mr DAVID SHOEBRIDGE: That is from the budget papers.

Ms LESLIE WILLIAMS: The 50,000?

Mr DAVID SHOEBRIDGE: Yes: 50,200 to 49,700—it comes from your budget papers. How does that happen?

Ms LESLIE WILLIAMS: Sorry, what was the question?

Mr DAVID SHOEBRIDGE: When the actual number of licensed childcare places has gone up from 265,000 to 278,000, how is it that the number of State-funded places has actually dropped so it is less than 18 per cent?

Ms LESLIE WILLIAMS: In New South Wales we have what we call a mixed model approach to early childhood education, which is one reason why it is very difficult to make comparisons between States.

Mr DAVID SHOEBRIDGE: These figures are from your own budget papers—the fall in the number of State-funded places. How does that happen?

Ms LESLIE WILLIAMS: I am just trying to explain to you that we have long day-care centres that parents use. Approximately 70 per cent of parents choose long day care. The funded places that you are

referring to are the community preschools. A lot of parents are now opting to go to a long day-care centre rather than a community preschool—particularly working parents. Community preschools are open for a limited amount of time during the day whereas long day-care centres, as the name implies, provide much longer hours that suit parents, particularly those who are working.

Mr DAVID SHOEBRIDGE: Are you saying that is a lack of demand rather than a lack of places? So that is responding to demand—is that your answer?

Ms LESLIE WILLIAMS: That is correct. Parents make choices. Parents in New South Wales are quite pleased about the fact that they have a number of choices, whether it is long day-care centres—

Mr DAVID SHOEBRIDGE: But if one of them is an unfunded childcare centre, the choice is not putting your child into child care.

The ACTING CHAIR: Order! The time has expired for questions on this portfolio.

Ms LESLIE WILLIAMS: The funding to community preschools has not changed. It remains at \$150 million a year.

The ACTING CHAIR: Unfortunately time has expired for questions relating to the Early Childhood Education portfolio. We will now move to questions on Aboriginal Affairs, commencing with questions from the Opposition.

The Hon. WALT SECORD: Minister, are you aware of the death of Ms Rebecca Maher in Maitland on 19 July?

Ms LESLIE WILLIAMS: I am.

The Hon. WALT SECORD: Have you, through your department, asked for any details on system failures?

Ms LESLIE WILLIAMS: My role as Minister for Aboriginal Affairs is to advocate in the Cabinet for Aboriginal people. It is not to deliver specific programs. The incident that you are talking about—obviously that was very tragic—the death of Rebecca Maher, falls under the portfolio of the Minister for Corrections and I would—

The Hon. WALT SECORD: But for Aboriginal deaths in custody, you just said using your own words that your role is to advocate for Aboriginal people—

Ms LESLIE WILLIAMS: That is correct.

The Hon. WALT SECORD: Well, do you not think that this is your role, your responsibility—

Ms LESLIE WILLIAMS: My role is not—

The Hon. WALT SECORD: Have you asked your Cabinet colleagues or any of your colleagues about the matter?

Ms LESLIE WILLIAMS: I have not formally asked them about that specific death.

The Hon. WALT SECORD: Have you made any inquiries about the death?

Ms LESLIE WILLIAMS: Not to my colleagues—not formal or specific inquiries about that particular death because it falls under the Minister for Corrections.

The Hon. WALT SECORD: Can I give you a bit of context? This is the first registered—

Ms LESLIE WILLIAMS: Yes, that is right.

The Hon. WALT SECORD: —recorded Aboriginal death in custody in 16 years in New South Wales.

Ms LESLIE WILLIAMS: That is correct.

The Hon. WALT SECORD: And you are Minister for Aboriginal Affairs and you have not asked your colleagues about this or inquired about this.

Ms LESLIE WILLIAMS: I think there is perhaps a misunderstanding of what my role is as Minister.

The Hon. WALT SECORD: I am very clear what I think your role should be.

Ms LESLIE WILLIAMS: You are very clear what you think my role is.

The Hon. WALT SECORD: Or should be.

Ms LESLIE WILLIAMS: I will explain to you what my role is. My role is not to duplicate roles of other Ministers. The specific instance that you are talking about should be referred to the Minister for Corrections.

The Hon. WALT SECORD: Do you not think that you as Minister for Aboriginal Affairs should have at least asked or inquired about the first Aboriginal death in police custody in 16 years—yes or no?

The Hon. BEN FRANKLIN: Point of order, Madam Acting Chair.

The Hon. WALT SECORD: A very simple question—

The Hon. BEN FRANKLIN: The Minister has consistently said—

The ACTING CHAIR: The Hon. Walt Secord will come to order. There is a point of order.

The Hon. BEN FRANKLIN: The point of order is this: The Minister has consistently said that this is within the remit of a different Minister. This has been her answer for three questions in a row. The honourable member can ask these questions all he likes, but he is merely wasting his own time.

The ACTING CHAIR: I note the comments from the Hon. Ben Franklin. The member is entitled to ask as many questions as he wishes, but if the answer is the same that is a matter for the Minister.

The Hon. WALT SECORD: Minister, to help you to rephrase, you are a self-proclaimed, self-described earlier in the proceedings here, advocate for Aboriginal people.

Ms LESLIE WILLIAMS: That is correct.

The Hon. WALT SECORD: And you have made no representations to your colleagues or discussions about the first death in police custody in New South Wales involving an Aboriginal woman in 16 years—you have done nothing?

Ms LESLIE WILLIAMS: You asked me if I had asked specific questions to my colleagues on that matter—not that I can recall.

The Hon. WALT SECORD: Have you spoken to—

Ms LESLIE WILLIAMS: Can I also correct the record? My apologies, through you, Madam Acting Chair, because that specific incident was at a police station in custody, it is actually Minister Troy Grant that that question should be directed to.

The Hon. WALT SECORD: I ask a follow-up question then: Have you met the Aboriginal Legal Service or had discussions with them about this matter?

Ms LESLIE WILLIAMS: Not about this specific matter. To my recollection I have met with the Aboriginal Legal Service. I can take that on notice with regard to the specific date.

The Hon. WALT SECORD: When was the last time?

Ms LESLIE WILLIAMS: I just said that I do not have the specific date of when I last met with the Aboriginal Legal Service. I am happy to take that on notice.

The Hon. WALT SECORD: Can you give me a time frame then? Was it this year or last year?

The Hon. SARAH MITCHELL: Point of order: The Minister has just said she will take on notice. She cannot make up an answer for you, Walt.

The Hon. WALT SECORD: I am trying to speed up the process. Was it this year?

Ms LESLIE WILLIAMS: I do not have that specific date. I will take it on notice.

The ACTING CHAIR: Order! The Minister has answered the question. She will take that on notice.

The Hon. WALT SECORD: Minister, I will rephrase that. Did you meet the Aboriginal Legal Service last year—yes or no?

Ms LESLIE WILLIAMS: I do not have the specific date. It could have been earlier this year. It could have been last year. I will take the question on notice.

The Hon. WALT SECORD: Thank you.

The Hon. COURTNEY HOUSSOS: Minister, are you satisfied that the recommendations from the Royal Commission into Aboriginal Deaths in Custody are being followed in New South Wales?

Ms LESLIE WILLIAMS: If you are referring to the specific instance with regard to Rebecca Maher and the Custody Notification Service, that question should be directed to the Minister, which is the Minister for Police.

The Hon. COURTNEY HOUSSOS: I am asking a broader question. As the Aboriginal Affairs Minister, are you satisfied that the recommendations from the Royal Commission into Aboriginal Deaths in Custody, a landmark royal commission, are being followed in New South Wales?

Ms LESLIE WILLIAMS: Are you asking about every recommendation from the royal commission?

The Hon. COURTNEY HOUSSOS: I am asking you, as the Minister for Aboriginal Affairs, to say whether you are satisfied that the recommendations from the royal commission are being implemented.

Ms LESLIE WILLIAMS: Are you talking about every recommendation from the royal commission?

The Hon. COURTNEY HOUSSOS: I am happy for you to take me through the response to each of the individual recommendations. Alternatively, I am happy for you to make an overarching response to the report generally.

Ms LESLIE WILLIAMS: Could you ask the question again?

The Hon. COURTNEY HOUSSOS: Are you satisfied that the recommendations of the Royal Commission into Aboriginal Deaths in Custody are being followed in New South Wales?

Ms LESLIE WILLIAMS: Through you, Madam Chair, that is an extremely broad question. The member is talking about a whole range of recommendations from a report. I am not going to make a comment one way or the other based on such a broad-ranging group of recommendations from the royal commission.

The Hon. COURTNEY HOUSSOS: This is a landmark—

Ms LESLIE WILLIAMS: If you would like to ask about a specific recommendation, I could answer, but there are a whole range of recommendations that were handed down by the Royal Commission into Aboriginal Deaths in Custody. I am not going to commit to a view about a whole broad range of them. If you ask me—I have answered the question.

The Hon. WALT SECORD: I will go to a very specific question then. You probably saw the footage from the Northern Territory about the use of—

Ms LESLIE WILLIAMS: The Don Dale centre?

The Hon. WALT SECORD: Yes, about the use of restraints.

Ms LESLIE WILLIAMS: Yes.

The Hon. WALT SECORD: Can you guarantee that restraints are not being used on Indigenous children or adults in New South Wales?

Ms LESLIE WILLIAMS: Again, that is a question for the Minister for Corrections. I do not have an overview of the specifics of actions in the corrections service. That would be a question for the Minister for Corrections.

The Hon. WALT SECORD: Minister, you earlier described yourself, proclaimed yourself as—

Ms LESLIE WILLIAMS: You are asking me if I guarantee—

The Hon. WALT SECORD: You said you were an advocate for Aboriginal people. I figured that you would be able to answer some questions. What do you do—

Ms LESLIE WILLIAMS: I am happy to answer questions about—

The Hon. WALT SECORD: What do you do as Minister for Aboriginal Affairs then?

The ACTING CHAIR: Order! Please ask—

The Hon. WALT SECORD: What do you do?

The ACTING CHAIR: Mr Secord, please ask a question that does not contain argument.

Ms LESLIE WILLIAMS: I am happy to answer a question about what I do in the space of Aboriginal Affairs. I am sure it is actually no different from what former ministers for Aboriginal Affairs in this

State did. I advocate, both within Cabinet and within Government on behalf of Aboriginal people in New South Wales—and I take that position very seriously. My role is not to deliver specific programs. We work much more broadly at a population level in delivering policies that will see improvement for Aboriginal people right across New South Wales. We have done that through the implementation of OCHRE, which I have no doubt you are aware of. We are trying to set a framework where we can see a change in the way that government works with Aboriginal people. We are very much focused on making sure that we work with them in partnership to deliver priorities for their communities.

The Hon. COURTNEY HOUSSOS: Minister, as an advocate within government, which you just said you are, have you written to the Minister for Corrections asking about the use of restraints on young Aboriginal juvenile offenders in New South Wales?

Ms LESLIE WILLIAMS: No, I have not.

The Hon. COURTNEY HOUSSOS: Have you had any—

Ms LESLIE WILLIAMS: The incident that you are referring to, if I recall correctly, actually occurred in the Northern Territory, not in New South Wales.

The Hon. COURTNEY HOUSSOS: That is correct.

The Hon. SHAOQUETT MOSELMANE: May I ask a question in relation to Rebecca Maher? Could her death have been avoided?

The ACTING CHAIR: I think that is asking for an opinion. Maybe you could rephrase the question.

The Hon. SHAOQUETT MOSELMANE: My question relates to the funding of the Aboriginal Legal Service and, in particular, to the Custody Notification Service. Why will the New South Government not fund the Custody Notification Service?

Ms LESLIE WILLIAMS: The Custody Notification Service has been funded by the Federal Government. My understanding is that it has been funded until 30 June 2019. So the Custody Notification Service is in place with funding until 2019, through the Commonwealth Government, as, it is my understanding, it always has been.

The Hon. SHAOQUETT MOSELMANE: But the Federal Minister, Nigel Scullion, has been attacking the State Government for failure to fund the Custody Notification Service.

Ms LESLIE WILLIAMS: I have spoken previously with Senator Scullion with regard to this issue. I am not sure what reference you are making in terms of him attacking the New South Wales Government. We have had discussions with regard to that. But I think, at the end of the day, it is important that the service is funded—and it is funded until 30 June 2019 by the Commonwealth Government.

The Hon. SHAOQUETT MOSELMANE: It is not—and this is the press release from Nigel Scullion.

Ms LESLIE WILLIAMS: It is not funded?

The Hon. SHAOQUETT MOSELMANE: In the press release he says that the New South Wales Government has "wiped its hands of its responsibility". Why has the New South Wales Government not funded its share when the service is part of a New South Wales Government Act? The New South Wales Government has previously stated it would "ensure that the Aboriginal Legal Service receives the long-term support that it requires to deliver this service". That is why I am asking whether Rebecca Maher's life could have been saved had these services—

Ms LESLIE WILLIAMS: I am not going to express an opinion with regard to that specific issue. I do not have the details about what led to her death. With regard to the notification service, specific questions about that—although, I have highlighted, it is funded until the end of June 2019—should be directed to the Attorney General.

The Hon. COURTNEY HOUSSOS: Minister, have you made contact with Ms Maher's family?

Ms LESLIE WILLIAMS: No.

The Hon. COURTNEY HOUSSOS: Has your department made any contact with Ms Maher's family?

Mr ARDLER: No.

The Hon. WALT SECORD: Minister, are you aware that the Maher family are struggling to fund the funeral of Ms Maher?

Ms LESLIE WILLIAMS: I have had no contact with the family.

The Hon. WALT SECORD: I thought you said you were an advocate for Aboriginal people?

Ms LESLIE WILLIAMS: That is correct.

The Hon. WALT SECORD: Did you not think that, after the first death in custody in New South Wales in 16 years, you should have made contact with the family at least once—through the departmental bureaucracy as a minimum?

Ms LESLIE WILLIAMS: As I explained before, this particular issue comes under the portfolio of the Minister for Police. It was in police custody that the matter occurred. I did explain about the role of Aboriginal Affairs. It is not to duplicate what happens in other ministers' portfolios. It is about setting a broad policy about how we deal with Aboriginal communities broadly—not specifically—across New South Wales.

The Hon. WALT SECORD: Do you not think it is justified to criticise you for your failure to make any contact whatsoever with this family?

The ACTING CHAIR: Order! I ask the member to rephrase that question so that it does not contain argument.

The Hon. WALT SECORD: This is a mother of four, and her family has now set up a Facebook page because they cannot—

The ACTING CHAIR: Again, I ask the member to ask a specific question that does not contain argument.

The Hon. WALT SECORD: I am giving context. Let me start again. This is a mother of four who died in police custody. Her family has now—because they are unable to fund her funeral—set up a Facebook page asking for donations. Do you not think, as Minister for Aboriginal Affairs, that you—at least through your department—should have made contact with her or her representative at the Aboriginal Legal Service at least once?

Ms LESLIE WILLIAMS: That is not my role as the Minister for Aboriginal Affairs. On that specific issue, that is not my role. I think I have explained that fairly clearly. I am not aware of the Facebook page, I am not aware of those struggles, and I have had no contact with the family—as I think I answered previously.

The Hon. COURTNEY HOUSSOS: Now that you are aware of the struggle of the family, now that you are aware of the Facebook page, will that change how you act after today?

Ms LESLIE WILLIAMS: With specific reference to what?

The Hon. COURTNEY HOUSSOS: Will you be contacting the family?

Ms LESLIE WILLIAMS: I have had no indication or advice that I should be making contact with that family.

The Hon. COURTNEY HOUSSOS: It is not a question of advice.

The Hon. WALT SECORD: You said earlier that you were an advocate for Aboriginal people. We actually gave you a chance here to redeem yourself and you—

The ACTING CHAIR: Order!

The Hon. WALT SECORD: We have given you a clear chance—

The ACTING CHAIR: Order! Do you have a question?

The Hon. WALT SECORD: We will switch to land claims. How many land claims are currently under consideration in New South Wales?

Ms LESLIE WILLIAMS: The specific number? It is around 29,000 land claims that are currently awaiting determination.

The Hon. WALT SECORD: I ask the departmental people here whether that is correct—can you give us the exact number?

Ms LESLIE WILLIAMS: Can I just make the point that the determination of land claims is not the responsibility of Aboriginal Affairs. It falls under the portfolio of the Minister for Lands and Water, the Hon. Niall Blair.

The Hon. WALT SECORD: What Acts, what pieces of legislation, do you administer in New South Wales, Minister?

Ms LESLIE WILLIAMS: The Aboriginal Land Rights Act.

The Hon. WALT SECORD: Do land claims come under the Aboriginal Land Rights Act?

Ms LESLIE WILLIAMS: The Act enables the land claims to be made. The determination of those land claims is made through the Hon. Niall Blair as the Minister for Lands.

The Hon. WALT SECORD: But you are involved in land claims—

Ms LESLIE WILLIAMS: I am not involved in the determination of the claims. The Aboriginal Land Rights Act enables those claims to happen.

The Hon. WALT SECORD: What do you do under the Aboriginal Land Rights Act?

Ms LESLIE WILLIAMS: The Act enables land claims to happen for local Aboriginal land councils to make claims on Crown land that are no longer required for public use. The actual determination of the claim is made through Minister Niall Blair's office as the Minister for Lands.

The Hon. WALT SECORD: Can you take me through the process? How does the Act work? What happens?

Ms LESLIE WILLIAMS: As I said, the Act simply allows for land claims to be made.

The Hon. WALT SECORD: Explain to me how the process occurs. This is the only piece of legislation that you administer.

Ms LESLIE WILLIAMS: Well—

The Hon. WALT SECORD: I am trying to determine what you do.

The Hon. SHAOQUETT MOSELMANE: Under the Act.

The Hon. BEN FRANKLIN: Point of order: The Minister has clearly explained the excellent job she does—

The Hon. SHAOQUETT MOSELMANE: She has not.

The Hon. BEN FRANKLIN: —her full role and responsibilities and the work she does as an advocate for Aboriginal people. The Hon. Walt Secord continues to ask what she does. I am sure the Minister would be delighted to continue to explain the great work she has done, for example, in OCHRE, which was of course introduced into government for the first time—

The ACTING CHAIR: There is no point of order. Does the Hon. Walt Secord have another question?

The Hon. WALT SECORD: Yes, I do, but I want to give context. Our line of questioning today—

The ACTING CHAIR: Is that a question or a comment to the Chair?

The Hon. WALT SECORD: It shows very clearly—

The ACTING CHAIR: Order! That is not a question to the Minister.

The Hon. COURTNEY HOUSSOS: Minister, your role is to implement OCHRE, but the Attorney General has found that, "Despite the multitude of initiatives and programs"—

Ms LESLIE WILLIAMS: Sorry, I missed that. Despite the?

The Hon. COURTNEY HOUSSOS: "Despite the multitude of initiatives and programs to increase the economic participation and capacity of Aboriginal people, the effectiveness of these initiatives were limited."

Ms LESLIE WILLIAMS: Who made that comment?

The Hon. COURTNEY HOUSSOS: The Auditor-General.

Ms LESLIE WILLIAMS: You said Attorney General, but the Auditor-General?

The Hon. COURTNEY HOUSSOS: The Auditor-General, in May 2016 in one of his reports, highlighted the problem with the multitude of initiatives and programs. Given the Auditor-General's report, are you re-evaluating the success of OCHRE?

Ms LESLIE WILLIAMS: We are undertaking an extensive evaluation of OCHRE. For the first time, there will be a 10-year evaluation. That will be done in three separate parts. I suspect we will have some comments on the first part of the evaluation in 2018. I can get Mr Ardler to clarify that time frame.

Mr ARDLER: That is correct.

Ms LESLIE WILLIAMS: That is correct, 2018.

The Hon. WALT SECORD: Earlier, you said repeatedly that you were a self-proclaimed advocate for Aboriginal people.

Ms LESLIE WILLIAMS: Actually, I think they were your words.

The Hon. WALT SECORD: Okay. You said you were an advocate for Aboriginal people.

Ms LESLIE WILLIAMS: That is correct.

The Hon. WALT SECORD: What have you said about constitutional recognition for Aboriginal people?

Ms LESLIE WILLIAMS: Specifically or are you asking for my views?

The Hon. WALT SECORD: More broadly, what have you said on the subject of constitutional recognition?

Ms LESLIE WILLIAMS: What have I said about it?

The Hon. WALT SECORD: Yes.

Ms LESLIE WILLIAMS: Well, New South Wales obviously supports a referendum on constitutional recognition. We have made that clear in the past. We have recognition in our own legislation, and I take every opportunity to have those discussions and those conversations, not only with Aboriginal people in the community, but I have also had many meetings with leading Aboriginal leaders to discuss that very issue. I am sure you are aware that there are many and varied views about the proposed referendum. In fact, on Friday I was at a conference in Tweed, a local government Aboriginal network, and even amongst Aboriginal people there were differing views about constitutional recognition.

The Hon. WALT SECORD: As part of your discussions that you referred to in your previous answer, have there been discussions of a treaty?

Ms LESLIE WILLIAMS: Yes. I think it is not surprising that whilst we are seeing much conversation about constitutional recognition, we would also hear conversations about treaty and I certainly welcome those discussions.

The Hon. WALT SECORD: What is your position on it?

Ms LESLIE WILLIAMS: I am sure you are aware that earlier this year I travelled to New Zealand, specifically to get a better understanding of their settlement process and the way in which the treaty has worked in New Zealand. Obviously you are also aware that it happens in other jurisdictions. As I said, it is a conversation that I would encourage.

The Hon. WALT SECORD: What is your contribution to the conversation?

Ms LESLIE WILLIAMS: What is my contribution? Are you asking my opinion of whether I support a treaty?

The Hon. WALT SECORD: Yes.

Ms LESLIE WILLIAMS: I think treaty is a fairly broad term. My view is that I will take my advice from Aboriginal people. It will be their treaty, if and when it takes place, either in New South Wales or federally, but, as I said, I think it is a constructive conversation to have in line with the conversations we are having on constitutional recognition.

The ACTING CHAIR: Time has expired for questions from the Opposition. We will move to questions from the crossbench, commencing with Reverend the Hon. Fred Nile.

Reverend the Hon. FRED NILE: You know we have had a detailed inquiry into the stolen generation by an upper House committee with some excellent recommendations. Will you be involved in monitoring those recommendations or following up implementation of the recommendations?

Ms LESLIE WILLIAMS: Aboriginal Affairs will certainly be involved in the Government's response to those recommendations. I would like to put on record that I commend this Committee for the work that it did on that inquiry. I met with many of those from the stolen generations prior to that inquiry being initiated and everyone around this table will understand much more clearly, now you have participated in the inquiry, the traumatic events that have led to the views of those from the stolen generations and certainly the impact that it has had on their families. I commend this committee for the report. It is extensive. Obviously there are many recommendations for consideration. The Government is in the process of considering them and Aboriginal Affairs is intrinsically involved.

Reverend the Hon. FRED NILE: We were concerned, as were the Aboriginal witnesses to the stolen generations inquiry, whether the recommendations would be implemented. It was distressing that they kept quoting the reports of deaths in custody as an example. These reports are produced with lots of recommendations, but nothing happens. That will happen with this report as well. We are trying to convince them that it will not happen with this report.

Ms LESLIE WILLIAMS: I am confident that it will not happen with this report and the Government takes each of those recommendations seriously. We will, obviously, be responding within the required time frame before the end of the year.

Reverend the Hon. FRED NILE: I met recently with some Aboriginal leaders from La Perouse, who shared with me their concern over the future of the Aboriginal church and who has the responsibility to care for the building or repair it. The church is quite historical—a heritage building—which is now falling into decay. Do you have any interest in or involvement with those buildings? Most of those reserves were what they call missions and there is usually a common wooden church in the centre of it somewhere. Maybe there is now a gap in the system as to who is responsible for that, the land council, or your department. Do you have any thoughts on that?

Ms LESLIE WILLIAMS: I am not aware of the specifics of that particularly. I am happy to take that question on notice if it is in regard to a specific church in La Perouse. I am happy to seek further advice on that for you.

Reverend the Hon. FRED NILE: Following up on that question, I noticed in the budget estimate papers, pages 3 to 25, Aboriginal housing talks about grants and subsidies. I assume you have some involvement in that area?

Ms LESLIE WILLIAMS: In Aboriginal housing?

Reverend the Hon. FRED NILE: Yes. It is in the budget papers at pages 3 to 25. There are grants of \$26 million and revenue—grants and contributions, \$79 million.

Ms LESLIE WILLIAMS: It is not a part of the Aboriginal Affairs budget. The budget that amounts for housing would be from the Family and Community Services budget, not from Aboriginal Affairs.

Reverend the Hon. FRED NILE: Those grants would have been given by—

Ms LESLIE WILLIAMS: Through Minister Hazzard.

Reverend the Hon. FRED NILE: You do not have any role in—

Ms LESLIE WILLIAMS: I certainly do not have any funding role in the area of housing. The budget for Aboriginal Affairs was \$29.8 million. If your question relates specifically to funding and grants for housing you would have to direct that question to Minister Hazzard.

Reverend the Hon. FRED NILE: I was just inquiring whether it was possible for a grant to be made from that area to that building in La Perouse.

Ms LESLIE WILLIAMS: With regard to that specific building, as I said, I will take that question on notice and seek further advice.

Mr DAVID SHOEBRIDGE: Minister, your job is not to run the individual programs that apply to Aboriginal people as a general rule but, more to have an oversight role. Is that right?

Ms LESLIE WILLIAMS: That is correct. In saying that, we do have some specific programs that we fund, but they are more around, I guess, the strengths of Aboriginal communities that we want to enhance—for

example, our language programs. Obviously, we significantly fund NAIDOC events across the State. I was pleased that I was able to increase significantly the funding to support NAIDOC events this year. In terms of specific funding, they are generally related to Justice, Housing and so on.

Mr DAVID SHOEBRIDGE: Justice, Police, Housing and Corrective Services.

Ms LESLIE WILLIAMS: That is correct.

Mr DAVID SHOEBRIDGE: If we are tracking what has happened to the 339 recommendations from the Aboriginal black deaths in custody royal commission, given some are the responsibility of the Department of Family and Community Services [FACS], some are in Corrective Services NSW, some are in Police and some are in the balance of Justice, should it not be your job to take an overall view and say, "Which of those recommendations have been implemented, which have not and where should we be doing more as a Government?"

Ms LESLIE WILLIAMS: What I think the Government can do more of—it is something we will continue to work through—is to work on the strengths-based approach, which is illustrated through Opportunity, Choice, Healing, Responsibility, Empowerment [OCHRE]. You build strong, sustainable communities by providing them with opportunities for leadership and opportunities to be engaged with Government about specific programs that are required in their communities. I think it is really important to highlight that every Aboriginal community—like every community across the State—is unique and different. That is one of the core principles of our local decision-making model. That principle is that local communities need to make decisions about what their priorities are. In the past we have seen significant funding forced on communities without their having any say about how it should be directed and without community leaders—the Aboriginal Land Council or whatever organisation within the community—having much input.

Mr DAVID SHOEBRIDGE: My question was about the royal commission and the 339 recommendations of the royal commission.

Ms LESLIE WILLIAMS: The specifics of those should be directed to the ministers whose portfolio they come under.

Mr DAVID SHOEBRIDGE: I am going to ask you plainly: Are you in a position to advise us—either now or on notice—of which of the 339 recommendations of that landmark royal commission have been implemented by the Government? You have the oversight role as Minister for Aboriginal Affairs.

Ms LESLIE WILLIAMS: My role is not to have oversight over specific programs.

Mr DAVID SHOEBRIDGE: I meant "your overview role". Your job is to look across Government at the 339 recommendations.

Ms LESLIE WILLIAMS: No, I have to correct you. My role is not to look across governments. My role is to support Aboriginal communities in government, through my position in Cabinet, and to work closely to support other portfolios. We saw that—I commend the work of Aboriginal Affairs and the staff on the ground—through the work in responding to the Bowraville recommendations.

Mr DAVID SHOEBRIDGE: I join with you in that commendation.

Ms LESLIE WILLIAMS: I can support my ministerial colleagues through the implementation of programs, but the responsibility for those programs lies with those various ministers.

Mr DAVID SHOEBRIDGE: If there is an obvious failing or an obvious hole in legislation that is designed to protect Aboriginal people, and it is brought to your attention, is it your job to advocate to fix that?

Ms LESLIE WILLIAMS: If there were a specific failure in legislation and someone brought that to my attention I would raise that with the Minister concerned.

Mr DAVID SHOEBRIDGE: The law enforcement powers and responsibility regulation, which has just been remade, implements the recommendation about the Custody Notification Service that came out of the Aboriginal deaths in custody royal commission. It has an obvious and clear flaw that applied in the case of Rebecca Maher, insofar as the obligation to notify the Aboriginal Legal Service applies when there is a detained person.

Ms LESLIE WILLIAMS: That is correct.

Mr DAVID SHOEBRIDGE: I am talking about a person arrested under Part 9 of the Law Enforcement (Powers and Responsibilities) Act. Because Ms Maher was arrested for intoxication, but not arrested and charged, the legal obligation, as I understand it, did not apply. That is an obvious failing. Would

you agree that the law should be applied so that when an Aboriginal person is held in a police cell, the notification should happen?

Ms LESLIE WILLIAMS: It is certainly the intention that when an Aboriginal person is held in custody the Custody Notification Service would be notified. I am not aware of all of the specifics leading to Ms Maher's death. Again, I urge you to direct that question to the Minister responsible. I understand how the process of the Custody Notification Service works. I understand that it appears that that did not happen, but I do not know the specifics that led to Ms Maher's death. That is not in my role as Minister for Aboriginal Affairs.

Mr DAVID SHOEBRIDGE: Minister, I am pointing out to you a clear hole.

Ms LESLIE WILLIAMS: I take your point—

Mr DAVID SHOEBRIDGE: Let me ask the question. I am pointing out a clear hole in the Law Enforcement (Powers and Responsibility) Act regulation, which does not fully implement the intent of the black deaths in custody recommendation, insofar as people can be taken off the streets, arrested but not charged because they are not being arrested for a criminal offence, they are being arrested and held in a police cell because, in some circumstances, they are intoxicated. Do you agree that there should be a legal obligation for the police to notify the Aboriginal Legal Service in those circumstances?

Ms LESLIE WILLIAMS: I understand very clearly the point of your question. I understand how the Custody Notification Services works. But I do not think it is appropriate that I make those comments because I do not have all of the details leading up to Ms Maher's death.

Mr DAVID SHOEBRIDGE: I am not talking about Ms Maher's death. I am talking about the state of the law. The law says that the notification has to happen when somebody is a detained person.

Ms LESLIE WILLIAMS: That is correct.

Mr DAVID SHOEBRIDGE: A detained person is defined in section 111 of the Law Enforcement (Powers and Responsibilities) Act. That does not include somebody who has been arrested and detained for intoxication, as opposed to being charged. Do you agree that the law should be clarified, confirmed and improved so that if somebody is arrested by Police and held because they are intoxicated, and they are Aboriginal, that the Aboriginal Legal Service should be notified? Will you advocate for a change in the law to make that happen?

Ms LESLIE WILLIAMS: I will take that question on notice.

Mr DAVID SHOEBRIDGE: Thank you. There are potential changes happening to the way Aboriginal heritage is treated. There are moves afoot to transfer some of the decision-making power from the Office of Environment and Heritage to Aboriginal Lands Councils. Do you support such a move?

Ms LESLIE WILLIAMS: You are referring to the culture and heritage reforms and the proposal for a standalone piece of legislation in line with other States. That, again, falls under the responsibility of Minister Speakman. However, I can assure you that, as Minister—I can give you the exact dates—I have met, at least four times this year, with Minister Speakman to discuss the progress of the cultural and heritage reforms. We have also, on a number of occasions, met with Minister Speakman and the New South Wales Aboriginal Land Council to discuss the progress of those reforms. That process is with Minister Speakman, currently.

Mr DAVID SHOEBRIDGE: I might put some more questions on notice.

Ms LESLIE WILLIAMS: Thank you.

The ACTING CHAIR: WE will now have questions from Mr Pearson and if there is remaining time we will come back to Mr Shoebridge.

The Hon. MARK PEARSON: I do not have any questions.

Mr DAVID SHOEBRIDGE: Minister, first of all, thank you for the work you have done implementing certain of the recommendations of the Bowraville inquiry. I particularly commend your department for the work on the Sawtell memorial and on the Bowraville memorial. Can you please advise the committee what steps have been taken, now, to finalise the Tenterfield memorial for Clinton's family?

Ms LESLIE WILLIAMS: The Tenterfield memorial?

Mr DAVID SHOEBRIDGE: Yes.

Ms LESLIE WILLIAMS: In the past weeks, I received an invitation for the unveiling of the Clinton Speedy-Duroux memorial at Tenterfield, which will be occurring on 9 September. Further to that, my understanding is that there will be one further memorial to be completed to make up the four.

Mr DAVID SHOEBRIDGE: Minister, is there any part of government that has overall responsibility for reviewing the implementations and ensuring the implementations of the recommendations from that inquiry? Is there any one part of government with that responsibility?

Ms LESLIE WILLIAMS: The Attorney General and the Department of Premier and Cabinet [DPC]. DPC has overall responsibility but, as you are aware, Aboriginal Affairs took responsibility for recommendation 13 and recommendation 15. We have talked about the work with regard to the memorials in recommendation 15. With regard to recommendation 13, that was related to healing. I do not have the exact wording but—

Mr DAVID SHOEBRIDGE: That was the Red Earth Healing Program?

Ms LESLIE WILLIAMS: That is right. That is the Red Dust Healing Program, actually. The Red Dust Healing Program was the actual recommendation, but discussions with the families indicated that that is not what they wanted. Aboriginal Affairs has done a lot of work in determining what they thought would be an appropriate healing program. We engaged a specialist contractor, Grant Sarra, to do some work with the family—have that conversation with them—to try to ascertain exactly what they were looking for in the healing program. He has reported back to me verbally, as he also did to the Attorney General. The families themselves are looking at that report. We are waiting for some recommendations from the families themselves.

Mr DAVID SHOEBRIDGE: Minister, what was the recommendation or the proposal from the consultant that you appointed?

Ms LESLIE WILLIAMS: There was a range of recommendations.

Mr DAVID SHOEBRIDGE: I am happy for you to give us more detail on notice, if that is of assistance.

Ms LESLIE WILLIAMS: We do not have a final report in regard to his specific view on the healing matter, but can I just make the point that he did go to Bowraville and spend a number of days with the family. What he does believe is that the healing needs to be, while specific to the family itself, broader because the Bowraville people—

Mr DAVID SHOEBRIDGE: There is community trauma there.

Ms LESLIE WILLIAMS: That is right, there is community trauma. What we are trying to do is have a look at how we will address the issues of the community trauma as well as that of the individual families. Obviously, there are lots of impacts that have been felt by the community broadly. We want to make sure that, first and foremost, the community is involved in what that might look like on the ground.

Mr DAVID SHOEBRIDGE: My last question was going to be: When will we see it delivered? Perhaps you can provide that on notice.

Ms LESLIE WILLIAMS: A specific healing program?

Mr DAVID SHOEBRIDGE: Yes.

Ms LESLIE WILLIAMS: I will take that on notice. It probably will not be a specific program. It may be for the family itself, but it certainly will not be for the community.

The ACTING CHAIR: Thank you very much. Time now has expired for questions relating to Aboriginal Affairs. I thank the Minister and her officials for appearing today.

Ms LESLIE WILLIAMS: Thank you, Acting Chair, and thank you to the Committee.

(The witnesses withdrew)

The Committee proceeded to deliberate.