

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

INQUIRY INTO CHILD PROTECTION SERVICES

At Sydney on Wednesday, 11 September 2002

The Committee met at 10 a.m.

PRESENT

The Hon. Jan Burnswoods (Chair)

The Hon. Dr A. Chesterfield-Evans

The Hon. Amanda Fazio

The Hon. J. M. Samios

The Hon. I. W. West

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JOHN ROBERT HESLOP, Detective Superintendent of Police, Child Protection Crime Team, New South Wales Police Service, 140 Redfern Street, Redfern, sworn and examined:

CHAIR: You have received a summons by me signed by me?

Superintendent HESLOP: I have.

CHAIR: And you are aware of the terms of reference I am sure?

Superintendent HESLOP: I am.

CHAIR: There is no submission. You have received the questions that we prepared as a bit of a guide. Would you like to say anything before we start? We will invite you to give us a rundown of the child protection unit. Does that suffice for an opening statement?

Superintendent HESLOP: It does for me, yes.

CHAIR: We really do want an overview. As you know, we have had a number of hearings and we have spoken to a range of people in the department, in various non-Government agencies, we have spoken to DOCS workers, we have spoken to families, et cetera. Obviously the police involvement is an area that we have heard some comments about but we have not yet had a chance to get any direct information at all. So we are anxious to hear from you exactly how the system works.

Superintendent HESLOP: Formally, the function of the police force in child protection in this State is from a criminal investigation point of view. We provide care and protection for children, which is done through the criminal justice jurisdiction, and if I can give you an idea of how we are structured within the police force in this State, nominally, and since the royal commission, with the establishment of a then Child Protection Enforcement Agency, we had a brief to investigate on behalf of the Police Service allegations of child abuse, sexual abuse, physical abuse, emotional abuse or neglect, as well as looking at child prostitution, child pornography and also, I think probably just to keep us a little bit honest, looking at female genital mutilation as it applies to children.

The procedures, and by arrangement with other Government departments, those cases that involve familial and interfamilial, that is abuse of children that does not involve serial offenders, paedophiles or paederasts, whatever you want to call them, are investigated by 21 teams across the State. The greater majority of abuse of children is investigated by officers attached to my command. Very low level physical abuse cases are done by general duties police, they can be done by me and on the very odd occasion a sexual abuse case might well be investigated by local area command police or general duty police, but the lion's share comes to my command.

These 21 teams are called Joint Investigation Response Teams, or JIRTS, and I will refer to them as JIRTS as we go along. They are located throughout the State at points where generally we can provide a service within four hours drive. I think probably the only exception here is Broken Hill, which is a little bit different, but that is Broken Hill. So these teams are called JIRTS. In the city metropolitan area, police city metropolitan area, which involves Wollongong and Newcastle, we have nine teams. These teams are co-located with DOCS. There are DOCS workers actually working in the same office with police officers, they are jointly funded, jointly managed, and the idea is that, once a notification comes in from the Helplines to one of these teams, the team will then respond by way of having a DOCS officer and a police officer deployed to investigate a matter, and they will take it from start to finish, with the exception of the arrest of a perpetrator, which is purely a policing function. In the rural sector, it is the same model, except that police are not co-located with DOCS. When a job comes in, a police officer from the team is deployed with a DOCS officer from the local or the closest DOCS office and they still investigate it the same way.

At the command centre at Redfern, I have a number of investigators in a surveillance capacity, intelligence operators, who are tasked with the investigation of serial offenders, and I refer to people like Dolly Dunn and the late Frank Arkell and people like that who have multiple victims, sometimes in the 100s, but certainly these fellows have been around for a long while and abusing children for a long while, or children and young people. There is also a role there for us for the investigation of the exploitation of children using the internet and we have a unit tasked for that that has State-wide responsibility.

That is a brief overview of how we are structured and what we do in relation to the investigation. I

might point out at this point that on 1 September my particular command is part of an overall command that was restructured and we are now known as a Child Protection Crime Team and come among under State crime command. Our role is still the same. The only difference is that I now have attached to my command the Child Protection Register, which is a register of offenders against children in the State. So that is an added responsibility we now have.

CHAIR: It was difficult to frame our questions because everything obviously is interrelated. I know we have further on got questions about the JIRTS and any comments you might have about the Helpline. I wonder whether it is appropriate now, before we get onto some of those others, to ask you about the workload, growing workload, the size of the workforce or should we relate those questions to -

Superintendent HESLOP: No, I am more than happy to answer that. I think generally our workload has diminished, and I cannot give it to you in percentage terms, but it has diminished somewhat since we were first established in 1996. There are some offices throughout the State where workloads have come down and we do not know why, and it has stayed down for some while. Other offices - I will give you an example, Queanbeyan - have just blown out and we do not know why. Our investigative practices have not changed, the method of referral of jobs since the Helpline started has not changed, but there are significant numbers coming in in some places.

CHAIR: Is anyone investigating the reasons why these patterns may be varying?

Superintendent HESLOP: Yes. We are doing that at the moment in fact, and we are going back two years and looking at the notification rates and where they have come from and see if there have been any demographic changes that might well give the reason for this. If I go back to Queanbeyan, we thought it might have been because of the influx of new homes being built around the area and new families coming in, but the spread - they cover down from the Victorian border along the coast. Jobs are coming in from down there too and there has been no substantial increase in new homes being built. We are looking at that at the moment, because it means that I have really got to reconsider about the deployment of staff and whether we need to move people from one point to another.

CHAIR: Is it possible that the Helpline has picked up cases in that area that were not being notified before and then they in turn come to you or is it more complex than that?

Superintendent HESLOP: It would be nice if I could say it was the Helpline that has manifested this way, but I do not think it is. I still think there is a strong relationship between CSCs locally and the local JIRT formally and informally.

CHAIR: Which we certainly do get onto later.

Superintendent HESLOP: Current case loads across the State - my command normally carries about 600 open cases per month. That is not 600 cases in; that is current on any one day you would have about 600 open cases, and the greater majority are coming from the JIRTS in the 21 teams.

The Hon. JIM SAMIOS: Superintendent, what training do general duties police have in dealing with child protection matters?

Superintendent HESLOP: Sir, they are given, I suppose, awareness raising and education in relation to what their responsibilities are under the Children and Young Persons (Care and Protection) Act when they come in to the Police Service as a recruit. In the detectives education program there is another segment and certainly for people wanting to come in to my command there is a two week full-time course in relation to childhood development, about what their responsibilities are under the Act, about how to interview children, about victimology and about defending.

The Hon. JIM SAMIOS: Do you see police as being imposed on to do the de facto work of DOCS officers?

Superintendent HESLOP: No, I do not think that is the case. I think maybe you are asking the wrong person because I have been working in this area for so long and I think we have a substantial responsibility. I think the role of the police is to protect the citizens of New South Wales and that does not start at the age of 18. I think we all have a role - "we" being police officers and the community - in the care and protection of children and I think that, certainly from a policing point of view, that fits hand in glove with what we are doing. The great majority of times, if there is a domestic violence situation or some other occasion involving violence, inevitably

police are first on the scene, so they are in an ideal position to intervene and provide care and protection to children and young people.

The Hon. JIM SAMIOS: Is it not the case that an article in the Police Service's Weekly at the time of the commencement of the new Child Protection Act, which was December 2000, said that there had been absolutely no training of general duties police prior to the Act's commencement?

Superintendent HESLOP: That is incorrect.

The Hon. JIM SAMIOS: But that article was written, was it not?

Superintendent HESLOP: I believe it was and I still say it is incorrect.

The Hon. JIM SAMIOS: What level of frustration, if any, do police have with DOCS?

CHAIR: If I could interrupt, some of this may be better to ask when we get to the more specific questions about the Helpline, when we are actually dealing with the detail of interrelationships, but you could ask it generally at this stage.

The Hon. JIM SAMIOS: Yes, if I could get a general picture at this stage.

Superintendent HESLOP: I think there well might be some frustration experienced by some police and I might say, because of my interaction over many years with DOCS, it would probably be reciprocated by DOCS. With the police, I think our frustration - if there is frustration - is born out of the fact that we come from two philosophical bases, from two different industrial bases, and I suppose part of police culture is to react and do it now where we maybe do not consult as widely as our colleagues from DOCS do. If something needs to be done, we do it, but that is a police thing, whether in New South Wales or New Zealand or New York city, it is the same thing.

The Hon. JIM SAMIOS: Were you aware that the former DOCS Minister, Faye Lo Po', told the Parliament and the community that the Police Service was fully trained and ready for the legislation?

Superintendent HESLOP: No, I was not aware of that. Certainly the training to support the introduction of the new Act was a mammoth task for the police, bearing in mind our other training requirements, but also the fact is that the Children and Young Persons (Care and Protection Act) is not our core business. It is yet another Act that we have to respond to.

CHAIR: Mr Samios has actually partly anticipated our second question because we did ask it in two parts, commenting on the impact of the introduction of the Child and Young Persons (Care and Protection Act) on the police and also on the adequacy of training for police prior to those reporting requirements coming in, so perhaps you could give us your idea of what impact the introduction of those reporting requirements had?

Superintendent HESLOP: I think the major impact was, for the first time, police were made mandatory reporters. Up to that point it was a Commissioner's direction that we would report allegations or instances of child abuse to DOCS and the introduction of the Act has meant that now our responses have increased substantially and my role in my position as commander but also as the corporate spokesperson for child protection is to ensure that police are well aware of what their obligations are. As I have said in many other forums, it will come back and bite them if they do not do what they are required by legislation to do and I think in those terms the police have taken it on as a bit more serious than before.

CHAIR: The other side of that is our third question where some people have suggested that two groups in particular, the police and teachers, may be over-reporting; that their sense of and knowledge of the requirements of the Act may have led them perhaps to err on the side of reporting too much. Do you have any comments to make on that?

Superintendent HESLOP: I am aware of the comments, well aware of the comments, to which I say that police are legislated to report children who they believe are at risk of harm. If police are called to a situation where there is domestic violence and the children are present and they are of the belief that one or all of those children are at risk of harm, they will report that to DOCS. It is their belief that the child or children are at risk of harm. Now I would probably say that before the introduction of the new Act they might well not have responded so, but with the introduction of the words "at risk of harm", not "having been abused", not "having been harmed", not "having been assaulted", but "are at risk of harm" --

CHAIR: Is it possible for us to get copies of the particular guidelines in relation to domestic violence situations because it has been identified by people working in women's refuges and by other people who suggest, well, there is no blame attached I think at all, domestic violence does not necessarily involve risk to children, but perhaps police are thinking if there is even the smallest risk, and some of this may be from fear of disciplinary action or fear of a consequence to a child, so there is a bit of an erring on the side of over-reporting and that may clog the system up a bit?

Superintendent HESLOP: I hear what you say, but it also might be because they are being responsible police officers.

CHAIR: Do you think that there is a bit of tension and does it get back to the point you made before about the different backgrounds and disciplines between police officers and, for instance, DOCS workers or people who work in refuges?

Superintendent HESLOP: It could do, but I think that police, knowing that they are mandatory reporters and with the introduction of the new term being "at risk at harm", it might well have increased the pool because the police believe that the children are at risk of harm and obviously what they do not need to be doing and what we are reinforcing with them is about notifying children who are not there. I mean clearly if the child is not there you would not report the child.

CHAIR: Do you think the definition of "at risk of harm" includes emotional risk as well as physical risk or do you think police perhaps concentrate more on what they feel is a direct physical risk?

Superintendent HESLOP: No, I think that police also take into consideration psychological or emotional abuse of children, absolutely.

CHAIR: And the effect on children, for instance, of abuse of the mother?

Superintendent HESLOP: Yes.

CHAIR: So it is a very broad-ranging thing?

Superintendent HESLOP: Yes.

The Hon. IAN WEST: Is it possible for us to look at any modules that there might be in the training at the Police Academy at Goulburn?

Superintendent HESLOP: On child protection?

The Hon. IAN WEST: On child protection.

Superintendent HESLOP: Absolutely.

The Hon. JIM SAMIOS: Police are telling the Opposition that many of the current officers, not new recruits but the current officers, have not completed any training. You say they have been trained. What is the training in terms of topic, circumstance, time?

Superintendent HESLOP: For recruit training, I cannot tell you. One of my colleagues from the college in Goulburn has responsibility for delivering the lecture, and that is why I know it takes place, because my staff and I assist with the updating of lecture material. That is something I am more than happy to find out and provide to the Committee.

The Hon. JIM SAMIOS: If you would, thank you.

The Hon. IAN WEST: Do you have any comments to make about the Helpline? In particular, could you comment on waiting times, fax procedures, adequacy of feedback, interagency coordination at the local level and linkages between the Helpline and the local community service centres?

The Hon. JIM SAMIOS: Surely. If I can preface my remarks by saying that the Helpline was something new for DOCS in its present format and to a large extent the teething problems that they encountered we also encountered in the police force with our PAL, the police assistance line, and that was about getting the bugs out.

Waiting times, yes, when the Helpline first started police were frustrated because they could not get in to the Helpline through the number and there were backlogs. That has now been alleviated by a discrete number for police that we can use, the one number and that number only.

Fax procedures were introduced in the instances where police were not able to wait on the telephone, so to get the information through to the Helpline. If I can go back to the waiting times, police many times could not wait on because, if you are one of a two-person crew in a car and you are out in the country, you're it - the next job comes in and you have to respond - so they could not wait on, and that is why the fax procedures were brought in, so that they could get the information through to the Helpline that way, and it works well.

In relation to adequacy of feedback, I have had no feedback from the field in relation to lack of feedback at all. It has never been an issue raised with me. Other issues have been, but that has never been.

CHAIR: Sometimes we do get people working in all sorts of fields, particularly the non-government sector, who say, "If only we knew what happened, if only for our own peace of mind", perhaps particularly where there are linkages between a number of different agencies at a local level and there is a bit of a feeling that you contact the Helpline, but after that you are in the dark, and that may be particularly relevant if your agency has further contact or has already had contact with that family, for instance?

Superintendent HESLOP: Sure, I understand that and I think it may be a valid comment. I think we all have responsibility to provide feedback, whether it be victims or non-offending parents and families, on progress of the matters or that it is not going any further or that this is where the matter has got to. I think that might well be a fair comment.

The Hon. IAN WEST: Am I understanding you to say that your understanding is that you are receiving adequate feedback or that you are not receiving feedback and that is not of concern?

Superintendent HESLOP: I have had no complaints from police about lack of feedback from the Helpline.

The Hon. IAN WEST: Have you had any feedback about the type of feedback that police officers are receiving?

Superintendent HESLOP: No, I cannot comment on that.

The Hon. IAN WEST: So as far as you are aware--

Superintendent HESLOP: Everything is okay.

The Hon. IAN WEST: --they are receiving feedback?

Superintendent HESLOP: Yes, and they would let me know very quickly, can I assure you, if the wheels were falling off in relation to feedback. I would know.

In relation to interagency coordination at the local level, I think that, on the whole, progresses fairly well. It depends on - and I use my command with the JIRTs - the relationship between local CSCs and the local team. Generally there is a good relationship, which was there before the Helpline, but there is a fair bit of talking that is done informally and I think that is progressing really well.

Linkages between the Helpline and local community service centres I think sometimes could be better. There are still instances that I am aware of where the Helpline will make a referral to a CSC or one of my teams a number of days after the call to the Helpline. Now, that might be because of workloads at the Helpline or one of those cases that somebody else has responded to to refer it out, but on occasions that still occurs. There is a bit of a time lag out to a CSC or to a JIRT.

Having said all that, can I say that where we are now in our relationship with the Helpline, the Helpline is certainly better than it was on day one or after the first year. As pick-ups have been identified, in the main they have been addressed, and my staff meet with the senior management of the Helpline every couple of weeks in relation to an issue that might be coming up or something that they need clarification on and it is always addressed promptly.

The Hon. IAN WEST: And other than at a senior management level, is there interaction between the

rest of your JIRT teams? I think you said there are nine in the Sydney metropolitan area including Wollongong and Newcastle?

Superintendent HESLOP: Yes.

The Hon. IAN WEST: Are there relationships between and consistency of personnel between your JIRT staff and the Helpline staff?

Superintendent HESLOP: I would say it would be minimal. The Helpline is the funnel which gets the work out to the JIRTS. The only time they would make contact back with the Helpline is if there was information they thought might be missing off a referral: "This particular referral, there is nothing in it. Was there anything there? No, that information was never given to us." It would just be clarification on information received by the JIRT.

CHAIR: Superintendent Heslop, would it be the case that in many ways, because of the JIRTS and because they do involve co-operation between police and DOCS, that in effect the Helpline is not being used, particularly with a case where local people know that it requires, for instance, action by JIRT, they know the seriousness or whatever, that in fact they would not be going to the Helpline, that the whole process of JIRTS and so on would just be automatically triggered?

Superintendent HESLOP: No. The procedures and the gateway for work to our JIRTS is through the Helpline. Local police cannot refer a matter straight to a JIRT. It has got to go through the Helpline.

CHAIR: Is that frustrating or does that seem like adding an extra bureaucratic layer?

Superintendent HESLOP: It was initially from a policing point of view. It was unbelievably frustrating to the local police who thought they could just hand it over. I think the beauty of the Helpline is the vetting and the collation of information. Police officers can often be very creative at half past four on a Friday afternoon, and that is to some extent the beauty of the Helpline, that we do not have work dumped on us or work that was never intended to come to us for investigation, and by going through the Helpline as a filter and meeting certain criteria, we have overcome that, and really that to me has not been the issue for as long as the Helpline has been around.

CHAIR: Do you think local police would endorse those comments?

Superintendent HESLOP: Probably not.

CHAIR: Particularly the ones perhaps further out of Sydney who might think, "Well, all we really have to do is pick up the phone or walk down the corridor or the road"?

Superintendent HESLOP: That is true, but our procedures say that they have got to send it through the Helpline. They are mandatory reporters; they have got to report to DOCS; not to police, to DOCS; Helpline is DOCS.

The Hon. JIM SAMIOS: The former Minister Lo Po' and the current Minister Tebbutt and their respective Directors General have said that no one agency working alone can protect children. Do you think that this implies that police are not doing enough?

Superintendent HESLOP: No, I do not think that is the case at all. I think what those Ministers, in my opinion, were alluding to was the fact that we have powers certainly that DOCS do not have and vice versa, and there are some other Government organisations, being Health and Education and Training, that also have legislation that we do not have, and I think that by working together, not only can we achieve better outcomes for children, but also that we can share the responsibility for the care and protection of children and young people in the State.

Certainly, from a DOCS point of view, and we encountered this when we first started up a joint investigation, again DOCS and police were coming from two different perspectives completely and there was great fear that DOCS officers in the teams would end up being police officers and vice versa. That has not occurred. There has been some transference of skills and knowledge but that is about it. We complement each other.

The Hon. JIM SAMIOS: Superintendent, as I am informed, former Minister Lo Po' has said that DOCS

should be split, with the Police Service assuming a key role in child protection. What is your view on that?

Superintendent HESLOP: That was first mooted in the Wood Royal Commission. In the paedophile reference there was some discussion with my previous Commissioner Ryan in the commission in relation to that issue and it was never progressed past that discussion. I think there is a role for police and for DOCS. Police are not social workers. We do not have the skills; we do not have the training. I think from a risk assessment point of view that DOCS are very good at and I think we should be doing this together and not split. It is not necessarily a law enforcement role. There are many cases that come to JIRTS that never progress into a criminal justice jurisdiction. Other strategies need to be put into place for children that only DOCS can do.

The Hon. JIM SAMIOS: Superintendent, are you aware of a case currently under investigation where police got fed up to the back teeth with DOCS failing to take away a baby from a person under investigation for the alleged murder of the baby's mother, such that it took Opposition contact with the person to get action to take the baby away?

Superintendent HESLOP: I am aware of a case that there are similarities with what you are talking about. Whether it is the same case, I do not know. Certainly, the action that I caused, in conjunction with DOCS, I had no contact with the Opposition.

The Hon. JIM SAMIOS: But accepting that it was true, would you say that that is an indication of how the police find DOCS' role challenging?

Superintendent HESLOP: I think sometimes police are ill informed about the role of DOCS, sometimes off bat.

The Hon. JIM SAMIOS: Are you aware that in Gunnedah police wrote to the local paper expressing their frustrations with DOCS? Are you aware of this and how can you say that police are not frustrated with DOCS?

Superintendent HESLOP: I am not aware of that case. I might well say that as a police officer sometimes I am frustrated with police officers.

CHAIR: Superintendent Heslop, we have yet to talk to all of the different people involved with Children's Court, and indeed Family Court matters, but can we ask you about the way in which the police, particularly in the JIRTS, but not only in the JIRTS, what role police play in court proceedings? We have heard quite a lot of evidence from DOCS workers that, perhaps through no-one's fault, proceedings can be very time consuming, it can be very hard to get all the paperwork done that is required, there may be in fact too much emphasis on the sort of paperwork needed to absolutely secure a conviction and therefore a reluctance to proceed. Can you give us any comment on that mix of issues?

Superintendent HESLOP: Sure. Certainly from a police point of view, there is little or no involvement in Children's Court proceedings. It is not unusual within the JIRTS, especially in the cases where there is insufficient evidence to mount a criminal prosecution, that parts of the criminal brief were being handed over to DOCS within the team to use in Children's Court in care proceedings.

There has been some tension in some teams in relation to wanting the matters to progress a lot faster than what they have from a policing or a criminal investigation point of view so that DOCS can start up their care proceedings, if that is the case.

CHAIR: So that would mean what, seeking to get a conviction first, which would then make almost automatic the DOCS approach to -

Superintendent HESLOP: No, not necessarily. Even to the point of completing an investigation, to then see whether we have enough evidence to launch a criminal prosecution, I share that frustration of DOCS, but unfortunately we are often at the will of witnesses that we are trying to find and trying to get times when they are available to interview. So it is not a case that we think we are just going to sit on this for a while.

Many of these officers, all of these officers have multiple cases going at once. If you are an officer at Liverpool JIRT, you might be carrying a case load of 30. If you have got 30 investigations going at one time, you can only do so much in one day. But most times it is negotiated with our colleagues from DOCS within the team and they are aware of it, but in those instances where we cannot progress any further because of lack of evidence, we are more than happy to hand over what we have got to assist DOCS in their care applications.

CHAIR: Does that problem get more difficult with the prevalence of transience amongst families who are often involved in child protection issues, that there is a difficulty in tracking people down, or does it also then involve problems with the next DOCS office, the next CSC is now the one, because we understand the family has moved on? How do the police cope with those sorts of issues?

Superintendent HESLOP: If it is in New South Wales, and I am the police officer at Newcastle JIRT and I have that matter, that is mine. We do not on-sell it to anybody. That is yours.

CHAIR: So if you hear that the family is now in Wagga, for instance, how does it actually get handled?

Superintendent HESLOP: From a policing point of view, the officer gets in a car and drives. We do not transfer cases. As my budget would probably indicate, there is a fair bit of travelling for my staff intra and interstate and internationally. It is to stop the problems we had pre royal commission where cases were handed from pillar to post. So now it is seamless; you are the case officer; that is yours.

The Hon. AMANDA FAZIO: I was going to ask you to elaborate on the benefit of the system that you are using in managing the whole of a case from start to finish?

Superintendent HESLOP: I think it is better for children and young people because they have the one case officer that they can relate to. We do not have that transferring from person to person to person, "This is your officer now. I will not be around any more", and then that person might have to hand over because they have been transferred or something like that. I think it is better continuity and the officer in charge of the case has their head around the brief from day one. They do not have to do a whole lot of reading to back capture where this brief is up to. And I think it is better from a management point of view, knowing what our staff are up to and what their case loads are, without having bits and pieces of cases. Certainly, on transfer it becomes a little bit problematic because often the new commander who has that person coming into their command is not always happy about them bringing a case load with them, but often that is the case, you finish it off.

The Hon. IAN WEST: With the approximately 600 cases that you are handling at any one time and taking into account the delicate balance between the evidentiary problems that you encounter and the relationship with DOCS and those 600 people, which would, I would imagine, at times cause some delicate negotiations as to when you should be involved and when you should not be, have you got any break-up of those 600 cases as to outcomes?

Superintendent HESLOP: You cannot do that because they are ongoing cases. You might not have an outcome for two years. It depends on how it goes through the system, if you are talking about apprehended violence orders, if you are talking about arrest and charge of offenders, whether they are dealt with at the local court and finish there or go to trial and then to a court of appeal. Some of these cases go for a long time.

CHAIR: Still on the issue of the police investigating and individual people keeping charge of an issue, if our notional person in Newcastle is getting into a car and driving to Wagga, are problems created by the fact that DOCS handles these things differently or at that stage is it the individual police officer being the responsible person in the JIRT and therefore they track it through, because it is very different to the way DOCS handles cases of transient families, is it not?

Superintendent HESLOP: Surely, and I suppose I would go back to what I said when I first started giving my evidence: That is part of the tension between police and DOCS, that we do do things differently, and that is just how it is. Could you repeat that question?

CHAIR: Yes, sorry, it was a rather tangled question. I am just thinking of, say, our notional person in Newcastle who is following a case the whole way through, which may involve considerable travel and so on.

Superintendent HESLOP: Yes.

CHAIR: If the DOCS people are doing things differently, how do you all sort of gel together so that the outcome is worked out and cooperation between the different sectors is maintained?

Superintendent HESLOP: When a job first comes into a JIRT, the two team leaders will allocate that particular job to a police officer and DOCS officer normally. There are some that are outside the square that are police only jobs where it is a non-familial offender, the child is not at risk, there is no part to play. In a date rape, a 17 year old woman who goes to a disco and is sexually assaulted, there is no part generally for DOCS to play. It

is a police only job. The police will follow that through from start to finish. If it is a job for a joint investigation, whilst the two offices - police and DOCS - are working together on the investigation, they are still doing things according to what their mandate is. For us it is criminal investigation. Now normally things will start to separate after interview with the child, which will be done jointly, one person interviewing, the other person monitoring. Once the criminal investigation process has commenced with the interview, there are other lines of investigation that the police need to do just for criminal investigation which will not involve DOCS. DOCS officers are not involved in the arrest and charging of offenders; they are not involved in a whole lot of other methodology we use in criminal investigation. It is not their role. That is when police officers come in and carry out the arrest and charge, but the initial stages, working with the child, interviewing children, will be done jointly by police and DOCS, and even to the point of maybe witnesses, non-offending parents, that will be done with a police officer and a DOCS officer. When it becomes quite clear that the criminal investigation process needs to go off that way, the DOCS officer drops off.

CHAIR: If, for instance, the police officer travels to another part of the State which might actually not be all that far away, would they then pick up, if you like, a local DOCS person to interview someone with them or is that only happening as part of the criminal investigation?

Superintendent HESLOP: Only criminal investigation. Although, having said that, recently - I think in the last two weeks - we had a police officer and DOCS officer who went to Cairns, but there were some additional child victims that we were not aware of, so there is a role there for DOCS in the interviewing process.

CHAIR: Just one last question before we get off the court area: We have had a lot of frustration expressed to us about the Family Court where sometimes we are told DOCS cannot act because they are sort of expecting the Family Court to act on a matter and there are problems of simply everyone getting their acts together there. Do the police get involved at all in that kind of complexity that can come up where, for instance, there is a custody battle which may involve allegations being made at various times?

Superintendent HESLOP: If the allegations have been made and it has gone through the Helpline and it has been referred to a JIRT, there is a role for us to play.

CHAIR: So in that sense you do not handle it any differently?

Superintendent HESLOP: No, and we cannot be seen to be handling it any differently. Having said that, I think, on a number of occasions, it becomes clear that there is an aggrieved party who is using the system to benefit themselves and that is by way of, you know, not giving custody over to the other person, but that is why we have investigators, that is why we have DOCS people and police officers who have been trained in joint investigation to find that out.

CHAIR: I guess I am trying to find out whether police share some of the frustration that others feel when they feel things are bogged down or they have to go off to the Family Court, there are other kinds of processes and people involved and therefore it is difficult to reach finality the way they would normally prefer to work?

Superintendent HESLOP: The Family Court should not be a hindrance to a criminal investigation process.

CHAIR: Does it sometimes become one?

Superintendent HESLOP: Not necessarily becomes a hindrance, but I think the use of the Family Law Court to assist a notifier in getting their own way in relation to custody is often frustrating to police officers - and DOCS officers too, I might say.

CHAIR: Is that a common sort of problem?

Superintendent HESLOP: It is not unusual and I think every team across the State would experience that reasonably regularly.

The Hon. JIM SAMIOS: Back to the question of the police frustration at DOCS' failure to take away the victim, the baby, I just want to place on the record that I was not suggesting that you or any police spoke to the Opposition. In fact the information came from the family - I just want to make that clear - so that what I was suggesting was that DOCS did not take the baby away until the Opposition privately contacted the Minister. Should it take this level of intervention to get DOCS to respond to police concerns about a child at risk?

Superintendent HESLOP: I would think, sir, that if somebody is frustrated enough they will take whatever measures they think are available to them to get some satisfaction. If the case you are talking about is the one that I am thinking about, certainly there was action taken to put that young child into a safer environment, it was taken by police and DOCS together.

CHAIR: We have a fairly general question about the relationship police have with other government and non-government agencies with regard to child protection. We have obviously talked a great deal about DOCS and about the courts. Another major area is education, individual schools and the department. We are also interested in whether, for instance, you have any comments to make about the work of the child protection units at Westmead Hospital, John Hunter Hospital, et cetera, so really any sort of comments that you might have to make about the nature of the relationship and how effective it is?

Superintendent HESLOP: With police?

CHAIR: Yes, well, where police have ongoing roles with both government and non-government agencies. Obviously there is a huge number of them, but you might want to pick out some ones that you think are significant?

Superintendent HESLOP: Seeing as you mentioned it, I will raise New South Wales Health and the child protection units at John Hunter, Randwick Children's Hospital and Westmead Children's Hospital: Very effective and very professional units; overworked; have a difficult time I think, but provide a really good service - I am talking about paediatricians here - and a really good service to us as investigators. I think the difficulty is in the more remote part of the rural sector, I think - and it has been in the press in recent times - the difficulty in attracting medical people to some of the far-flung parts of the State. If you are a child who has been sexually abused and we are required to have you examined and you are up in the far north-west corner of New South Wales, it is problematic. Inevitably you have to get them to Dubbo, which means that a child who has been traumatised might well be traumatised somewhat more, the fact that we have to bring that child to where the service is.

CHAIR: You said inevitably you have to get them to Dubbo. If the case is serious, there is no choice but to take them to that level of medical-

Superintendent HESLOP: Yes, that is where there are medical people with the expertise to do those examinations that we require. If a child has been beaten and has obvious markings or has broken limbs it is not as bad, but if we are talking about forensic medical for a child who has been sexually abused, normally a female, then you have to go to where the skilled people are, and that is a difficulty. That is not just experienced by us; most States in Australia suffer the same. It is trying to attract the right people to some of these more remote places, and I feel sorry for New South Wales Health because I think they are fairly frustrated with that too.

CHAIR: Do the people in Broken Hill - you gave that as the one difference before - go to Adelaide if there is a case?

Superintendent HESLOP: I have staff taking kids to Adelaide, yes. They can be dealt with in Broken Hill by bringing people in as well, it is just that they are lot closer to Adelaide than they are to the eastern seaboard. I think with interagency cooperation Broken Hill is a good model because they have to do it, there is no alternative, and they do it and they do it very well.

For education and training, the child protection directorate that we have a lot of contact with would do the investigation from a departmental point of view of allegations made against employees of the Department of Education and Training. We have a good rapport with them and they are very professional in what they do.

CHAIR: What about in relation to schools and departmental officers as notifiers of abuse of children? We have gained the impression that, particularly in regional and rural areas, the school is often very important, almost like a clearing house because of their daily contact with children, the fact that they pick up truancy and absenteeism if there is not daily contact and the police are often involved at that level.

Superintendent HESLOP: Certainly. I think if you look at point of first contact for kids who have been exploited, it would be police and school education. Teachers look after our kids for at least five days per week and see the child for the very first time - it may be 8.30 of a morning - so if something has occurred since the previous day then it will be the teachers and teaching staff and counsellors who will pick that up.

CHAIR: But again you will all go through the Helpline, sort of up to the centre and back down again?

Superintendent HESLOP: Yes.

CHAIR: Not - at least officially - directly?

Superintendent HESLOP: I am glad you said "officially" because obviously again police are fairly creative, as I think probably school education and DOCS are, especially in the rural sector. There is great camaraderie there and there is a lot of informal advice-giving and advice-taking about that even before the Helpline would get the first phone call.

CHAIR: That has certainly been our impression, that it is often a dual thing, that the mandatory report is made through the Helpline, but there is also a phone call or a visit made to the other agencies. We have also talked to some of the interagency committees, whatever name they use, child protection committee or whatever, which in many cases involved representatives from those departments. We have not noticed that there are police involved in those local interagency committees. It may just be that the people we have talked to have not included police, but are police normally involved in that kind of local clearing house discussion, child protection committee?

Superintendent HESLOP: I am not too sure about the interagency committee you are talking about. Certainly for my staff and for the JIRTs there are bimonthly local coordination committee meetings which involve the players in child protection, so it will be police, DOCS, health, school education, if that is the need, to discuss a particular case, and in some cases officers from the DPP.

CHAIR: But not non-government agencies?

Superintendent HESLOP: It might be from CASAC, who are sexual assault counsellors, but not employed by health.

CHAIR: We have talked to a couple, yes, I think at these sort of interagency meetings I am talking about.

Superintendent HESLOP: Sure. Sometimes there are people from CASAC who will come to the meetings or are invited to the meetings. Those meetings are not a case of if you get a chance, you do it; they must have the meetings; and it is a forum to discuss any concerns somebody might have within that particular geographic area in relation to cases or procedures. It is a way of doing case reviews, a particular case that did not run done so well or one that was just a bit out of the ordinary, to say what have we learnt from that, and the idea is that any problems at a local level can be dealt with at the local level. If they cannot be dealt with, then they escalate.

CHAIR: So in general it would be fair to say that police are not normally involved in the local child protection committee, or whatever name it is, it involves a lot of non-Government agencies?

Superintendent HESLOP: On a local area command basis they could be, but certainly for my staff, the 21 teams, they might well be interacting but I would not know.

The Hon. JIM SAMIOS: Superintendent, a constant complaint to the Opposition and to the Parliamentary Child Sexual Assault Inquiry is the lengthy delay by JIRTS in interviewing children at risk, sometimes months or weeks. For example, a child at a northern beaches high school, who had allegedly been regularly abused by a lawn mower man employed at the school, was not interviewed for over two weeks. In view of the need to protect the child and get fresh evidence, untainted evidence, and co-operation from the victim, how do you justify such delays in interviewing victims?

Superintendent HESLOP: I am not aware of that case. I would have to say that obviously children who are at risk, where the perpetrator is in the home, will be dealt with certainly before the scenario you just gave me. If the perpetrator is not in the home and it is "a mate of my old man", those kids at risk certainly would be looked at straight away.

It depends on the workload of the team. In the particular team that would cover the northern beaches, we have four officers at Chatswood, four police officers. It depends on the workload and the priority, but at the very least I would like, and I would be very unhappy if found out that police had not made contact with the family and said, "Look, we have got this amount of jobs. We will be able to interview your son or daughter in

two weeks time." At the very least, they should be doing that.

The Hon. JIM SAMIOS: Superintendent, the evidence you have given thus far seems to be in opposition to police callers to talk-back radio programs, police who were responding to the Four Corners report in July and police generally who have expressed total frustration with DOCS. Do you think the Committee would benefit from hearing evidence from the Police Association to give general duty police views?

Superintendent HESLOP: That is your call. I might say that I have been in child protection since 1987, in the police force 36 years, and a commander of this command since 1996; I am reasonably well known in the police and anyone who has got anything to say about another Government department, normally they are not backward in coming forward. I have not had phone calls that would support what you are saying.

The Hon. JIM SAMIOS: No calls at all.

CHAIR: Superintendent Heslop, we have said in passing quite a few things about particular concerns that police may have about child protection matters in rural and regional New South Wales. Are there any specific comments you wanted to make in addition to - obviously, we have talked about the distance and isolation and the difficulty that makes for bringing children in if necessary or taking police out if necessary. What other issues would you identify?

Superintendent HESLOP: I think from a management point of view, and you should not gloss over it, is the isolation or the sense of isolation people working in child protection feel in the rural sector. Not only am I supervising, through other offices, these people remotely, but also looking after their welfare and their capacity to maintain, in my word, the rate in this area of criminal investigation, and I almost feel okay to talk on behalf of DOCS too, where you have no respite. It is not like general duty policing where you know today you may be at a motor vehicle accident and investigating a break enter and steal and somebody who has lost something. These people, their employment says that you investigate child abuse. So generally there is no good story tomorrow or the day afterwards. It is going to be yet another child has been sexually abused or beaten or neglected, and I think it is incredibly difficult for these people to maintain it and I think we, police and DOCS and health and school education, should recognise the impact it can have on those people, and if we do not have them operating to maximum, it reflects on the service to children and young people.

CHAIR: Do police have any particular debriefing procedures or counselling procedures -

Superintendent HESLOP: Sure.

CHAIR: - to help particularly people who are isolated and alone in bearing that sort of strain?

Superintendent HESLOP: Apart from having a number of officers that I have who have responsibility for these teams on a geographic basis, who should be out there and not in here, we also have staff within the Police Service, psychologists and other staff from our Healthy Lifestyles branch visit the teams, go out there and spend time with them, and I am not talking about now. We do a cluster of the teams and we spend a couple of days with them. We run them through a battery of psychological testing as well as do face to face, "How are you feeling, what are you unhappy about", management type stuff, which I encourage.

CHAIR: Would that be done following a crisis or a particularly difficult set of cases or is that organised so that it rolls on through the areas of the State?

Superintendent HESLOP: It is organised, but having said that, we have had many cases that have been horrific in relation to abuse of some kids to the point of death, that we will get a psychologist from Sydney flown out there within 24 hours and debrief the team. That has occurred in the metropolitan area on a number of occasions and we have done that including our colleagues from DOCS.

I suppose that is one part of DOCS that I would really like to transfer across to policing, the notion of supervision. If you talk to a police officer about supervision, it is about ticking books and making sure people have done the right thing. The DOCS or social worker supervision is -

CHAIR: Clustered?

Superintendent HESLOP: Absolutely. I finish up in the police force in ten months time and I will go to the grave still trying to get that type of supervision from the staff. We are about to embark on some research within the next couple of months on piloting that, that is actually having that monthly debriefing for staff as a

matter of that is what you expect and I would like to think staff would want to do it.

CHAIR: In saying that, are you talking particularly about the child protection area and specialist staff or supervision practices that would be limited to the child protection area or the Police Service in general?

Superintendent HESLOP: No, I think there are some areas of policing that we suffer the same difficulties, people working in forensic services where they are dealing with murders and such, my colleagues from the homicide crime team who deal with homicides day in day out, and some of those areas that, as I said, there is never any really good kind of new story there. You are dealing with death or, in my particular area, children who have been abused. It is not just us, the research we are looking at is applicable to child protection, but I believe it is transferable.

CHAIR: Is there a high incidence of stress leave or a higher resignation rate or any of those indicators in the police involved in child protection work?

Superintendent HESLOP: Not resignation. We have had a number, yes, of staff go off on stress leave.

CHAIR: Higher do you think than in other areas of the force?

Superintendent HESLOP: Per head, yes. Having said that, I must say that public history will tell us that not every officer who goes off on stress leave has gone off because of stress caused by working in child protection, but it might well have been the trigger.

We have, as a gateway into the command, to go through psychological testing. If you do not come out with a clean bill of health at the end of that testing, you do not get on the command, and we back up that with regular organised testing of staff, but we also use the police chaplaincy which we have throughout the State and the peer support program.

The Hon. AMANDA FAZIO: With people who have chosen to go into the child protection work in the police force, do you get many people seeking transfers out, and, if you do, do you do an exit interview to find out why they want to leave?

Superintendent HESLOP: Yes.

The Hon. AMANDA FAZIO: And can you tell us what those reasons are?

Superintendent HESLOP: We have had a number of people who have come into the command and want to save the world, and it is presumably kids, and I think that choice has been six weeks and they have said, "This is not for me. I just cannot handle it". We have had a couple who have come into the command and have come in for the wrong reasons I think and we have sat them down and said, "Look, this is probably not an area for you to work in."

Those persons who do leave, we do work with them prior to them making their final decision about going, look at other alternatives, other options. It might be the office, it might be the location, it might be the type of work, say, going from a JIRT to my central area where we are looking at paedophile activity or prostitution, and we have had a number of people who said, "Yes, I am quite happy to do that".

Those that want to leave, we certainly interview them and find out the reasons, but nine times out of ten it is the work or the workload, and whilst we have a tenure policy in the police, I do not hold people to that in the command. I could not do that.

CHAIR: Perhaps to get onto a completely different approach, the positive end if you like, we have heard from so many of our witnesses that what we, as a society, a Government or Parliament, should be doing is focusing on prevention and early intervention and trying to stop problems happening before they happen. Do you, as a police officer and with your experience in child protection, have any comments to make about that, except, yes, of course, wouldn't it be great if we could?

Superintendent HESLOP: I think it is a smart way to go. I think if we spend some money up front, then we are going to save a lot of money down the track. A significant number - if I look at my command centre at Redfern where we have investigators looking at serial offenders, most of our victims that we are looking at are now adolescents or adults and, almost inevitably, they are drug or alcohol dependent, they are homeless, they have got criminal backgrounds, involve themselves in anti-social behaviour or suicidal behaviour, almost every

one, and the one common denominator is the abuse.

I think if we spent time thinking about how we can stop that from occurring and things like Minister Anthony's proposition two or three weeks ago about having parenting programs, I think we are very good at working with young couples about what occurs up to and including birth, but once the baby is born there is nothing in place.

CHAIR: Have you had any contact with Families First?

Superintendent HESLOP: Yes.

CHAIR: With the State Government moving into that, home visits and everything?

Superintendent HESLOP: Yes, Families First and Good Beginnings and other programs like that. I think it is essential to work with young families, first time families, and to help them work through the first six months when I think kids are at their most vulnerable, I think almost exclusively. If I look at the kids who we now have as cases for shaken babies, and I think it is in the order of about a dozen current at the moment, where we have families who are stressed, single parents who just cannot cope, I think that if we provide and plug these people into some process then we might not get to the point where we have kids who are in a vegetative state in hospitals.

CHAIR: Does that come close to saying that you could predict the kind of people who are most likely to abuse their children?

Superintendent HESLOP: It appears to me, and my experience would tell me, that the greater majority of perpetrators of shaken baby and really severe neglect could probably fall into one subset, yes. There has been some research around for some while, and I know Professor Kim Oates from Westmead Children's Hospital supervised a PhD looking at tracking a number of kids who were abused some while ago through their lives and a significant number are now criminals, and I think that is no revelation, I think there has been a lot around on that and I think we need to look at that and I think it is there for us, it is about what we do at the front end to stop the rear end.

The Hon. IAN WEST: On occasions we have been advised that in terms of looking at prevention and early intervention the involvement of the police can be counter-productive, especially if there is a fall-down in the evidentiary issue and you get involved but you cannot solve. Do you have any suggestions to us as to how we can mitigate that problem and still allow the JIRT teams to be involved in partnership with DOCS?

Superintendent HESLOP: I think from a policing point of view we should look at what police can do. I think that parts of the organisation, i.e. those people who are working in police community youth clubs and our youth liaison officers at each local area command have a great role and there has been some synergy between certainly my command and the JIRTS and the PCYCs because they get to see these kids before we do, they know who the families are and they can get some intervention in these families. In a number of areas where we have really good switched on young officers working with PCYCs, they have been able to plug systems into these families and/or alert us to families that are having difficulties and we have been able to do something proactively. Your question, if I understand it properly - and I might be off base, I might have got myself off the base - speaks about what other things JIRTs can do over and above criminal investigation?

The Hon. IAN WEST: What can be done to mitigate the intervention of the police causing an escalation of the problem rather than helping to solve it at times, especially when you have a division between the JIRT and the local person you talk about who is active in the police youth groups, and then there is a difficulty when the police get involved, cannot solve the problem, merely aggravating and exacerbating the perpetrator and that dichotomy.

Superintendent HESLOP: Sure. I do not have an answer, but with the restructure that I spoke about and my command being renamed the Child Protection Crime Team there is a greater emphasis on my role as a corporate spokesman and certainly the Commissioner and my Minister have made us well aware of what we need to do and I think that problems like that are something that squarely sit in my area of responsibility to work out how we do that because I think you are right, I think that unfortunately sometimes when we are just short of having that bit of evidence to be able to mount a prosecution to satisfy a court, ultimately we cannot do anything about it, so we have then, if the perpetrator is dad, somebody who is fairly unhappy because allegations have been made and he wants to know who that is and about how the system has come into his family and kind of blown it up and then walked back out again, and I think there is a great role with other government organisations,

be it Health or DOCS, to work with the police to overcome that.

The Hon. IAN WEST: Finally, how that feeds into prevention and early intervention. The JIRT teams seem to have a bad effect at times on prevention and intervention and I just wonder how much work is being done by JIRT teams in that area?

Superintendent HESLOP: To be quite candid, JIRTs are reactive, they have no capacity at this time to be proactive. Having said that, that is one of the new parts of my command that I have responsibility to do, to initiate the proactivity within my command, and certainly for prevention, and intervention and prevention is one part that we should be looking at and I take that on board.

The Hon. JIM SAMIOS: Recently a 13 year old boy was convicted of the murder of a three year old on the central coast. The murder took place eight days after he allegedly assaulted a six year old on the north coast at a caravan park. A north coast police officer notified DOCS almost immediately and yet the JIRT failed to interview the alleged perpetrator before he murdered the three year old boy. How do you explain that delay by JIRT? Obviously somebody must have been at fault in relation to this issue. Was it DOCS or police or who was it?

Superintendent HESLOP: I suppose, sir, bearing in mind that the information being given is correct, I do not know, it is something I have to take on notice. I am aware of the case, but as to the reasons why I do not know. There might be good and valid reasons, but you have not been supplied with the information. I do not know.

The Hon. JIM SAMIOS: You will look into the point?

Superintendent HESLOP: Absolutely.

The Hon. JIM SAMIOS: Police have told the Community Services Commission inquiry into Ormond and Minali that the Hornsby Police Station spends 90 percent of its time dealing with criminal and protection issues of children in DOCS care. What special training does the service provide to educate police about the special needs of children in foster care? How many children that you refer to DOCS end up involved with the police committing crimes themselves?

Superintendent HESLOP: To the first part of the question in relation to how much education is given, I have no idea.

The Hon. JIM SAMIOS: That is for foster care.

Superintendent HESLOP: In foster care, if you asked me how much, I would have to say I do not know, and I would probably guess nothing - in relation to foster care.

CHAIR: Just following up another aspect of Mr West's question earlier, we have not mentioned the Aboriginal community and the over-representation of Aboriginal children in out-of-home care, for instance, but we have had evidence about Aboriginal people finding it difficult to deal with DOCS, who they regard as "the welfare", the people who historically and actually in the very recent past and present have sometimes been seen as the enemy, and I guess it is true that many Aboriginal people have the same feeling about the police.

Superintendent HESLOP: Absolutely.

CHAIR: Do you have any comments to make about the extra difficulty of dealing with child protection issues in relation to Aboriginal families?

Superintendent HESLOP: I think you are dead right, I think generally if there are two parts of the Government or government organisations that Aboriginal people detest the most it is the welfare and the police and the two parts of the Government or government organisations that are charged with the investigation and management of child abuse in this State are the Government and the police, and it might well be for good reasons that they distrust and dislike the two organisations. It is incredibly hard to investigate child protection matters in Aboriginal communities unless the perpetrator is white. It is my experience that, if that is the case, you will get cooperation. If there is a notification involving an Aboriginal child it is my experience that probably nine times out of ten we do not get the cooperation we need to go forward with a criminal prosecution.

CHAIR: And yet we know that Aboriginal children are greatly over-represented in the whole out-of-

home care area, I mean children are being taken away from their families.

Superintendent HESLOP: Sure.

CHAIR: But often, I guess, in quite painful ways. There is also a huge percentage of official and unofficial kinship care arrangements where Aboriginal communities are, in one sense, looking after their own.

Superintendent HESLOP: Yes.

CHAIR: Do the police have any particular recruiting policies or training policies in regional areas, in the relevant areas, to help solve these problems?

Superintendent HESLOP: There is an Aboriginal recruitment policy for the Police Service obviously. In relation to the rural sector I do not know. Out of a command of 130 I have two persons who are Aboriginal and certainly it would be wonderful to have more, but I think that from a group of people who, as I said, probably dislike the police, an Aboriginal person going in to the police is a brave person.

The Hon. AMANDA FAZIO: Given that there are some different cultural approaches to discipline of children, some of which are perhaps quite different to what we expect in our society, do your officers have any particular training that they go through to make them culturally aware of the differences they might encounter in dealing with some of the new migrant groups in Australia?

Superintendent HESLOP: In child protection, not specifically, no. It depends on the team and where that team is. A fair bit of it is about learning on the job and if I look at my teams, the team at Ashfield, to a lesser extent at Liverpool, especially the one at Ashfield, really sensitive in relation to the norm in relation to discipline in the country from which some of these kids have come.

CHAIR: We have got two questions left, the very general ones: Whether you have any comment on those specific areas, which are not directly related to police work, like out-of-home care, training and morale of DOCS employees, a very open ended question on that; and then our favourite open ended question about what you would like to see coming out of this inquiry?

Superintendent HESLOP: In relation to out-of-home care, I think DOCS are damned if they do and they are damned if they do not. There is a constant cry about putting children who are being abused in the care of somebody who will look after them. You can only do that if you have somebody to hand them to. If you are in a very small rural community and you have nobody who wants to be a crisis carer or foster carer, I would not like to be working for DOCS in that area, because I just do not know what they do, and that is more of a sympathy vote for DOCS I might say.

In relation to the training and morale of DOCS, the training is done jointly with people in JIRTS. It just follows on the same notion of everything we do with JIRTS. They are trained in the same class, interact the same way, and I think the training is very good.

Morale for DOCS, from afar, I would just probably pass comment that the people who are at the front line I think are often carrying horrific workloads and they try their very best, and I think it is a bit like the police - maybe we do share the same bed more often than I think - that we are always seem to be in the spotlight for one reason or another and I think sometimes the siege mentality is alive and living in DOCS, but I think we both have very good people working and we should be proud of that. For your last question, no, I do not have anything to say.

CHAIR: Nothing you want to especially see come out of this inquiry?

Superintendent HESLOP: With ten months left in my contract, this is probably not the right time. No, I do not.

CHAIR: We will call you back next year when we are doing another inquiry. We do a lot of inquiries related to children, so you may be able to come back after your retirement and share your wisdom with us.

Superintendent HESLOP: I thank you for your invitation and your questions and your probing. It is nice to have people who care about kids.

CHAIR: You have jotted down, but we can confirm from the transcript, those few things that we have

asked you to get back to us on?

Superintendent HESLOP: Yes, I have.

(The witness withdrew)

IAN GEORGE BAKER, Director Policy and Programs, Catholic Education Commission New South Wales, Executive Officer of the Catholic Education and Social Welfare Co-ordinating Committee, 11th Floor, Polding House, 276 Pitt Street, Sydney,

MARGARET MARY CHITTICK, Education Officer, Catholic Education Office, Diocese of Wollongong, Catholic Church Offices, 86-88 Market Street, Wollongong,

MAUREEN CARMEL EAGLES, Director of Children and Youth Services, Centacare, Catholic Community Services, Suite 2, 8 Jacobs Street, Bankstown, and

WILLIAM JOHN JOHNSTON, Director of Social Policy and Research, Centacare Catholic Community Services, Level 4, 276 Pitt Street, Sydney, sworn and examined:

CHAIR: We are aware that we have a submission from the Catholic Education Commission. Of course, we also have one from Centacare. We have prepared questions focusing mostly on the education side of things in the Catholic school system, but certainly, if we have got time, it would be good to address some of the issues that the Centacare people have specifically. We are aware, as with almost everything in this inquiry, it is very difficult to draw hard and fast boundaries around the different areas. Would one of you, or more than one of you, like to make an opening statement or shall we go into the questions that we have prepared?

Mr BAKER: I might make just some brief comments on the perspective of the Catholic Education Commission New South Wales, but also on behalf of the Catholic Commission for Employment Relations, basically just to explain what those bodies are, and then my colleague Bill will make a few comments in relation to Catholic Social Welfare and then we thought we would proceed by simply answering the questions that you would like to ask us, because we have set out basically what we want to say in our submission.

First of all, I need to clarify what the commission is and what it is not. The commission does not own Catholic schools; it does not manage them on a day-to-day basis. We represent the people who do own and manage the schools. There are 11 dioceses in New South Wales but also there are 55 stand-alone self-managing Catholic secondary schools in this State owned by religious orders and institutes.

Just to give you some sense of the dimension of the undertaking of Catholic education, we had on last count in 2001, last final account 16,577 teachers, that is head count teachers, and 5,959 non-teaching staff; there are 588 schools, of which about 450, from memory, are primary; and those schools enrol 233,284 students, or at least they did in 2001.

In presenting its submission, the commission worked closely with those authorities which enrol the students and employ the teachers. We also worked closely with the Catholic Commission for Employment Relations, which is the organisation established by the Bishops to represent all Catholic employers, not just schools, in employment matters, but, again, it is important to note that they are not the employer but they represent the employers, and in the context of this inquiry, although perhaps somewhat outside its terms of reference, it is probably worth noting that the Catholic Commission for Employment Relations is head of agency for Ombudsman's purposes and conducts the employment screening on behalf of the Commission for Children and Young People.

The only other comment I would like to make is, at the risk of sounding trite, we recognise that all these issues are complex. The Catholic Church, in addressing these issues, does so through a number of different agencies and, just as with Government, those different agencies bring different perspectives. So this morning you will probably hear some different perspectives. We are not saying that there is necessarily a monolithic Catholic view on all these issues. The different agencies bring different perspectives and we are more than happy to share those perspectives with you.

Mr JOHNSTON: I work for a particular Centacare agency, that is the Centacare belonging to the archdiocese of Sydney. Typical of the structure of the Catholic churches, there are Centacare organisations in each of the 11 dioceses of New South Wales and the ACT. Centacare Sydney has some 500 employees full-time. Its services are concentrated in the inner part of Sydney and the south west crescent, in the area bounded by Bankstown, Fairfield, Liverpool and right around as far as Sutherland. Those services are in four main areas. The two that apply most particularly to your inquiry would be our children and young people services, notably out-of-home care, and a whole lot of other range of services that come within the ambit of children's protection. The second area is in family services where we conduct, on behalf of the Department of Community Services, quite an amount of services in the area of family support.

CHAIR: As I said, we did prepare questions headed Catholic Education Commission, but we are conscious that in some cases, for instance, they will be more relevant perhaps to you, Margaret, because you are representing a diocese and, therefore, actually the body that runs the schools, and we are interested in the role of teachers and principals, and the head office, if you like, people in relation to mandatory reporting and all those issues, but there will be issues as well, we are conscious, where even though we might focus on education, the broader role of Centacare will come in as well. So we will start.

You have already given us a little bit of an overview of the role of the Catholic Education Commission but I guess we would like a bit more, from whoever is the best person to deal with it, about the role which the Catholic school system or systems play in supporting children and young people who come into contact with the child protection system, the responsibilities of teachers and how that is managed, a bit of an overview I guess as to how you handle the requirements of the legislation.

Mr BAKER: Well, I might make a few general comments and then hand over to my colleague, Margaret, who as you correctly say is at the coal face, if you like, in terms of delivery. As I indicated, the commission does not manage Catholic schools, but it is part of our charter to assist with the coordination of Catholic schools and with representation. In that coordination function we have taken a number of steps since the legislation was passed in 1998, and of course predating that, back to the original mandatory reporting back in 1987-88 when that came in, to provide advice. For instance, the commission has collaboratively produced a set of guidelines for Catholic school personnel and I am happy to table those guidelines. They are available on our web site. As I said, one of my jobs is executive officer of the Catholic Education Social Welfare Coordinating Committee which brings together Catholic education and social welfare, so there is advice provided; there are opportunities to meet at a statewide level and share experiences and, although it is not the role of the commission but the role of the Catholic Commission for Employment Relations, they have a fairly direct role not in relation so much to DOCS but to the other companion legislation in respect to Ombudsman issues and employment checks, so there is that coordination.

CHAIR: Those issues are not strictly within our terms of reference, which is why we have not asked questions. We are aware obviously that many employees in a number of sectors have a number of issues about the employee side of things, but in this inquiry our brief is away from those issues and towards the actual child protection issues.

Mr BAKER: Understood, but I just wanted to sketch for the benefit of the Committee that, while we do not manage, it is not as if every Catholic school authority is out there disconnected from every other. We take seriously our coordination role and advisory role. I might hand over to Margaret.

Ms CHITTICK: In terms of the way our system works, there is very much a proactive approach to all of our employees making it clear that they have a legislative responsibility in relation to child protection. We have a background where, in many cases, Catholic schools have been at the forefront historically in introducing things like protective behaviours and programs around dealing with issues of children needing support with grief and loss and, in terms of our Catholic values, the issues of child protection are very consistent with those values and not at odds with the Catholic ethos. The systems that we put in place involve both the individual responsibility of any employee, not just teacher but any employee of the school, plus the system of support both at the school level - say assistant principal, principal - and also at a regional level by having central offices such as, in our case, a Catholic education office.

CHAIR: In a Catholic school, say in your diocese, and I assume given the coordinating role that you have talked about, Ian, it is similar, what is the process? There is a classroom teacher, an assistant principal or principal. If there is reason to suspect or believe that a child is at risk of harm or is being actively abused, how does the school, for instance, handle it?

Ms CHITTICK: In the case of our system we recognise that the starting point is making sure that each individual employee is aware of their legislative responsibility and has a basic understanding of child protection so that that legislative responsibility can have some meaning. Each employee, if they become aware of a concern that a child may be at risk, even if they are unsure about that, they are advised, if in doubt, to consult and to advise the most appropriate person in the school. Generally that would be directly with the principal, but we also make sure that there is a process in place that taking an issue forward will never be blocked, so we do have some alternatives within the school and also, in our case, an alternative of being able to contact myself as a specialist in the area. So all of those are meant to encourage that no person feels a personal discomfort or any reason that he may be blocked in coming forward and the premise is, if in doubt, consult and advise. The grassroots level is that if any person in that line of communication believes that there is a current concern that a child is at risk then

all levels must support that and enable it to be reported to DOCS. In many cases the report is actually made by the principal, but there is also a means for that report to be made under the authority of the principal by the people who are more directly involved with the information, particularly where that is a counsellor or someone who has heard a first-hand disclosure. We certainly see there to be good reason for the principal to be involved because the principal has the day-to-day responsibility for the immediate care of that child and we would work with both the individual staff members and the principal to encourage and create a high level of collaboration at the school level that is consistent with the sort of collaboration we are trying to obtain at interagency level.

CHAIR: Just to anticipate slightly, our second question focuses on the introduction of the current Act in 1998 and particularly the arrangements that were made for training staff. Can you tell us something about those and whether it is a particular difficulty in actually making sure and providing resources to make sure that all staff are trained adequately?

Ms CHITTICK: I think the context in which the legislation came into force on 18 December 2000 was that there had been significant work done around the introduction of interagency approaches, interagency cooperation, so there was certainly a foundation laid before that legislation came in that had an expectation that the way to go was going to be interagency cooperation. There was always a concern that there would not be enough resources for that to happen and the most significant part of the legislation for schools was the mandatory reporting. In many of our school systems we have actually had a requirement of mandatory reporting of all forms of abuse by virtue of our employer policy, so for many schools that was not a major shift. For some it was quite a significant difference having gone from only mandatory reporting of sexual abuse to all forms of children at risk of harm.

It certainly was a struggle at the time to get access to training specifically for our schools around that area. I know that at the local level, at the State level, we did lobby to be included in some of the specific EnAct training that was occurring. In some cases we were successful but, whereas with the introduction of mandatory reporting of sexual abuse around 1987-88 there was a specific resource allocated to ensure that there could be comprehensive training through the Catholic school system, that was not made available in the case of the legislation in 1998. What was put into place with cooperation and liaising at the State level was that each diocese would have put into place direct communication to all of their employees about the new mandatory reporting obligations. That would need to have been followed up with staff meetings around that issue and we have certainly emphasised that it is not just about knowing what the law requires but a real understanding of indicators of abuse and what child protection is more generally. I think we would have a sense that there is never enough training that has been done or can be done. The reality of schools is that there are a lot of competing resources for training, competing demands for that training. We have a recognition that it is something that needs to be regularly revisited and that is something that is being encouraged at our regional level as well as at the State level.

CHAIR: Is it basically a matter of bringing in some representatives from the school to some central point and training them and then they go back and pass on their knowledge to the other teachers in the school?

Ms CHITTICK: I think that is part of it. I think the big thing is probably, from my experience, being able to allocate the time of large numbers of people to really dedicate quite a bit of time to this issue as well as having a number of other issues on the agenda for staff.

The Hon. JIM SAMIOS: Margaret, what would your attitude be to arranging an audit of the training every now and then by an outside source?

Ms CHITTICK: One of the responsibilities and accountabilities that we are very aware of is that the Ombudsman, as part of his audit responsibility, is certainly vested with that responsibility to see what we have put in place, so certainly in our case in all the training that we do we keep very detailed records of attendance and the nature of the training, so my understanding and expectation is that that will be part of auditing by the Ombudsman since we are a child related employment service. Certainly we have been part of a paper audit by the Ombudsman in terms of what policies we have, including our training policies.

The Hon. JIM SAMIOS: Have you had an audit thus far?

Ms CHITTICK: We have certainly had a paper audit so far and we would expect that in future we will have a visit.

The Hon. IAN WEST: What are school principals and others telling you about the Helpline? In particular, could you comment on the issues of waiting times, fax procedures, adequacy of feedback, interagency

coordination at the local level and linkages between Helpline and local community service centres?

Mr BAKER: If I can just make a general comment and then I will defer to my colleagues who are more directly involved, it would be fair to say, and we say it in our submission, that there has been a general unhappiness - that might be an understatement, but I will use that phrase - with the Helpline, particularly at the beginning, and in fact for most of last year the general feedback we were getting was that most of the schools were resorting to the fax and not using the phone at all, or at least not persisting with the phone, and I think that speaks for itself, but that is a very broad overview and my colleagues have much more direct and up to date experience with the Helpline.

Ms CHITTICK: Some specific comments in relation to the Helpline are waiting times. There is a concern about the difficulty in accessing the Helpline, that it is rare to actually get a worker first-up on phoning the Helpline. There has been difficulty about the actual messaging on the Helpline which has been quite confusing and we have made some practical suggestions to the Helpline as to how that can be improved. That difficulty has led to some people having an expectation of being phoned back but because it has been confusing we with greater knowledge can tell them that sort of a call will never get phoned back.

In terms of the fax procedure, it is a procedure that actually fits quite comfortably with a lot of schools because the school is having to keep some local documentation of these matters that they are dealing with and so a documentation that is similarly appropriate to fax the detail across is something that gets received quite well by a school system, so it fits in with both the purpose of a local record as well as communicating specific detail. There is a problem with the fax line and with the phone line, the difficulty of getting feedback and sometimes the time delay in those matters being processed, such that a fax report may be sent in on Wednesday, may be processed on Saturday and responded to the following Tuesday, particularly where those are matters that are also involving notification to the Ombudsman, that sort of delay is quite disturbing in terms of how the issue will be managed and investigated as quickly as possible.

The adequacy of the feedback is generally a problem but we have to recognise it is variable. Sometimes there can be immediate, very good quality feedback personally, but most generally the problem is that the feedback is delayed and there is a level of feedback from the Helpline which will be indicating an expectation of something happening at the local level and, when the local level is followed up, there are many cases where the feedback at the local level is not consistent with what is being expected at the Helpline.

We have certainly had an improvement in the capacity of the people, the personnel of the Helpline over time, to handle the nature of the issue. We have a problem that often these sorts of things are so complex that it is really hard to convey all the nuances of the issues, and often the people who are going to be asked to directly respond to it and intervene in it need some chance to get across all the nuances of the issue, so when there is a paper trail that passes along. Some of that information can be lost and at times it is inaccurately passed along and then the people involved lose confidence.

The interagency co-ordination at the local level, it is our experience that case management meetings are very rare. I guess when the legislation and interagency guidelines were introduced, more likely the concern was how would we have the resources to apply to these potential interagency case management meetings, but certainly our experience is that where we have got very difficult cases we would welcome case management meetings where these issues could be proactively sorted through, but they appear to be very rare and they are most often occurring when we have actually requested them.

Also, in terms of the linkages between the Helpline and the local community service centre, it is a concern for us. That it is not to be interpreted as being negative about having a Helpline process, but in information being passed on to a local agency to handle, I think the quality of passing it on, the speed of passing it on, the accuracy of how it is being passed on and particularly the ability to note in some cases that the local agency that is being expected to handle it needs to talk to the notifier, to the reporter, are really credible issues for us.

We have some cases where the school's involvement with a situation for a long time means that we are really well equipped to give some critical information to the people who are going to be making the first contact, whether it is from the JIRTS team or from the DOCS team, and there is generally a keenness to be able to have that opportunity. There does not seem to be a system, when matters are reported to the Helpline, to flag those sorts of issues, either in terms of "but this is also an Ombudsman's issue" or in terms of there are specific issues that prior to making the first contact the school should be liaised with.

We certainly have a problem where it is disappointing for schools when children themselves are part of

that Helpline process and asking for help and nothing happens, and I think for teachers who are there educating children about child protection, they feel that they can become part of a sham if the child asking for help actually experiences no response.

CHAIR: Are you talking about a child ringing the Helpline?

Ms CHITTICK: Yes, and sometimes that occurs with the school. Would you like an example?

CHAIR: Yes.

Ms CHITTICK: An example that I can give is a young boy in the lower end of a high school, who, with the support of the school, contacted the Helpline to ask that he wanted someone from DOCS to speak to his mother, who was hitting him around the head. That is a matter that, by the end of this year, it will be a crime for a parent to punish their child in any action that is around the head. The particular reason why he wanted DOCS to intervene was because he was afraid of what he might do. So there were those issues of generational abuse that someone was asking for help with and that was a matter that was repeatedly reported. It certainly did not register amongst much more acute risk issues, but it is not to say it is unimportant, and from his point of view, and in terms of consulting with children as to what they need, it was critical for DOCS.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: What happened?

Ms CHITTICK: I checked with the school today and nothing has happened. It is a simmering issue for him, and the people who are part of education, they have this sense of cynicism developing about in one way we are educating about child protection and we are educating about the fact that there is nothing too serious that you cannot talk to someone about it, but it just does not ring true.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: How long ago was the reporting?

Ms CHITTICK: This was reported during term 1 or term 2. I am not sure but it was certainly before May.

CHAIR: Maureen and Bill, I guess the last two dot points about the Helpline are particularly relevant to you people in relation to support services and the interagency co-ordination and so on?

Ms EAGLES: I would concur with Margaret's comments, similar experiences, which I am sure you have heard about, the waiting times. Just one comment around that: It was slower news, I suppose, coming through to us that if a child was known to the department, we could in fact not ring the Helpline but the local CSC, which, of course, made perfect sense because it was the prior arrangement that we would have had. That has filtered down haphazardly and slowly. So once we did get that advice, that we could go there with children we knew were already under the care of the department, they were in foster care, that has made some difference.

One of the things we see occurring is that in making a report that there is a risk of harm or in fact an incident has occurred, very often, as case workers ourselves involved in a case, we will ring the department or let them know we have made an assessment of risk of harm and we move a child from a placement. In the process of doing that, we find that that can slow a process down because there can be the thinking that the child has been removed from the source of danger and for the time being is safe and we have got breathing space, but of course what we would see happening with that is a child is removed and displaced from a family or a placement, that then lingers and so then we have multiple moves, because we will often have to do that many times, they are placed in emergency or temporary placements, and that can actually linger and then we are left with a child who is lingering in inadequate placement, as a result, the matter not being dealt with, the carer sitting there also waiting for the determination if it is the carer that the report is being made on. So there is sort of a train of events when that happens. There is that notion that it is a bit of a triage system, that that one is actually being dealt with in some respects more so than perhaps another one, and I can understand that, but that is actually difficult then to work through and to hurry through or to get a resolution for.

What I can say has worked well though is that in working with our local CSCs, when we do have incidents, protective planning meetings do occur and we work quite well with the department in looking at how to resolve issues. So there is some good stuff happening out there. Probably we are a bit more pro-active in implementing those, but certainly they do work with us.

But for us there are similar issues to those that Margaret has already mentioned. There is lack of communication we feel when JIRT is involved. When a report goes to the Helpline and it is clearly JIRT's

involvement, it is a little bit unclear to us as to who holds responsibility then to feed back information around what is going to happen and who is going to then provide that. The inclusion of other players, I think as a specialty group that is wonderful, but it then loses who holds responsibility and we feel often we are left not knowing. So you are chasing a lot of information, hopefully trying to get some answers to that. So that is just another example that we have specifically.

Mr JOHNSTON: My comments would be backing Maureen's. I do not think I would have anything further because she is at the coal face of services and I am more at a policy level.

CHAIR: Although you might want to answer one specific question. Some people have suggested that the load on DOCS, that that has occurred, whether you are seeing some increase in reports or whatever, but that that load has meant that there has been less attention, less referrals, for instance, seeking support services, that an interagency relationship might have worked better in the past at a local level, but perhaps the DOCS people are so run off their feet that there is actually has actually been a slowing down in referrals and requests for assistance to the non-Government organisations that are around.

Mr JOHNSTON: Our own staff would have picked up that same comment and I think there is an issue of resources and case loads for DOCS people. One of the other comments that I have garnered from our staff relates to not only the number and the case loading of DOCS staff, but also the age and inexperience of many frontline DOCS workers who are put in positions of fairly considerable responsibility and quite heavy case loading with just about no experience in the field, and I would wonder if one of the issues to be looked at might be, in the attrition of staff from DOCS, does that group of young, recently qualified people form a disproportionate part of people who leave the service. I do not know the answer.

CHAIR: We have had some evidence related to that. Margaret, can I come back to a comment you made, which then relates in turn I think to what Maureen said. In talking about feedback, I think you were referring to - correct me if I am wrong - the time that the Helpline people take to get back to follow up something. That is one part of the issue.

The other issue that has been raised, which was suggested I think by Maureen, was a sense of frustration when people, caring deeply, make a report and they wonder what happened to the child, what happened to the family, and sometimes that sense of frustration, we have been told, is even greater where people think, "Well, actually we, the school, have contact with the police or the refuge or Centacare or whoever and at a local level we can actually make this work better." Sometimes we have had the phrase "dual reporting" used and even Superintendent Heslop this morning, for instance, made that comment, that sometimes to be on the safe side people ring the Helpline, as they must do, but they also make sure they tell whoever it is down the road, "Listen, we seem to have a problem with that family." I wonder if both of you could enlarge on that a bit?

Ms CHITTICK: As someone who has come from welfare to education, one of the issues that I want to represent is that for people in schools, because they have these children daily for a long period of time, they carry the weight of this no response very deeply. They are daily faced with it for a length of time. It is not as if this is someone whom they see on a fortnightly basis for a counselling appointment. Also the fact that they are there educating about safety. So the discrepancy is something that really it is a very serious emotional burden for them.

I think we have positively overcome an historical problem where people have felt if they report it to DOCS and DOCS did nothing, then there was nothing that could be done. Under the interagency guidelines we actually taught that reporting to DOCS was a critical part of making sure the pieces of the jigsaw puzzle were there, because sometimes there is critical information the school may not have and without having it they could do something quite dangerous. So that the interagency guidelines are about teaching that it is important to communicate this information because when it comes with other information it can be very meaningful and it can enable the proper response, but if only we would very quickly receive some feedback that said to us, "We think you are in a better position to make an initial response", we are more likely to actually be able to do something quickly and we would probably do it with the knowledge, well, there is nothing else that we really should have been taking into account.

CHAIR: Would that feedback ideally come from the CSC after the Helpline has passed it on or--

Ms CHITTICK: Well, since the practice seems to be that the Helpline can make one level of assessment which indicates something happening, but then at the local level another assessment will be made which in practice says nothing is going to happen, I think the only way it can practically come is from the local level because that is where the final end of the line decision is made, but the problems are, remember, it can be, as the

example I gave, faxed on Wednesday, processed on Saturday, reported on Tuesday. That is already nearly a week, so even if there was something at the Helpline level that made a quick decision about it, or another thing that would have been helpful, if we had been able to electronically input that information on Wednesday, it would not have taken until Saturday to process it and it would not have been back to the community service centre on the Tuesday, and the more that we can speed up that sort of response the more likely it is the school can do something timely.

CHAIR: Are schools, in effect, dual reporting? Does the school then kind of contact the CSC and say, look, we have rung the Helpline, but we think such and such a child is at risk, or do you know about them, or--

Ms CHITTICK: Well, in my own area, I think that is very minimal because we have certainly been very schooled in the fact that it has to go through the Helpline, but I am sure it is different elsewhere.

Mr BAKER: Can I make two comments just quickly: Given the fact that typically reports are made either by the principal or with the principal's involvement, there is another factor in this: The principal is also often waiting for feedback because there are often siblings in the school or, in country schools, cousins and the whole extended family, so there is another dimension to it where the principal is trying to make decisions about duty of care for not only the child who is reported but also siblings and/or other extended family, and of course that becomes very difficult and very problematic if there is no feedback.

The other point on involvement of the local centres, yes, I am aware that in some areas of the State the level of frustration is such that people will report as well to the local service centre, but it is patchy.

CHAIR: Do either of you two have any comment on that?

Ms EAGLES: Yes. We may be in a slightly different position I think with dual reporting because, as I said, often the children we are dealing with we know are known already, so we have the ability to ring a local office straight away, but we do have situations where it gets more complex in that placements can be made by multiple agencies with the one carer, some by DOCS, some by another NGO or ourselves, or in thinking about one child we also have to consider that we know that they may have nieces or nephews - and we know that because we work with the family, so there are complexities, but if that was the case we would make the call, but more often than not we do not actually have to do that, that is not so much a problem for us.

CHAIR: I suppose we have already touched on the next question, but it follows on very directly about any comment you may like to make about the adequacy of responses from the local CSC once a notification has been made?

Ms CHITTICK: A couple of areas of particular difficulty that I thought we probably would need to mention is that we have a high level of reporting of students in schools, particularly in high schools but also primary schools, self-harming and at risk of harm to themselves. There are some of those cases where we believe that, because of either the lack of cooperation from family or the failure to really come to terms with this issue, there is a role for DOCS to actually advocate for the mental health service to come into place. We do have the log-jam in that there are not enough mental health services and we are not saying that DOCS really has to take a hands-on role in all of those. The reporting to DOCS is sharing the responsibility, but there really does not seem to be scope in the load for DOCS for them to take a role in those cases where we think DOCS really needs to advocate in this case, both with the family and with the mental health service.

CHAIR: We have had evidence in some of our visits to centres and interagency groups that mental health issues for the people who are abusing children are similarly left in sort of a limbo because of perhaps a lack of recognition that mental health issues are the problem but also a shortage of people in local mental health teams, so that relates to the parents as well as what you are talking about, the children.

Ms CHITTICK: From schools there is a sense that, because the age of our students is not in the high category of under two or under five, they feel that they are disadvantaged, you know, there is recognition the younger children are very vulnerable, but the other part of it is that they are automatically not in those prioritised groups. Certainly where we have had case management meetings and some really comprehensive response from DOCS officers has been a real acknowledgment that the Catholic schools and the particularly close link with Catholic Centacare services, that there is a willingness and a readiness to put some very integrated services in place for those children, so there is a sense that when those case management meetings occur something will be followed up because we treat it as a priority in our services to deal with the disadvantaged and the at risk.

The Hon. JIM SAMIOS: Could I just ask about cross-cultural training within the agencies of the

Catholic church? The structure is massive by comparison with others, I would imagine, in this area, very substantial, and it reaches out to a constituency that is well represented with those from non-English speaking backgrounds, so is there any cross-cultural training dealing with issues of family relationships and discipline and attitudes to authority?

Ms CHITTICK: I actually think that the Centacare services are putting much more in place in terms of what you would be regarding as cross-cultural training. From the school point of view, there is regular communication with parents and there is a level of inclusion of parents in the fact that we are educating children about child protection, but some of the specific services for parents are coming from our Centacare and mostly working with the most at risk people.

Mr BAKER: We are conscious that that is a very big issue in our schools, and it has been acknowledged as an issue in public schools as well, a very high percentage of students from ESL backgrounds. Just to give you the statistics, applying the Commonwealth definitions which are quite tight, 26 percent of our total enrolment is ESL, according to the Commonwealth definition, and in the Sydney archdiocese it is actually 51.3 percent, so delivering services to a vast range of cultural and language groups is a very big issue.

Ms EAGLES: A lot of our services are south-west Sydney, so very culturally and linguistically diverse. We have a lot of specific programs that look at working with cultural groups and cultural communities to have a better understanding of family functioning and family importance on issues like child rearing. I suppose what is interesting for us in foster care is that in fact every family has a culture, you know, irrespective of its ethnicity, and I think that is the basis at which we would work, that we really have to understand every cultural family that is its own unit and actually work with them, but with guidelines that some things are acceptable, and I think that is where we get into what is good parenting and the whole good enough parenting mode that flows through and trying to make some sense of that.

The Hon. JIM SAMIOS: Bearing in mind the significantly important welfare structures that do exist in the ESL area, as it were, CO.AS.IT, ACA and Italian, Greek and Arabic welfare, who have up to 20,000 case studies a year I think, what sort of formal dialogue is there with these peak groups?

Ms EAGLES: Our peak group that we liaise most with is ACWA, who in fact has relationships with many groups like that, so we would refer to them. In our local context, for instance in Bankstown, there is a specific Muslim foster care group, so we are highly linked in with our local DOCS Bankstown area which has worked very hard with that and we liaise quite a bit with them in terms of actually trying to work in good placements and good understanding, so I suppose it is about trying to target a specific culture that is where you are predominantly working or recruiting and trying to make those links so, rather than spread across everything, that is how we would in fact work, with an area and then nominating a primary cultural group I suppose in that area, so that is one example just in Bankstown of how we do that and in the whole we would actually link very much in with ACWA about getting support and understanding and linkages with specific groups.

The Hon. JIM SAMIOS: Do you have a unit as such within--

Ms EAGLES: We do not actually have a unit within our Centacare children's services specifically because we are smaller, I suppose, in terms of placement so, as I said, our way of dealing with that, which is exactly the same, we in fact place many children with severe disabilities, so in that sense we do the same sort of model as with disabilities. If it is a child with autism we link in with the Autism Association and use the training and resources of that particular group that has a special need, so that is how we would actually look at placements and supporting and educating to actually get good outcomes.

Mr JOHNSTON: At the same time, not in a terribly comprehensive way, we do have programs. For example, we run a Vietnamese child sexual assault unit, a specialist unit that operates out of Leichhardt and Campsie. We have Arabic, Vietnamese, Spanish and Italian language people in our programs of family support. Centacare supplies 20 school counsellors to the Catholic school systemic system in the archdiocese of Sydney. We run for them a students at risk program and that is very culturally and ethnically aware as well, and the family services sector of Centacare maintains a critical incident team, particularly in awful family events, cultural crises, in our schools.

CHAIR: You have mentioned children with disabilities and you have also, in your submission, referred to two groups for whom placement is very difficult: Adolescents and children with complex needs, which includes children with disabilities I guess, so would you like to tell us more about that? The other area of out-of-home care that we have had quite a bit of evidence about too relates to indigenous people. Amanda, is your question related to out-of-home care?

The Hon. AMANDA FAZIO: Yes, it was.

CHAIR: Well, we will toss them all in and you can make your comments.

The Hon. AMANDA FAZIO: In your submission, when you are looking at the availability of appropriate out-of-home care places, we note that one of the things you said foster families experience is lack of financial support and therapy and counselling support and then underneath that you have got a whole list of possible rectifications for the problem, but apart from allowances and contingencies for foster care, you do not go into a lot of detail about the therapy and counselling support that you would like to see provided to foster carers and I wondered if you had any details that you would like to give us on that today?

Ms EAGLES: The report you are reading from is the CSC and the CER one. Our one was a little bit separate to that. In general, it seems that children who are entering out-of-home care are increasingly having more challenging behaviours and more difficulties, I suppose, themselves in fitting into educational and family environments, and that could be anecdotal, but it certainly is what carers are saying to us who have been around for ten years or more. In that process one of our greatest challenges is always to be finding good either family therapists that can actually deal with the foster family and child in total and also serve the children and also benefit the families and actually looking at how do we have a better relationship for the child. One of the most difficult things for us to find is the availability of people who have a good understanding of children who are needing assistance via therapy but who are needing that often because some of the difficulties they have are because they are in out-of-home care to start with. So it is having that understanding of all of the things that are made up. We have a couple of medical practitioners who are our children can go to or will attend and also therapy. So that is a big issue.

I think with the financial support, obviously the Cost of Caring document that came out not all that long ago would say that it is not adequate to meet the needs of foster families and there are differences about children who do need medical intervention, families having to pay that first \$1,000 against a family who does not, there is inequity. That has been documented quite well and we would not disagree with that, that it is not often enough, the money does not actually cover the needs to cover the cost of reimbursement for these children.

CHAIR: There was the broader question about the difficulties in finding placements.

Ms EAGLES: One of our greatest frustrations for us as workers, and I will use the example of children with disabilities, because they cut across both sectors of disability and out-of-home care, and as a non-Government agency sitting outside of two systems who fall under the one Minister, it is immensely frustrating for us that that system is not well co-ordinated. It does appear to us that if one could throw the ball to the other, they absolutely will try to. All of the children in out-of-home care have a special need. Some of them actually have disability as that need, but when those two systems have to interact, it just does not work.

The other thing we find is that as those children near the end of their time in out-of-home care, the department is very happy to see the end of that and very anxious for disability services to take over, but there is no co-ordinated approach to that occurring and we have the most trouble when children are nearing the end of technically their 18 years of child status in out-of-home care.

I am not even talking so much about finding placements. In fact, every placement is difficult to find and there is the ability to find placements for children with disabilities. Thank God for those carers. It is more about a co-ordinated to approach to everyone seeing responsibility to the child and then finding the resources to meet the need, which may be disability, and those two sections working well. It just has not worked well to date.

CHAIR: With our hat on of our inquiry into disability services, which we are just concluding, it is true that we have had a lot of evidence from parents of children that reaching 18 is one of those milestones of which there are huge problems for all children with disabilities, like the end of school, for instance, suddenly leaves this huge vacuum. It is a problem of co-ordination and crossing those great gaps.

Ms EAGLES: Just one more comment on that. One of the interesting things about families of children with disabilities is that they often enter the out-of-home care system when there was no care and protection issue; it was about "as a family we have done all we can to try and care for our child but we cannot do it any more". All right, you could say down the track that is the same as saying if you cannot care for your child, that may mean the child is going to be neglected in some way, but they will often come for assistance. It is has been our experience, at some points, that the Department of Community Services's response has been "You will need to make the child a ward", in the old terminology. These families see that as a terrible thing. They are not saying

"I want to give up guardianship or care or love of my child. I am telling you I can't do it any more". That is often the point where the request for assistance does not work for disabilities, it is not adequate enough, and clearly we have had times where parents have been told, "You will have to leave your child and it will need to become a ward. That is the only time we can then assist you." That has been, sadly, our experience.

CHAIR: It has been put to us that teachers are maybe over reporting. Teachers and police have been the two occupation groups that have been identified that way. Would you deny that is the case?

Mr BAKER: Well, I do not know about over reporting. You get into a semantics argument about what exactly the issue is, whether it is over reporting or multiple reporting, whether they are necessarily the same. I am not trying to be cute. There is a problem with the Act in our view. We have been saying this since 1998 and to both the former and present Director General. I can table some correspondence if you like. There is a defect in section 27 of the Act. There is a conflicting legal opinion about what section 27 means. That is the mandatory reporting section. It is transversed in section 8 of the guidelines that I have tabled. On one interpretation, the most common legal interpretation, everyone who forms a view must report or they are in breach and could incur criminal penalties. That certainly focuses the mind of folks in schools and dare I say police. I do not have any quantitative data. It would be my personal view that there are examples of multiple reporting. It is also the formal view of my Commission that the problem goes to a defect in the legislation. I am happy to table the correspondence with the Director General.

CHAIR: In relation to the police, the comment that has been made to us is that perhaps some police, in visiting scenes of reported domestic violence, have tended to assume that if it was a child, every one of those cases must generate a mandatory report. Some people would say that, while that might be mostly the case, it is not always the case. I do not know that we have heard a specific suggestion about teachers. Multiple reporting is certainly one, but I am not sure that we have heard a specific reason given about an individual report on an individual child where people have thought, well, really this need not have been reported.

Mr BAKER: I would defer to my colleagues there because they may have cases in mind.

Ms CHITTICK: In terms of over reporting, I think one of the issues is: Is it over reporting relative to the level of resources that are there to respond? If we have a view that the expectation in every matter that we report is that DOCS will respond, then that is a problem. But I do not think that that is a reasonable expectation, and, yet, that does not mean that there are things that are not responded to that are not properly reported, particularly if we take the view of interagencies, that we only have parts of a jigsaw puzzle. We never know that that little piece of information that we have got may in fact be quite critical in the larger picture. So we certainly encourage that schools not have an expectation that everything will be responded to by DOCS, but that we should hear from DOCS when a response from them is appropriate. If there is a matter that relates to the concern that the child may be at risk, it is important to put that information in the hands of DOCS and it is also important that DOCS have got some mechanism where they can co-ordinate that information.

One of the particular concerns that we have got is that up until recently there was certainly an indication that we may be reporting isolated matters that identified a common potential abuser and there did not seem to be a mechanism to identify that. We had cases where the Department of Education reported a matter around the same time that we at Catholic Education reported a similar matter, and it was only inadvertently that I brought it to their attention that there is a related matter. They had no mechanism to connect though those, and that was at the very end of last year, so it was in recent times. It is critical that that information be co-ordinated.

I think so long as we are not expecting that everything will be directly hands-on responded to by DOCS, that the information can be well co-ordinated, I would be of a view that it is important that those issues be registered.

The Hon. IAN WEST: Leading on from that information co-ordination issue, and the issue of ways to improve the delivery of early intervention and family support programs, I would be interested to hear of the interaction, if any, that is occurring between yourselves and the family first program.

Ms EAGLES: I think as Bill mentioned earlier, Centacare have quite a number of family support programs, which are funded under Families First, and a lot of early intervention initiatives, predominantly in our south west area of Sydney. It is unfortunate that one of those could not be here, because I cannot comment, I suppose, about is there enough resources that we feel we have. But I am pretty sure if I asked them they would say, "No, we need more". I know especially we have an early intervention unit that is comprised of a group of professional speech pathologists, physios, teachers, that absolutely struggles, and yet it is a model that actually works quite well because they can have a multi-disciplinary approach in a family, but I know that for years that

has struggled in terms of being supported.

One of the other things I think though in terms of prevention is that a lot of our literature would say a lot of children that come into care are the product of parents themselves who have been in care, so it is that generational aspect, and I think a lot of work that we are trying to do is also at the leaving and after care stage to actually try and resource young people who have been in the care system well enough to try and break some of those cycles. So I think we do need to look at that end, not just families who are - there are always a families who could just be having difficulties who have never had association with the care system and I think we need to be supporting them, but I think we do need to be looking at trying to break some of the cyclical nature of children coming into out-of-home care by looking more at after care and resourcing that group of people with good support, so that they in fact hopefully function in families and in their personal lives themselves. I know that after care is not funded well enough. We have after care programs in Centacare. We are one of the four NGOs that do run an after care service and that is a battle, given that we can work with them up to 25, but that is often not long enough and not nearly resourced enough.

Mr JOHNSTON: If I could just add to that. There are two contrasting programs that we do run. We run a family support program in Lakemba district which has been block funded by the department, and it is quite clearly an issue that the staff there do as much as they can but the resourcing is a distinct problem. So my response would be certainly at the family support level resourcing is an issue.

In terms of improvement, we might point to our Cabramatta model, or Mount Pritchard is the place, where we have made a conscious effort to gather together in one centre, which is called Sedevic Centre, a range of family services, so that there is a little bit of a one-stop shop, and it seems to me that the greater interrelationship of services that exists in the local area and more thought to a multi-serviced centre might be a good way to go.

The Hon. JIM SAMIOS: When Helpline was introduced in late 2000 and went into meltdown in 2001 Catholic education was not advised of special arrangements introduced into government schools, such as fax line and later voicemail. What was the Catholic educator's reaction when you found that the government system had been given alternatives to allow teachers not to sit on the phone for hours but you had not been told? How did you work through that?

Mr BAKER: Well, I will answer that briefly. That is true, at least that is how it presented itself to us - when I say "us", the Catholic Education Commission of New South Wales - and in our coordination role it is part of our role to liaise with Government and pass on information to Catholic school authorities. Definitely the Commission was not aware of the fax line when it was first opened. We raised that, as I recall, directly with the office of the then director general and within a couple of weeks - again, that is my memory, that was the sort of time line - that was rectified, but we did have to take preemptive action. We were put in the position where we had to advise our schools of the fax line before we were actually formally involved and I know that caused some irritation because, from the point of view of DOCS, I suppose that looked like a breach of protocol or us usurping their role, but we felt that we were forced into a position where we had to tell our schools before DOCS told us.

Ms CHITTICK: Could I just make one comment which I think is important for the way the system works: Because we are a significant body it means that we were able to come across that information and able to lobby to be included, but I was certainly also personally representing that there were a number of other little community agencies out there who were also not being included, so the gamut was being opened for, yes, Catholic education and independent schools should be included, but it was not automatically assumed that this would be opened up to other community agencies, so I think in those sorts of issues our own experience made us advocates for others and I think that is something we are prepared to do.

The Hon. JIM SAMIOS: We heard earlier in response to my questions that Catholic educators relied on advice from ACWA regarding indigenous issues, so in the circumstances, in the presence of the witnesses, I wanted to place on record that we believe, that is the Liberal-National Party believes, that the Committee should take that evidence directly from a broad range of Aboriginal representative groups.

CHAIR: I think our role is to ask questions, not to make political statements. We have one last question: What would you like to see come out of this inquiry, if you feel you have not already, in everything you have said, helped us a great deal.

Mr BAKER: Well, at the risk of stating the obvious, there is a resource dilemma and I suppose from the point of view of the Catholic Education Commission our final word would be to draw the attention of the Committee to our comments in our written submission on pages 7 and 8 under the heading "Adequacy of

Resources". We make this observation, which is perhaps worth emphasising, that since the expansion of mandatory reporting to grounds additional to suspected child sexual assault the breadth of mandatory reporting has been obviously disconnected from both existing and anticipated resource levels available to DOCS and that does raise an issue: Can the legislation be efficiently implemented given the current resource levels? If it cannot, it might be better to honestly face that and, at the risk of sounding crass, to cut our cloth and to refocus the legislation on those most at need. De facto, that appears to be happening, it has been mentioned several times. DOCS seems to be running a triage system. My reading of the legislation is that it is not entitled to run a triage system. That causes frustration in schools. It is very rare for DOCS to get back in relation to a matter regarding a teenager because DOCS seems to have a triage system, but that is not what the legislation says, so because of the lack of resources we have the legislation saying one thing, practice doing another, and that is an unhealthy and, dare I say, dangerous situation. People could be left in breach of the legislation.

CHAIR: Is there any other general comment?

Mr JOHNSTON: We have watched, as people in the social welfare sector, a series of revolutions in DOCS and it seems to us that if you look at the very real issues which we put about children in our society in 2002 there has to be a very positive - no matter who is in power after March of next year - approach to whether we value the protection of children in realistic terms in terms of resources. I think we have also used - and especially in recent years - a lot of rhetoric about community partnership between the non-government sector and the government sector in issues relating to children. There has to be much more reality on the ground to the community partnership.

Ms CHITTICK: One general comment in terms of looking for further direction: I think in addition to resources all of these comments are identifying that the current system can also work better. I would hope that it is envisaged that, as well as significant government departments needing to have established working parties as to how these things can work better, under the interagency guidelines, the Catholic school sector and the non-government sector are also significant players and I think we have specific things that we can communicate in a working party format to actually bring about some practical improvements. I think that is quite different to just meeting about the issues but the actual carry-through of changes and practices that would make it easier and more efficient to achieve what we can within whatever resources we have, but that is not instead of resources.

(The witnesses withdrew)

PIA VAN DER ZANDT, Solicitor, Women's Legal Resources Centre, PO Box 206, Lidcombe, affirmed and examined, and

CATHERINE CARNEY, Principal Solicitor, Women's Legal Resources Centre, PO Box 206, Lidcombe, sworn and examined:

CHAIR: You have the summons; you are conversant with the terms of reference and we have your submission.

Ms VAN DER ZANDT: Yes.

CHAIR: You have received the questions that we thought might guide us?

Ms CARNEY: Yes, we have.

CHAIR: Would you like to start by making any kind of statement or would you like to start with our first question and give us an overview of the work of the centre?

Ms CARNEY: I think I would like to just start with the first question. The Women's Legal Resources Centre is a community legal centre which services disadvantaged women and children. We do rural work with rural outreach, we have two Aboriginal services, the Indigenous Women's Program and the Walgett Violence Prevention Unit which we auspice. We have a telephone advice service, which is over 100 hours a week, which is staffed by solicitors. We do legal clinics, face-to-face advice; we do casework and we do a lot of community legal education, so we have good contacts in the community.

Our clients are from the lower socioeconomic group. We have over 10,000 client contacts a year. We also are connected to the Greater Community Legal Centre and on a national level as well, we currently hold the law reform position for the National Network of Women's Legal Services, which includes the indigenous women's services, the community legal services, the court support services and women's rural outreach services, so there is a wide range of issues and feedback we get from our service providers and clients.

CHAIR: Moving to your submission, you made a comment that you think DOCS has previously placed too great an emphasis on the use of AVOs rather than care and protection orders to protect children and that that inappropriately places the onus on the mother rather than on DOCS. Would you like to expand on that a bit?

Ms CARNEY: Yes, it is something that has come recently with the new legislation, and I am sure you are aware of the legislation. In several places they actually say before taking a care order the officer or the director general is to look and see whether the child could be protected with an AVO. That is in several places throughout the legislation. It first came to our attention with the court support schemes, which a lot of community legal centres auspice, where solicitors go to court to support women seeking protection orders. They started contacting us saying women are turning up - and we ourselves do one at Parramatta and have seen it - at court seeking assistance because they have been told by a DOCS officer that the child is currently in danger because they are in a domestic violence situation and the mother has to go and get an order, otherwise she risks losing the child. Now the woman is generally turning up with no support from DOCS, no statement, no evidence, nothing whatsoever, just with this fear that she will lose the children unless she gets this order, so there is no support whatsoever. Anyone who works in those schemes or goes to the local court will know, contrary to what you hear in the public domain, they are not easy to get. An AVO is not easy to get unless the other party is consenting. If someone is fighting it, it goes to a full hearing and the rules of evidence apply, so there are lots of issues in the beginning just to get an order.

Another real concern that we say is the scenario either way: Say the woman does get an order and then goes away and DOCS is happy, DOCS removes itself. Who is going to report a breach of that order if she reconciles with the perpetrator, abuser, whatever you want to call the person who is abusing the child? Certainly not the three year old. How would that be protecting the child? On the other view, say the mother gets an AVO and she goes on, makes a new life for herself, she is going to keep her children safe and is quite committed to that. The abuser, whether it is a stepfather, father or whomever, a family member, can then approach the Family Court for an order for contact, which often someone with that mindset will do, because it is about further harassment and revenge. They go to the Family Court. They say they are seeking an order for contact with the child. We see again and again the same scenario. The woman rings DOCS and DOCS say to them, "This is now in the domain of the Family Court. We are satisfied this child is protected as far as we are concerned. It is no longer public law. It is private law. That is for you now. You just go through the Family Court and protect that

child."

That again shows an enormous ignorance of how the Family Court operates. Number one, everyone knows the difficulties with getting Legal Aid in Family Law matters. There is a bit more money coming into the system now, but as a result a lot of private solicitors have fled the Family Law jurisdiction. It is very hard to find a private solicitor who will even do it, if you can get a grant of aid.

Also the Family Court is very reluctant not to grant contact. There is that presumption that a child has a right to contact with both parents, which is fine, everyone agrees with that, but where there is abuse, it has to be proven under the rules of evidence. The Family Court, of course, is a jurisdiction operating under all those rules of evidence. So if you have an unrepresented woman trying to protect this child from someone who may be seeking contact and all the other dynamics, the current philosophy is that contact will very rarely be denied. In fact, millions are just wanting to use our supervised contact centres. People who may have been thought years ago to be unsuitable are now having contact in these supervised centres. That is really the result of this legislation. The legislation is mandating that, saying that if you think an AVO is sufficient, it is mandating the DOCS officers to pass it over and write it off, and it is a major concern coming up.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Can I take this up here. Are you saying that DOCS - what you are effectively saying, let's not mince words about this, you are effectively saying that DOCS can flick past it to the mother. She then has the responsibility with the AVO to take the case and that may involve then defending the child from access at the court level. So DOCS is actually not involved in the Family Court when it should be.

Ms CARNEY: Yes, that is right.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you get involved in all the cases where children go to the Family Court? DOCS does quite a lot of work with the Family Court, correct?

Ms CARNEY: No --

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: What percentage of Family Court matters -

CHAIR: Actually our next question takes up all these Family Court issues about what DOCS does.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: All right, I will leave it at that.

CHAIR: Can you quantify what you are talking about, Catherine, at all? There is a number of different issues there. There is the issue of a woman effectively being told to go and get an AVO. Presumably, a lot of those, regardless of success or failure, do not end up in the Family Court, but can you give us any kind of indication on the stats on processes that you are talking about?

Ms VAN DER ZANDT: The stats, in the Family Court, certainly. Some research from Victoria was done, I think last year, and I could provide that to the Committee if you wanted. That showed that 50 percent of the Family Court's work load involved matters where there are child abuse allegations. That has become a major part of the Family Court's workload.

Also some other research in Victoria done by the Australian Institute of Family Studies looked at the interaction between the Family Court and the Victorian equivalent of DOCS, and that showed that where there were cases involving the Family Court and the Children's Court, or the Children's Services I think in Victoria it is called, in two thirds of those cases the Victorian Children's Services withdrew from the case. That research went on to track some of those cases and showed that in most of those cases the Victorian DOCS equivalent withdrew and then the non-abusive parent was left to fend for themselves in the Family Court, the result being that children were then forced back by orders to go on contact with abusive parents.

CHAIR: Would your estimate be that the statistics in New South Wales would be similar to the ones you have described in Victoria?

Ms VAN DER ZANDT: Our estimate would be that it would be worse in New South Wales, mainly because New South Wales is the only State in Australia that does not have a protocol with the Family Court. That has apparently been in the process of negotiation for some four years but has not eventuated.

CHAIR: You are saying the Victorian statistic is that their equivalent of DOCS withdraws from some

two thirds of the cases?

Ms VAN DER ZANDT: Yes, when they are a Family Court matter.

CHAIR: That go to the Family Court, but in New South Wales you think it is greater than two thirds?

Ms VAN DER ZANDT: Yes, I mean there is no research in New South Wales that is equivalent. It would be great to do a similar study tracking those cases. From talking to some of our Victorian colleagues and also speaking to the Family Court about these issues, we would believe that, and certainly from our own experience with our clients, it is at a crisis point in New South Wales and that New South Wales DOCS would be one of the most difficult to deal with in terms of Family Court and DOCS together.

CHAIR: We can follow that up in our conversations with people from the court. Can I just ask though: Can you quantify at all the number or the rough proportion of women that you say are being pushed into this path of seeking AVOs, leaving the Family Court out of it for a moment? Do you have any idea at all to give us some guidance?

Ms CARNEY: In seeking AVOs, I can only tell you that as a centre that is having over 10,000 client contacts within New South Wales a year, all the solicitors who are doing the work are coming back saying it is a major problem. The people operating the court support schemes are contacting us and saying it is a problem, and I spoke to solicitors working on these issues before I left, and I said, "What are you estimating?" They are saying at least in every advice clinic or advice session we do, which usually lasts three hours in each advice, one of these problems will come up.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So it is one third of your work?

CHAIR: So all of these women you are talking about are to get an AVO for themselves?

Ms CARNEY: No, where there is the problem of the child protection issue coming into it.

CHAIR: One in every one of the clinics which is involving the women who are appearing that day?

Ms CARNEY: Female clients, yes, that have been sent to us or are contacting us for one reason for the other.

CHAIR: And many of those clients would be seeking an AVO for themselves, for the woman?

Ms CARNEY: Yes.

CHAIR: But then there is the additional category of seeking an AVO for the child?

Ms CARNEY: That is right. There is no criticism of the process when these women may need AVOs, and they are protection orders, and that is fine, but they cannot be used as a child protection tool as well going on from that, as a means to an end, as in close the file, finish off.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I am trying to ascertain, I have not got a clear idea in my mind, what number of cases is DOCS involved in in cases that you are taking to the Family Court and what number are cases which perhaps you should be involved in? In other words, how big is this problem quantitatively?

Ms VAN DER ZANDT: Are you talking about the problem to do with the interaction between the Family Court and DOCS or the AVO problem? You are talking about the Family Court and DOCS?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: In a sense both. You have defined both and you have said there are a lot of AVO cases that should have been DOCS cases.

Ms VAN DER ZANDT: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So how many cases are there that are children at risk, if you like, from the father presumably, and what percentage of those are AVOs and what percentage should have DOCS and what percentage have DOCS?

Ms VAN DER ZANDT: We do not collect those figures, so we cannot say that.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But is it 90 percent or 10 percent?

Ms CARNEY: Of the work we do, it would be the bulk of it, because we are a centre that does that kind of work. It is interesting, if you look at the bulk of the cases going to the Family Court, and you are only talking about a tiny little impractical number, like the massive 95 percent settle, people work their problems out. There are tiny little impractical cases that need intensive help and they are not getting it and they are the cases we see. We have very strict case guidelines if we do take on a case, so nearly all the cases we take on would have that element to it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Would have the element of what, of family violence?

Ms CARNEY: Of child protection, severe violence, plus it would be Aboriginality, NESB or disability. We will take on those cases. If we can get Legal Aid we refer it out to private solicitors we know who will also take those cases. So we do that role as well because there is no way we can cope with them.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So how many cases are we talking about per year?

Ms CARNEY: It would be hard to quantify without pulling out the stats, but we would be talking about

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Ms VAN DER ZANDT: Almost all the case work we have done in the Family Court has involved a DOCS issue where DOCS have not been involved and where we have made extensive attempts to get them to intervene or to join the proceedings.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So DOCS are actually not joining the proceedings at all when you as their solicitor, working for both the mother and the child presumably, are saying, "Please come and help us. Give us the facts"?

Ms VAN DER ZANDT: Yes, absolutely. Not only that, but often they do not provide us with the information or their assessment reports, even copies of the Helpline notifications. They are quite uncooperative in many situations.

Ms CARNEY: We have to subpoena the file.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Can I just clarify in what percentage DOCS do come and in what percentage they do not come of the ones that you deal with?

Ms VAN DER ZANDT: I do not think there is any we have where DOCS have come.

Ms CARNEY: No.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: They do not come at all?

Ms VAN DER ZANDT: No.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Almost never?

Ms CARNEY: Not the cases we are dealing with, no.

The Hon. AMANDA FAZIO: I just want to clarify something. I thought that if the police came to a home because there was a domestic violence report, that if there were children under 16 in the house, they would get a temporary or telephone AVO for the spouse and the children. Is that right?

Ms VAN DER ZANDT: Yes.

The Hon. AMANDA FAZIO: So these cases you are saying where there is domestic violence and child abuse and DOCS are saying they should go and get an AVO, are these cases that have had no involvement with the police?

Ms VAN DER ZANDT: They are probably cases where DOCS have just advised the woman to do that

and she has then made her own private application through the chamber magistrate, sometimes because the police have been unwilling to take up the application on her behalf or on behalf of the children, or because she has not approached the police and she has made her own private application. They have come to the court and then we, as solicitors, will interview them before we represent them for the AVO and they say, "I got told to come here. I do not want to be here but they are forcing me to come here, and I am on my own". She is often on her own, she has often got kids with her. You are trying to take instructions when there are kids running around and she is incredibly intimidated by DOCS, who she thinks will take her children off her if she does not get the AVO, and also intimidated by her partner or ex-partner who is waiting in the court room.

Ms CARNEY: The police are getting increasingly reluctant, the DVLOs tell me, to actually put the children on the orders and so are magistrates, and with the telephone interim order they have to ring through to an authorised justice, usually Parramatta. Just recently, I met quite a few of the police DVLOs and they told me they were having issues there with the authorised justice refusing to put children on those AVOs. So these women may have some contact with the police, probably do, and there may be AVOs, children may not be on them at that time and DOCS has become involved at a later stage and they have been told to do this.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: What is an DVLO?

Ms CARNEY: A Domestic Violence Liaison Officer with the police department.

CHAIR: We have had quite an amount of evidence, including from DOCS itself, about this issue relating to unwillingness or inability for DOCS to pursue matters once they are before the Family Court. Can you tell us what you think DOCS or its equivalent in other States should do, and perhaps that should lead us on to the comments you make about Project Magellan and its operation in Victoria, but in this Federal State log jam and Family Court jurisdiction and so on, what do you think DOCS' approach should be?

Ms VAN DER ZANDT: Can I just go back one step and I will answer that? From work we have done, and we have linked up with a number of community organisations, and I think with our submission we sent you a community discussion paper which came out of a public meeting we held, because we had been contacted by so many clients, but also by a lot of community organisations and workers who were saying that this is just a critical issue for them now, and the major sort of assessment we have is that there are two very powerful myths that operate in this area. One of them is that allegations of abuse on children, made in the context of separation or while there is Family Court action, are false. That is one of the big myths, the other myth being that the Children's Court has no jurisdiction to override Family Court orders or to intervene when there are Family Court proceedings.

In relation to the first myth, we have heard that from many DOCS officers saying, well, if it is a Family Court matter, we just do not want to be involved because they all notify on each other and it just becomes this big spat. There has been research in Victoria which has shown that allegation rates of child abuse are no higher in the Family Court than in the general community and also there are a number of international studies showing that allegations of child sexual assault are generally true and that there is only about a 9 percent false rate, so you are talking about 91 out of 100 of these allegations being true, and that is quite alarming if you think that DOCS then do not involve themselves in most of these matters.

In relation to the second myth about Children's Court and DOCS having no jurisdiction to override the Family Court orders, the Care and Protection Act clearly says in section 86 that the Children's Court can override residence and contact orders, so they do have those powers, and we are not quite sure whether that is a DOCS training issue that some DOs, for example, would commonly believe that because it is a Federal jurisdiction and a Federal court a State court cannot override that, which would be a fairly easy mistake to make, but yes, they certainly do have the power.

From those myths, the result is that our experience is that DOCS workers do not act when notified of child abuse where there are Family Court matters going on or where the parties have separated because, as Catherine said, they deem the non-abusive parent able to keep the children safe and so they let the Family Court handle it. The difficulty is that the Family Court is not an investigative court, so it has not got powers to investigate these things and it relies on evidence that is before it, so if the unrepresented mother, which is mostly the case, comes to court without any legal advice or limited legal advice trying to prove very, very difficult allegations of child abuse without any assistance from DOCS or even assessment reports or copies of notifications, it is almost impossible and, as Catherine pointed out, the Family Court does often grant contact, so you have court orders forcing children to go to potentially abusive parents which, if you actually think about that, is just horrific really.

What we say should happen is that DOCS should investigate the claims or the notifications that are made to them, not decide not to deal with them because they are Family Court matters, pass on all the information to the non-abusive parent, support the non-abusive parent through the Family Court process and join and intervene in the proceedings, so either join the proceedings at the beginning or, if the proceedings are at that stage where it is approaching a final hearing and the father is still wanting contact or residence, they intervene and act on the child's behalf. Even better still would be Project Magellan, which would lead us to the next question.

CHAIR: Obviously you have made the point that the relationship between the State and Federal jurisdictions needs a lot of work.

Ms VAN DER ZANDT: It is the greatest issue that our centre deals with at the moment, it is absolutely critical - I cannot emphasise how critical it is - and I have spoken at a DOCS organised forum where they invited us to speak with the Family Court and a number of workers from community health centres and refuges were all saying the same thing, standing up with dozens of case studies that they had.

CHAIR: I think in fact our evidence on this question has been unanimous. Everybody, including DOCS, has told us over and over again that there is this major problem, but I must admit no one has particularly come up with good solutions, which is one reason why we do want you to tell us about Project Magellan.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Before we go to that, I just wanted a definition of the problem: Could it be that DOCS are not coming to help you with these cases because the unrepresented mothers need to be helped before the represented mothers in the sense that they have at least got you supporting them? I mean what percentage of mothers are actually going unrepresented and what represented ones are you helping?

Ms VAN DER ZANDT: Well, we help in different ways. Sometimes we take on a matter and appear in the Family Court; sometimes we refer the matter to a private solicitor and other times we will give the woman advice at a number of key stages through the process. We also deal with a lot of unrepresented litigants who call us along the way or come to see us along the way for advice. I am just speaking anecdotally, but I probably know about two or three matters off the top of my head where DOCS have assisted with documents and provided copies of assessment reports, and I cannot think of one where they have intervened. I know they have because I have read the judgments.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is this because they are mainly involved with the Children's Court?

Ms VAN DER ZANDT: We would love it if they were involved in the Children's Court because it means that at least, you know, it would be fighting for orders that contact be stopped with abusive parents.

Ms CARNEY: What they are saying is that if they think it is going to Family Court it is more or less hands off: We are not dealing with that file any more, let the Family Court deal with it. I do not know of anyone recently where they have intervened or been involved with even providing information, unless it is ones where we have lobbied at the Ombudsman level for them to do something. I do not think they are helping unrepresented women. I have just come back from a national conference and it was interesting to see that it is a national problem too from all the community legal centres around Australia saying that all their State welfare authorities are not interacting with the Family Court and the biggest problem is with the clients they are dealing with where there are child protection issues, so that is a lot of people, you are talking about the whole of Australia.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Are the courts then making decisions without any information?

Ms CARNEY: They may have to if they do not have that information before them.

CHAIR: Can we move on to Project Magellan? As I said, we have been told by every witness we have had exactly what you are saying. The detail you are giving us is great because we have not got that and you have also got some positive suggestions, but we do not need to keep hearing the same thing that we have heard from everyone else. Please can we get on to Project Magellan?

Ms VAN DER ZANDT: Sure. I have a briefing paper which I could table for the Committee, but I will just summarise it very briefly. It was a trial project which was undertaken in Victoria. It is a partnership project

between the Family Court, what would be DOCS here but is the Victorian Children's Service down there and Legal Aid, so it is a three agency partnership project. Legal Aid assists in that they only apply the means test to people coming into the project, so they do not have a merits test, which they do normally, and the grants of aid are not capped, which they are in New South Wales and other States, so they allow uncapped grants of aid to people who pass the means test.

What the Family Court did was go through their list of matters and the hundred matters where there were allegations of child abuse and flick them over to this Project Magellan where there were hand-picked judges and court staff trained in issues around child abuse and child sexual assault. I think there were only two judges that heard all the matters. Once the matter came to the court the family was referred to the DOCS equivalent in Victoria to investigate and write a detailed assessment report and they had to do that within five weeks. Following that, if the DOCS equivalent did not want to take any further action in the Children's Court, which happened I think in most of the cases, it went back to the Family Court where the Family Court had all the assessment reports available to them from the Victorian child protection service, who are experts in investigating allegations obviously, and then it was sped through all the Family Court hurdles with the same judges and the same registrars and things, so that made a real difference as well obviously because you have the same judges hearing about the same people and they were able to pick up applicants and say, look, you know, we have heard that before and I am not accepting it, so go away and do something else. They were able to call the applicants and the respondents on certain things where they were bluffing and had not lodged documents by a certain time.

It was evaluated and the evaluation came out in February this year. We can also table a copy of the executive summary of the evaluation for you. It was seen to be very successful. The distress to children was much lower; the resolution of the matters occurred over a very short period compared to normally and overall the outcomes were very good. The summary actually summarises the evaluation in a lot more detail, so I will leave that for the Committee to read.

The Family Court has now set up a committee headed by Justice Dessau which is trying to have it implemented in every State. Western Australia has been the first off the rank and it has been implemented there. It is called Project Columbus.

In terms of the impact on DOCS, the evaluation found it was neutral because it was work that they should have already been doing because it was investigating allegations of child abuse; the reports apparently were easier to write than what is required currently by the Family Court and it minimised the continual notifications that occur in these kind of matters so, for example, you would notify about a matter and then DOCS would not respond, so you would notify again and they would not respond and it would go on and on and on and every time these notifications came in obviously DOCS would have to handle them and in some cases they were then intervening at the last minute, like at a final hearing stage, which then becomes very expensive, so they found that that was outweighed by actually DOCS being involved very early and doing a lengthy report and they also found that it was highly transferable to other States.

Legal Aid in New South Wales has indicated that it is supportive of joining Project Magellan, so really you have the Family Court advocating for it being set up in New South Wales and Legal Aid, which has indicated preliminary support.

CHAIR: What sort of resource implications does it have?

Ms VAN DER ZANDT: The biggest resource implications are for the Family Court, because they are having to hand-pick judges and staff, and for Legal Aid because they are then guaranteeing grants of aid. As I said, for DOCS it was found to be almost neutral in Victoria.

CHAIR: But the money would have to be found from, for instance, an enhanced Legal Aid budget plus whatever the resource implications would be for the Family Court?

Ms VAN DER ZANDT: Yes, I think the Family Court, obviously, if they are wanting to implement it, have sorted that part out.

CHAIR: So for New South Wales, as you said, the major thing would be in the Legal Aid budget?

Ms VAN DER ZANDT: Yes. Given that they have indicated that they are supportive I imagine they may have some surplus - I mean they are carrying a surplus in family law at the moment because they are finding it so hard to brief out to private solicitors.

Ms CARNEY: And these are matters that come within their guidelines, so they have to be funded.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is that because there is too little money--

Ms CARNEY: It is because a lot of private solicitors do not want to do family law.

CHAIR: We did want your opinion on whether the 1998 Act is being interpreted as intended, particularly in relation to mandatory reporting. Do you have a broad comment on that or do you think it is operating more or less as it was meant to, or at least being interpreted as it was meant to?

Ms CARNEY: A broad comment is that the mandatory reporting I know is a problem. I heard the previous speakers talking in relation to police acting on domestic violence. I know that a lot of our Aboriginal clients are concerned that if they go to the police now they are going to be reported to DOCS and that will have implications on them, so I do not know whether the mandatory reporting has resulted in a flood. It could have, but it may be just that there are not the resources there to sift through. I mean one would imagine that it would not take too many resources if you are flooded with these claims to do some sort of sifting through to see one urgent exception that could be followed up.

CHAIR: What about in relation to the Children's Guardian, or is that something where the delay in proclaiming those sections is not directly relevant to the work you mostly do?

Ms CARNEY: Just going back, the other thing, of course, is the implementation of that Act is not being carried out at the coal face, at the service provision. DOCS workers do not seem to be, for instance, including parents in the casework, in the conferences or the placement provisions, all the inclusion provisions. We are getting constant reports that DOCS will not say where the child is. In fact I have two from yesterday and I have a case study here which members may be interested in reading later just coming off the advice line yesterday from a solicitor and it was basically an Aboriginal mother just wanting to know where the child was being placed and could she be part of it.

CHAIR: Some of that is related to the work of the Children's Guardian, but in the as yet unproclaimed sections.

Ms CARNEY: Yes, and the DOCS worker literally hung up twice on the solicitor who said "I am acting for this woman and we want to know can she be part of the conference" and was told more or less "No, we can't change the meeting". It is quite complicated - it is there, so I will not go into it now, but it will be interesting reading - but the point of that case study is DOCS not doing anything to include the mother in the placement of the child. The mother was just wanting basically contact with the child, she was not disputing that the child be placed in foster care, she wanted contact, and we find that a lot of the Aboriginal clients, all that they are really wanting is to maintain contact with the child and they are being frustrated by the DOCS workers at that coal face level.

We have another one where we are having to do an FOI on the department just so this woman can know where her children are. That is totally unacceptable.

CHAIR: It is not a matter of them saying "I am too busy to deal with you"? Are they purporting to say that they are not actually allowed to tell her where the child is?

Ms CARNEY: In the last conversation they said, "This is a matter of confidentiality. We cannot talk to you."

CHAIR: That is something we can check out, the way in which they are interpreting those things.

Ms CARNEY: Yes, it does seem to be a training issue I think and experienced staff at that level of actually dealing with the client.

CHAIR: Do you have any comments specifically about the Children's Guardian?

Ms CARNEY: Yes, we do, that it should be proclaiming --

Ms VAN DER ZANDT: We addressed this in our submission at some length, but since then we have had some advice from constitutional lawyers, so I might add that, if that is okay. I am sure you know the

campaign that is being run by ACWA and NCOSS and a number of other agencies in the children's welfare sector to have those significant parts of the legislation proclaimed.

The Hon. IAN WEST: Is this regarding the recommendation on page 13 of your submission?

Ms VAN DER ZANDT: No, it is pages 11 and 12.

The Hon. IAN WEST: Section 42?

Ms VAN DER ZANDT: Yes, I think we have referred to a number of the - no, I have not listed all the unproclaimed sections, but there are a range of them. Obviously you know the Act was passed in September 1998 and that significant parts remain unproclaimed, which is now heading to nearly four years later. We have had advice that this in itself is not unusual, that often parts of Acts are unproclaimed and often whole Acts are unproclaimed and never are proclaimed, but what is unusual, and I think what is driving the campaign to have these proclaimed, is that it is incredibly concerning that the unproclaimed sections of the Act relate to very important accountability provisions, such as the Children's Guardian and the out-of-home care section. They have remained unproclaimed and numerous deadlines set for their proclamation have not been met. I know on the web site of DOCS they have a date there for when the new sections will be proclaimed and that deadline has expired a number of times. I also know that there have been significant letter writing campaigns asking for those sections to be proclaimed.

CHAIR: Can I just interrupt and say we have had a great deal of evidence about this, including from the Children's Guardian, from the Department and so on. Everyone admits it has not yet been proclaimed, the Children's Guardian is there but is not yet able to do all the accreditation and produce the care plans and so on.

Our question is: What can you tell us about the effects of the lack of proclamation and, for instance, whether there are staged steps in proclamation that would help your clients? We are really looking for your comment on a situation that is pretty clear to everyone because everyone knows it has not been proclaimed.

Ms VAN DER ZANDT: Yes. I suppose where we have dealt with it most is looking at the sort of legal tack of that campaign to have the legislation proclaimed. Rather than looking at the effect on our clients, we have tried to assist the campaign by drafting some advice and getting a barrister to look at some legal remedies we will have against the Minister, for example, for not proclaiming the legislation, and we have now referred it on to a barrister to look at remedies that might be available, but we have had some preliminary advice that, in fact, while not proclaiming the legislation is certainly an important discretionary power that the executive holds, this has gone well beyond that discretion, and in the face of public pressure, with repeated deadlines being missed, we are arguing that it is a misuse of Ministerial power, I suppose, or a misuse of executive power in not proclaiming the legislation and it is certainly contrary to the spirit and the will of Parliament, where Parliament has passed legislation and it is just not proclaimed, if the Minister does not want to proclaim the important accountability provisions. We have been advised about remedies and we know there is also a case in the United Kingdom that was brought against a Minister for not proclaiming legislation and we are just looking at that and we have referred the matter just this week to a barrister to give us some advice about an action.

CHAIR: Can we get a copy or some detail? Well, you have not got the advice yet?

Ms VAN DER ZANDT: No, we have not got the advice yet.

Ms CARNEY: But if you are asking about the effect on our clients, the clients that we deal with, and probably DOCS too, are at the lowest socio-economic scale, and they have language problems, may be NESB, and overall I suppose the wide, big picture is that they need - when they are dealing with DOCS workers who are not co-operating, not giving them information, information they clearly should have in relation to their own children or protection of children - that there is some easy, accessible service where these workers can be made accountable and that clients at that level can use.

CHAIR: We have dealt in part with quite a number of our other questions. We have, for instance, talked already about the indigenous clients you have. Can you give us a little bit more of your views about your recommendation that the Government establish a single watchdog organisation? That is one we have not touched on at all.

Ms VAN DER ZANDT: I think our submission was happening at a similar time to the joining of the Community Service Commission's powers and the Ombudsman's powers. So I suppose following on from our position, we are waiting to see what happens with this new partnership that has been formed.

The Ombudsman so far, in our experience, has been our only measure of success in getting DOCS to do some of the duties that are required of it. So we have had some good success with contacting the Ombudsman's Office. That is probably all the comments that I have to make.

Ms CARNEY: But it needs to be properly resourced, similar to the way the police and the Ombudsman is operating, and a toll free phone line could operate, where clients who may not have access to a legal person to assist them drafting complaints, et cetera, could get through to a customer inquiry service and get dealt with.

CHAIR: Probably the major one left that we have not touched on is our question number 11, whether you have a view about the way in which DOCS deals with women and children. Can you expand on that? Can you explain a bit more to us your perception of how DOCS actually - what are you saying, that DOCS is patronising, it has a patriarchal sort of approach? What exactly is it that you feel that DOCS have in its approach to women and children?

Ms CARNEY: Generally, the clients we are dealing with - I think the word I would use is bullying aspect to it, given these women and children are obviously in crisis at that time, and that is not to say every DOCS worker. I mean we are not just here to bash DOCS. It is just the reality of what has happened to our clients. Obviously, there are some DOCS workers who are good, and I have spoken to several. Often my experience is that they leave, they do not stay very long, and when they leave, they tell you it is totally dysfunctional, but in dealing certainly with the families we deal with, there are numerous problems, communication problems, and there are patronising aspects of it and at the moment it is very hard to make them accountable. There is a certain arrogance too because of the lack of accountability. When we get involved as lawyers, there does tend to be a sense of outrage, which I have not dealt with in any other Government department, because we regularly advocate. Obviously, our clients have layer after layer after layer of problems with their socio-economic situation. Certainly with our indigenous and NESB, it is not just the one problem. So you might be dealing with several courts or different Government departments, and my own experience is the worst to deal with is always DOCS, their attitude.

CHAIR: Do you think it stems from an historical sort of pattern, a certain sort of attitude taken by the welfare department, the department with the power to intervene in people's lives in the way they do?

Ms CARNEY: They have enormous power, as the police do too, but the police seem to be a lot more accountable and have been made accountable by Government, and I think it would be good if DOCS were made accountable too and then things might change and then they might know that, although they have this tremendous power, they are accountable for how they use it.

Ms VAN DER ZANDT: The other issue that we have touched on in our submission is about DOCS providing a differentiated response and my understanding is that that was part of the objectives of the legislation, that not only are DOCS responding to notifications, but they also have a role in supporting families before it got to that stage and preventing and things like that. Certainly, from our clients' feedback, a lot of that, there is no differentiated response from DOCS. It is only the notification and the responses on that side; it is not the support beforehand and the preventative stuff. Obviously, that could be a resource issue, that DOCS are just flooded by the notifications.

CHAIR: It is probably not within your bailiwick but DOCS is now going to embark on a restructure - or at least I should not use the word restructure, people start to shudder - but an attempt to divide the way they operate into the three quite separate areas of child protection, early intervention and protection and the out-of-home care area, and that is, at least in part, an attempt to make sure that the crisis does not draw all the resources into itself so that staff have particular responsibilities in family support or in out-of-home care or in child protection. So, as I said, that is not perhaps particularly in your area of expertise, but I imagine some of those sorts of things would help overcome the problems you are talking about if they can be carried out.

Ms VAN DER ZANDT: Absolutely, and certainly with our Aboriginal clients, where the legacy of the history between the department just means that the relationship is unworkable, and obviously Aboriginal people have an inherent distrust of DOCS. The whole issue of what to do with Aboriginal children and what to do with Aboriginal families, I think, is incredibly complicated for DOCS and requires a lot of creative thinking, but some of that can be done. I think, at the preventative end, where there are wonderful women and aunts and grandmothers in communities who are already doing some of that work and caring for a number of kids informally and they do not get any support or encouragement from DOCS, and often they are on a small pension, feeding five or ten children that are not theirs. I think, yes, some resources directed at that end would be really good in building up a different profile and a different relationship between DOCS and the Aboriginal communities.

CHAIR: We have taken evidence from a number of indigenous groups and organisations.

Ms VAN DER ZANDT: That is great.

CHAIR: They have said very much the same thing.

Ms CARNEY: Can I please just put on the record that they would please talk to the elder women when they go into these communities, that they talk to the right people within the Aboriginal community.

CHAIR: Certainly, when we talk to different Aboriginal groups, we have found that the elder women have been particularly useful, if I can put it that way.

I know we have rushed you somewhat, which was partly our fault starting late and then probably we spent a lot of time on the Family Court and AVO stuff early on, but I think we have probably covered most of the areas. You have obviously prepared notes and material and so on. If you think there is anything that you could leave with us, we can resolve to accept tabled material, or if we could talk to you perhaps and get something that you have prepared that we have not covered, that would be great.

Ms CARNEY: There is a very good rundown by Justice Dessau of the Magellan project, when she gave a paper to the Criminal Institute. It is very simple and to the point.

(Moved by The Hon. Amanda Fazio that paper by Justice Dessau be tabled)

The Hon. AMANDA FAZIO: Earlier on when you were talking about relationships between children services or DOCS and the Family Court, you said that in Victoria they had negotiated a protocol between the Family Court and the DOCS equivalent. Are you aware of similar protocols in any other States, and, if so, which States have them?

Ms VAN DER ZANDT: Every State has one except for New South Wales. I also have the research that I was talking about, the overlap between the Family Court and the Children's Court in Victoria, about the two thirds of cases being withdrawn.

CHAIR: Yes, we added that to our list earlier on.

Ms CARNEY: Just on closing, could I just say two things. If I had a wish list, I know it is a big thing to ask, but I think that at some stage a unified system throughout the whole of Australia would be helpful, unified relating to the Family Court and child protection issues. That would be an enormous task, but it would certainly help, because there are problems State to State as well. When children move into another State the protection agency, say in New South Wales or Queensland, closes down and they start from scratch again with that child.

(The witnesses withdrew)

(Luncheon adjournment)

(Evidence continued in camera)