

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Monday, 26 September 2016

INQUIRY INTO CHILD PROTECTION

The Committee met In Camera at 9:00 am

CORRECTED PROOF

PRESENT

The Hon. G. Donnelly (Chair)

The Hon. P. Green

The Hon. T. Khan

The Hon. M. Mason-Cox

The Hon. D. Mookhey

The Hon. P. Phelps

Mr D. Shoebridge

The Hon. B. Taylor

The CHAIR: Thank you all for coming along today. I remind everyone that we are in camera. Welcome to the second hearing of the inquiry by General Purpose Standing Committee No. 2 into child protection. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay my respects to the elders past and present of the Eora nation and extend that respect to other Aboriginals who may be present. The inquiry is examining procedures, practices and systems that operate in the area of child protection. Due to the sensitive nature of this inquiry it is important that individuals, including children, are not named or easily identified in evidence. Any examples or case studies should be generalised. Today we will be hearing from a number of witnesses including the NSW Ombudsman, the Alliance for Family Preservation and Restoration, the National Child Protection Alliance, Domestic Violence NSW, the organisation Fams, the Australian Services Union, Mackillop Family Services, the Catholic Education Commission and individuals in camera this morning.

Later today the hearing will be open to the public and will be broadcast live via the Parliament's website. A transcript of today's public hearing will be placed on the Committee's website when it becomes available. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In those circumstances witnesses are advised that they can take questions on notice and provide the responses within 21 days. I remind everyone that Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. While it is helpful to hear in a generalised sense about examples of cases we also wish to protect people's privacy. I therefore request that witnesses focus on the issues raised by the inquiry's terms of references, which you are all familiar with, and avoid naming individuals unnecessarily.

WITNESS A, Individual, sworn and examined in camera

WITNESS B, Individual, sworn and examined in camera

WITNESS C, Individual, sworn and examined in camera

WITNESS D, Individual, sworn and examined in camera

WITNESS E, Individual, sworn and examined in camera

The CHAIR: Thank you very much for your written submissions, which we have received and had an opportunity to look at. They were very moving.

Mr DAVID SHOEBRIDGE: They were very hard to read.

The CHAIR: It must have been very hard to write them and submit them. We found them very hard to read. We cannot imagine the experiences you have been through. We know how difficult this is going to be but we appreciate the fact that you have come along this morning. If at any time you want to draw breath and have a sip of water that is fine. We will keep things quite open in how we ask the questions. On the Committee there are representatives from the Liberal Party and The Nationals, the Hon. Paul Green is from the Christian Democratic Party, the Hon. Daniel Mookhey is from the Labor Opposition and Mr David Shoebridge is from The Greens. There is broad representation here. If you are happy we will hear an opening statement from each of you and then we will move into questions. We have plenty of time. We will start with WITNESS A.

WITNESS A: Thank you for inviting me along. You have all read the submission. The only thing I have to say in addition is I have had the opportunity to reflect and I think the problem is an ideological one. The department has such a difficult task to do and I recognise the need for child protection, but I think the problem is—sorry. I do not speak well; I write much better than I speak.

WITNESS E: Same. Do not worry. We are with you.

The CHAIR: That is okay. Just take your time. It is fine.

WITNESS A: I think what needs to happen is that there needs to be a separate body which helps to uplift the family and work from a strength-based perspective rather than the constant policing and vilification of the parent from the perspective of the department. I do not think that the ideology permits it to be able to embrace the importance of the family in the child's life, because all its policies and processes are oriented to child removal, maintaining control and that sort of stuff, which is needed in some situations but not all situations. I think it is very easy for families who are vulnerable and struggling to get caught up in that. It would be great if, as a point of first contact, this separate body would go in, build them up and work on the issues. If that is failing, parents are unwilling or there are actual abuse issues, then comes the control, the monitoring and removal if required. Otherwise the bulk of the family's problems are lost dealing with trivialities or personality problems because of the control aspects from the department and the assumptions and speculations that it makes based on certain ideologies that, personally, I do not think make sense.

The CHAIR: So an earlier intervention, trying to deal up-front with some of the issues?

WITNESS A: Even if it is at a point where the department needs to get involved—I mean, yes, if it needs to make first point of contact to assess risk or whatever, it could be referred to something like an in-home care establishment where the strength of the family was used. We have all got really good bonds with our kids. So does my mother—a long story short, my mother has mental health problems. Her relationship with her kids is great but the house becomes quite a mess. There are risks inherent in that but they can be solved with the provision of a cleaner three days a week. It is a very easy problem to solve but it is not, because the thought process is, "Okay, we're dealing with abuse, neglect and all this sort of stuff," but it is a completely different sort of ball game.

The CHAIR: Thank you. We will come back to you, as I am sure there will be some questions about that. You have made a very important point. Would you like to make an opening statement, WITNESS B?

WITNESS B: Yes. I have a prepared opening statement which I would like to read. Before I begin my statement I would like to make the panel aware that I have a medical condition known as essential tremor. This causes me to shake my head, which can often make it appear that I am disagreeing with what is being said. If you think I am disagreeing, please clarify it with me, because I have no control over that head tremor.

The CHAIR: Sure. Thank you.

WITNESS B: Thank you for allowing me this opportunity to speak. I am here not only for my family but for all the families that have faced the same journey. I have no doubt that what has happened to my family has happened to many others in this State. Not only have I seen it in reading through some of the other submissions made to this inquiry, but I have also seen it in the slick, practised manner in which any approach I have made to FACS has been summarily dismissed without proper and full consideration.

On , Community Services took an action that has shattered my family. At the time I had some measure of faith that Community Services would do the right thing; since that date I have been on a journey of discovery and of developing an understanding of how this department works. What I have discovered is neither ethical nor moral and sometimes blatantly illegal. Since that day I have approached many different people within the FACS structure to have things clarified for me. This includes the removing caseworker through to her management and up the line as far as the Minister for Family and Community Services, Brad Hazzard, who I met with on 10 December 2015. He made a commitment on that day that he would have things investigated, but almost a year later I still have no indication of whether he has followed through with that commitment. I have not had any communication from his office or his department since that day.

In my submission I stated that I am a FACS front-line worker who has worked through the many and significant changes to policies, procedures and practices, and I have witnessed firsthand the resistance to these changes. This resistance causes a reduction in the effectiveness of systems, procedures and practices to a vast degree. I have also witnessed front-line workers remaining blissfully unaware of changes and new policies and procedures simply because they do not bother to read them, do not have time to read them, are confused by them or are simply not interested. I believe there is also a level of comfort in not adjusting to changes. That means front-line workers do not make attempts to incorporate those changes. The best policies, procedures and practices followed with the best intention are ineffective if they are not adhered to or enforced. I will welcome further questions in regard to that.

In my submission I also suggest that complaints made against the Department of Family and Community Services [FACS] should not be referred back to FACS to investigate. I would like to extend that to non-government organisations as well. To support my reasoning, I table a further document for the Committee. This highlights the complaints process that means that those on the front line are not called to account for their actions. I believe this also applies to carers who are not appropriate or suitable people to be caring for traumatised children. There is an attitude that I have faced again and again; that is, if a complaint is made by a member of the biological family, just tick the boxes and dismiss the complaint as invalid. Again, I thank the Committee for this opportunity to raise my concerns.

Document tabled.

The CHAIR: Is that document to be read in conjunction with your submission?

WITNESS B: This is the complaint. After I made my submission, I made a complaint to . This is the documentation and the process that has been followed. They have just dismissed my complaint.

The CHAIR: Thank you. The Committee will look at that.

WITNESS C: WITNESS D and I will do a shared presentation. Thank you for the opportunity to appear before the Committee this morning. We are carers and we have had siblings with us for the past six years. The message that we would like to convey to the inquiry is based on our experience and the experience of a lot of other carers with whom we come into contact through various support groups and on the various social media sites where thousands of views are being put forward. Having heard WITNESS B and WITNESS A, even though it is from a different perspective, it is clear that we face the same issues. There is a consistent problem that we all face, irrespective of where we come from, whether it is as a birth family, carers, extended family associated with children removed, and children in the system. There is a consistency across all aspects.

Our message from our experience is that we believe that permanency and stability for children in care has been lost. We came across a recent message from another carer, and we thought it would be good to share. It is very eloquent. It states: "Over the years as a carer I have come to know and understand many different traumas. The trauma that brought the child into care; the trauma of having complete strangers in control of your life; the trauma of being placed with complete strangers; the trauma of never truly belonging; the trauma of never having your voice heard; the trauma of contact; and the trauma of an ongoing system with the department, NGOs, and a constant change. Constant change—there is no stability." Our experience is that we believe the

balance of this trauma has to be ongoing stability and permanency. We think that this has been lost and has been replaced in the system by what we have said is a very toxic culture of control, of power, and of bullying. That is not directed only at carers; it is directed at all of us. It is at a point where it is completely unacceptable.

This is what led us to lodging submissions. The recommendations in my submission would probably be considered fairly drastic, big-picture changes. However, this is what we believe needs to happen for change to occur in the system. In the past 10 years during which we have been involved, there have been restructures, changes, reviews, and the captain of the ship has been changed, all to no avail. Limited progress has been made here and there, but we believe there has been no change. The system is still toxic, and it is getting more so. That is what we are really concerned about. We believe there needs to be new legislation and a new system put in place to fix this. The current one is so, so broken that it cannot be fixed. It is time to look at a big change.

When this inquiry was announced, it gave us a lot of hope. We believe this current Parliament has the ability and the will to bring about that intergenerational change. I encourage members with all that I have to work towards that and to bring about change. You have the ability to do that. We will get behind that. If we are able to help, to save, and to provide a better place for the children in New South Wales, we will support it with all that we have. Thank you.

WITNESS D: I simply want to add a comment about permanency. I have been following this for many years, and much has been made of the Government's focus on permanency planning, changes to the legislation, having a permanency hierarchy, introducing guardianship, and so on. There has been media release after media release. While going through some papers before appearing here today, I found an old media release issued by the then Department of Community Services in June or July 2006 saying that we need to focus on permanency for kids in care in New South Wales. It is now 10 years later and much has been said and a lot of mileage has been made of it. We care for kids who are in permanent care, and that is primarily what we know about, not short-term care or the front end where kids could be restored, where birth families are working towards implementing changes, or having children restored. We know about the other end of the process where kids have been assessed as not ever going home.

The problem is that there is no proper legal permanency. It does not matter how you package it or repackage it, kids who are in permanent care can be moved by caseworkers at the drop of a hat because the carers have had a run-in with the agency. That happens frequently. Carers can have a run-in with the agency, the agency will decide they are no longer suitable to care for the kids, and it moves them on to someone else, even though they are in "permanent care". There are kids who know how to work the system, and if they are upset about something they know how to remove themselves by running away, and doing the tricks that kids get up to. They know that permanent does not mean "permanent". They might be testing the boundaries or pushing. In our case, we have been through six years of ongoing litigation by the birth family of our kids. On all the evidence, they will never have the children restored to them. But they insist on constantly upsetting the apple cart. It has gone on for year, after year, after year. These are kids in permanent care.

The mindset extends to some carers who unfortunately perhaps should not be putting their hands up to offer permanent care. I have known carers who have said, "I'll put my hand up for a child in the six to eight year age group, and we'll see how it goes." They might have the kid for a month, two months, or six months and decide it is not working out. They will hand them back and try for another one.

I think that is not the mindset of permanent care and that is not permanency either. Guardianship can be overturned by a section 90 in the court. Parental responsibility can be overturned by a section 90 in the court. The only thing that leads to proper permanency is adoption. Everyone knows that there are a whole lot of points of view on that. There are the "for" and "against" and you could go into it but now I do not really want to go into that. But what I do want to say is that the biggest change that will make a difference for kids is proper legal permanency, a proper permanent care order where "permanent" means permanent. I do not think it has to be adoption, I think there are other ways to achieve it, but certainly all the changes that have happened in the past few years, especially since those legislative changes in 2014, do not lead to permanency. There is no permanency outside of adoption. If the Committee could look into that I think that would be really helpful and if changes could be made to make "permanent" mean permanent. Even the rhetoric, you know everything is about safe home for life, that is not "for life". There is no "for life" in foster care. There are permanency planning guidelines but the whole thing is just a complete misnomer and so that is what I would like to see addressed.

The CHAIR: Thank you.

WITNESS E: It is good to see you all again. Firstly I would like to thank the Hon. Greg Donnelly for chairing this much-needed inquiry. I would also like to thank the other Committee members who are here to

hear us speak today and are willing to hear us share our firsthand knowledge of this department's traumatising and damaging behaviours. Although I sit here today as an ex ward, having suffered some of the worst abuse and neglect the system has to offer having an incredibly similar time in care to girl X about whom I am sure have heard recently—sorry.

The CHAIR: Just take your time.

WITNESS E: I also speak for the hundreds of people—I am at Disneyland now on a roller coaster—who have reached out to me through my social media page, , after the very limited official avenues supposed to support them have failed them. These people include foster carers, kinship carers, ex wards, children in care, parents and their extended family. Many of these issues raised by them are, but not limited to, unnecessary and traumatising removal of both biological children and foster kinship children with no explanation to either child or carer. Kinship carers do not receive any free training before and during caring for their children. The training that is provided is really not adequate for these traumatised children, many not even receiving adequate police and Working with Children checks for kinship caring.

Kinship carers are also manipulated into caring for kids by being told that medical and therapeutical expenses will be covered by FACS, however, carers are then left to foot the excessive amounts of money these expensive treatments cost, not to mention the tactic of not telling the carer full information on the child so to avoid paying the full amount owed for that particular category of level of child. I know it is not about the money, and it should not be, but when most look at starting a family they take into consideration the fact of how they will provide for their child and give them the best possible upbringing they possibly can. So why cannot kinship or foster carers assess the same factors without the assumption they are only in it for the pathetic amount of the funding they get anyway?

The lack of a valid and trustworthy complaints avenue and process, one that does not give the complaint straight to the very people the issue has been raised about. Due to this many carers no longer speak out and often make the choice of keeping quiet at the risk of the other child's safety or speak out and risk losing their foster or kinship child through reprisals or other cunning tactics like losing resources for their foster child. For those carers who do speak out this more often than not initiates backlash and reprisals and for some even their lives destroyed.

Last year I delivered a solution to part of these problems and have a petition with over 70,000 signatures calling for this solution to be taken seriously but instead I was told to go back and study. An independent complaints body that allocates cases to appropriate sectors will, in turn, also indicate where many problems stem, making it more efficient to rectify the failings. One of the biggest issues is the lack of accountability, if any, to any worker behaving inappropriately or in a way that is destructive to other people's lives, especially the children. This enables caseworkers to fabricate records and have opinion become fact, leading to these appalling removals. Nor is there appropriate accountability for family members that abuse their children, so what hope do they have?

I have suggested a World Vision policy report that could and should be implemented here with small changes to be more suited for our environment and cultural background. My printer decided to die last night and I have only got two copies. Of course, it is based on overseas sort of stuff so there are things like "rice crops" but the actual general idea of it and the funding and the way that it works is brilliant. There are many other models from all over the world and, granted, when humans are running them nothing can be perfect but I can guarantee you all that many of these models are giving children a much safer, more stable environment, breaking the cycle for the next generation of society.

Ultimately I would love to see a professional model actioned, and a completely new way of thinking to be applied, and not the same soul-destroying way, killing our innocent children that is happening today. I also have plenty of ideas on how a model like this could work and how you could utilise it best. If you are interested in the future I have so much more to put down and only a few minutes to cram it all in, but I would love the opportunity to speak with any of the Committee members to answer any further queries or curiosities you may have.

I just want to finish by asking if there were any way you, as a Committee, have the powers to demand FACS to follow through with your recommendations after this inquiry has handed them down? Could you please push this action for us and the children in their care? I love the fact that we have this inquiry. I like to call royal commissions and things like that smoke and mirrors for Minister Hazzard which is, "Hey, I'm doing something about it, quick have a look. I have called something for it", but they just hand down recommendations. He does not act on any of the recommendations. I sat in an office with him and I asked him

about certain things and he said, "Look I can bark the orders from up here but I can't change the culture of the caseworker." I was just horrified at that response.

The CHAIR: Thank you for your opening statement. I thank you all for your heartfelt contributions. I will open it up now for questions about your submissions in the first instance and elements of your opening statements.

The Hon. PAUL GREEN: WITNESS B, I note you said you made a complaint to . Will you inform the Committee the part that Life without Barriers plays in that complaint? Is it an independent complaint because you could not get a hearing anywhere else or is it for some other reason?

WITNESS B: now has case management of my grandchildren. A caseworker submitted a document to court to say the present placement for two of my grandchildren was stable at a time when many issues had been raised. I actually spoke to the Child and Family Unit in Queanbeyan, which is a FACS department, who told me that I had to go back to to address that issue.

The Hon. PAUL GREEN: For the sake of members, I declare that some time ago I helped WITNESS B arrange a meeting with the Minister.

WITNESS B: Yes.

The Hon. PAUL GREEN: In terms of this independent body, we seem to be gathering strong evidence that people do not think they are getting a fair go. It is a David and Goliath battle. Once it becomes a situation where the carer or the children takes on the department, the department basically protects itself as an organism. If we can be fruitful in this inquiry, one of the recommendations we need to make is an independent review panel. Would you agree with that?

WITNESS B: Absolutely.

WITNESS C: Yes.

WITNESS D: Yes.

The Hon. PAUL GREEN: If so, and I would like your suggestions, who do you think should represent the most vulnerable on that panel?

WITNESS E: When I put forward my petition to Minister Hazzard asking for this independent complaints body, his response to that was that they have adequate avenues like the Ombudsman and the Office of the Children's Guardian and things like that. Those avenues are not adequate at all. They are quite biased to Family and Community Services [FACS]. Some would almost say that FACS control them as well. If I was to have an independent body, I believe that you would need some good ex-caseworkers who have been voted as reputable caseworkers, youth workers from residential homes, great carers, definitely, and kids that have lived and been dredged through that system. Who else would you recommend?

WITNESS B: I would recommend advising the biological parents as well.

WITNESS E: Yes, parents, anybody who has been really affected.

The Hon. PAUL GREEN: Let me clarify. I hear what you are saying. It seems you are saying that you would put a panel together to review something. I am not talking about that. I am talking about an independent body that could review the us-and-them argument and come up with the what—

WITNESS E: Some might say the NSW Civil and Administrative Tribunal [NCAT] or the Queensland Civil and Administrative Tribunal [QCAT], or any of those other tribunal systems might be an avenue. I know of a case. I know this person personally. She had to go to QCAT because she was not being listened to by the Department of Community Services [DOCS], knowing very well that the two boys in her care were being sexually abused by her—¹

WITNESS D: This is in Queensland?

¹ Witness E subsequently advised that the children were "sexually abused by their older sibling during access that this carer had pushed for, believing they should have contact with them". The witness emphasised that the children were not abused by the carer, as stated in the transcript above.

WITNESS E: Queensland, yes. Sorry, no, this is not New South Wales.

Mr DAVID SHOEBRIDGE: QCAT is Queensland Civil and Administrative Tribunal.

WITNESS E: Yes. So they called a private meeting and removed all DOCS workers, and the judge said, "I believe you, but if you continue this, FACS are going to make these allegations against you." This is the court system. These people have given up now because the court system has said, "You have got no power."

The Hon. PAUL GREEN: WITNESS B's case, which I am more familiar with, is that the more you divulge to FACS that you need help or care, it is seen as a negative rather than a positive.

WITNESS E: Yes.

The Hon. PAUL GREEN: Would that be your experience?

WITNESS D: Absolutely.

WITNESS E: Definitely.

The Hon. PAUL GREEN: Do you want to enlighten us as to how that might be the case in your situation, where you may know or have experience when you have confided in FACS to gain strength and, instead, it was counted against a situation or a case?

WITNESS A: It seems like any time we try to address anything, it is always turned around and used against us. There is always this emphasis on—yes, that is why we get the impression it is all about the destruction of the "struggling family" because that is what it seems they do.

WITNESS E: Damned if you do, damned if you do not.

WITNESS A: Yes, that is right. We had a letter from my wife's doctor, saying that she did not have psycho something or other, which listed what her things were. The caseworker said, "Can I have that?" We said, "Sure", and gave it to her in good faith. It was used later in court documents. He made a complaint to them that had made these points as a complaint, rather than us trying to work with them to show what the issues were. We were trying to work with them, but they turned it all around on us.

WITNESS B: I would like to add that every time I approached FACS to try to work with them to come up with a solution, FACS referred me back to their documents and then just said, "Well, you do not have any insight, so we do not want you to have anything to do with the children."

The Hon. PAUL GREEN: From what I understand, when you get to court, you do not know what half of the reports say, and it is only then you find out that they have been critical of all your vulnerabilities. Would that be a fair comment?

WITNESS A: Yes.

WITNESS B: Yes.

WITNESS E: And you have no say whatsoever.

The Hon. PAUL GREEN: And you do not know that they have written these things.

WITNESS A: That is right.

WITNESS E: Yes, nothing.

The Hon. PAUL GREEN: So that does not help.

WITNESS B: Also, in regards to reports, FACS will pull out what they like and ignore anything positive.

WITNESS E: Yes. They also diagnose. They will put diagnoses of mental illnesses in their reports without proper—

WITNESS B: Without proper diagnosis.

WITNESS E: —diagnosis from a professional, and their opinion becomes fact—"This person has borderline personality disorder because of their erratic behaviour." Hello, you just took their children off them, of course they are going to be erratic.

WITNESS D: I do not know the answer to your question about who should this body be and I do not have the experience to answer that. You would have to look at what has happened. There are other independent investigative bodies out there that work—did the police develop this—the name escapes me.

Mr DAVID SHOEBRIDGE: We are in the middle of reviewing the police oversight.

WITNESS D: This is not the first forum or the first Government department that this sort of thing has been talked about, but whatever this independent body is, it needs to have the ability to be able to make proper investigations where there is proper evidence and proper facts gathered, because so much of what happens is based on opinion and not on evidence or fact, and that would have to be one of the key things that would underscore it.

Mr DAVID SHOEBRIDGE: Can I ask you what your experience has been in the Children's Court? **WITNESS E,** you said you are not even heard; you cannot speak. What about the capacity to challenge opinion and the willingness of the court to listen to those arguments?

WITNESS E: None.

WITNESS B: No.

WITNESS D: No.

WITNESS B: My experience—

Mr DAVID SHOEBRIDGE: I think every one of you said none. Is that right?

WITNESS B: None.

WITNESS C: Correct.

WITNESS D: The department is extremely powerful.

WITNESS E: Extremely.

WITNESS D: It does not matter who you are. If you want to counter their opinion, if you think you have evidence, like reports from the children's psychologist, whatever, they are so powerful to just wipe it all aside. It does not matter who you are.

WITNESS E: And they will not let your side—they will say—

The CHAIR: This is all good evidence, but we need to hear one at a time so Hansard can record it.

WITNESS D: In our experience, and we have been to the Children's Court too many times—way too many times—and I do not think it is just us, the message comes from anyone who goes to the Children's Court, the department is so powerful, and often on the face of not a lot of evidence. It is almost like the Children's Court is a rubber stamp for the department's position, and I think part of that is because the Children's Court is a closed court, so it is not open to public scrutiny, it is not open to the media. There is not that transparency and the tricky thing about that, obviously, is you are dealing with delicate issues. You are often dealing with very young children and you need to protect their privacy, but it seems that that has come at the expense of having a vigorous and proper process.

WITNESS E: I have forgotten what I was about to say.

The CHAIR: We can come back to you.

Mr DAVID SHOEBRIDGE: That is all right.

WITNESS B: I was in the position of having to represent myself because I did not qualify for legal aid but did not have enough income.

Mr DAVID SHOEBRIDGE: You pointed out that you were in exactly the wrong sweet spot in terms of finances.

WITNESS B: Absolutely. Despite evidence I presented to the court that the caseworker in my case was blatantly lying, it was assumed that, because she is the Department of Family and Community Services [FACS] case worker and I am just the biological grandparent, she was telling the truth and I was lying. I did not get a fair hearing. I did not even get a chance to question fairly. When I was questioning the caseworker, the judge in my case would intervene and provide excuses for her.

Some of the evidence is in my submission but there is so much more written evidence from FACS's own case files that the mother of my grandchildren—my daughter—complied with every demand made of her right up until three days before removal, when the caseworker came into her house and said, "You will sign them over or we'll remove them." There were not even any further risk-of-serious-harm reports, and there are two years' worth of records on how well she did comply. All that was ignored by the courts.

WITNESS A: I guess we have been pretty lucky because I am on a fairly high income so I have been able to get really good lawyers. In court I find that the department submits just the one side and suppresses anything that is not going to support their cause. Because we kept records of everything and email exchanges we were able to dump all the other side and show the complete fabrications that they made. I am sure it would count as perjury.

The CHAIR: When you say "fabrication" do you mean manufactured statements or manufactured issues?

WITNESS A: Yes. For example, when they first came into our house, yes, it was a mess but we had cleaned it up by the following weekend. Given my wife's condition she did a fairly good job after that. She does struggle with it. She has attention deficit disorder; it is quite severe. But the department claimed that the photos that they took were taken just prior to removal. But that was not the case; that was several months later.

The mind games that the department plays—promising services and then did not providing them et cetera—was just obscene. None of that was mentioned in their reports. I have documents upon documents saying everything that happened, and I have submitted that. Because my wife is very good with the kids, we passed the parenting capacity assessments without a problem. It was just that, because there is a problem, the department thinks that removing the kids is the solution. That is not the solution; the solution is in providing appropriate support, and I do not think they are capable of that.

Mr DAVID SHOEBRIDGE: The prosecution in a criminal case has an obligation to provide both inculpatory and exculpatory evidence—evidence that proves guilt and evidence that might prove innocence. There does not even seem to be that right for families and parents. That would, at least, be a starting point, would it not?

WITNESS A: Yes. My lawyer was shocked that that was not done. That was his view as well. I felt like explaining to him that that is just the norm for them.

WITNESS E: I remembered what I was going to say. The department has its own FACS-appointed psych evaluations. They are as shonky as. The psychiatric reports are in favour of FACS. If you pay for your own psychiatric report that will be discounted because it is not a FACS appointed psychiatrist. It is believed that because they do not deal with those sorts of things they do not have the experience that the FACS appointed psychiatrists have.

Mr DAVID SHOEBRIDGE: There have been a number of submissions where the reports of a person's treating psychiatrist or psychologist or a GP who has a long history of dealing with the child, a carer or a parent, are given no weight, yet the report that has been obtained in a two-hour session FACS-appointed—

WITNESS E: If that—it may be 10 minutes with a child.

Mr DAVID SHOEBRIDGE: —specialist becomes unchallengeable.

WITNESS E: Yes.

WITNESS D: Yes.

WITNESS B: Absolutely.

WITNESS C: Yes.

WITNESS A: Yes.

WITNESS E: I know a woman on the Mid North Coast who is doing a psychology report at the moment. It is insane what she is doing. She is lying really low at the moment, seeing that the whole thing came out about them not being accredited. It is insane what they are doing; they are just cruel.

The Hon. Dr PETER PHELPS: I have a question for all the witnesses. Would the outcomes for children in this State be better if we just abolished FACS in its entirety?

WITNESS C: I would support that 100 per cent.

WITNESS D: Yes.

WITNESS C: I think that is what needs to happen. If you look at our experience of the Children's Court you see the controlling power of the department. It is so massive that it is underestimated. Under the current section 90 when we were trying to find a solicitor to represent us we spoke with one who said that he did not want to get involved because of his previous experience with the department. He was instructed to go and talk to the magistrate in chambers, and lead the direction of the proceedings into the solution that the department wanted. He refused, obviously, and said, "No, I will not do that." That is the type of thing that is going on. I believe that the Children's Court is just a section of the department; it is completely controlled.

The solicitors that are engaged by the department are afraid to challenge or take a stand for family or carers or for the children because they are worried that the department provides all of the legal work associated with the child protection. It is a gravy train and the voices of the children are not heard. Together with abolishing FACS the Children's Court needs to go as well.

The Hon. Dr PETER PHELPS: There is always a problem that when you create a Government institution there will be mission creep, and it will gradually expand its power over time, especially when dealing with ordinary members of the public because the people in the institution believe that they know better. The institution will have an internal professional expertise about how children should be brought up and what the condition of the house should be like and what the maternal and paternal activities of the parent should be like. How do you possibly avoid that situation from occurring other than returning to a laissez-faire system of 100 years ago, when there was no FACS? How do you deal with a situation where there is genuine abuse of children by the birth parents, and allow for children to escape that—through either adoption or long-term fostering?

WITNESS A: I have an idea. In my submission, the police could do a good job of removing a parent if there is a potential problem. Then the child remains in its familiar environment with the other party, and the parent is more resilient to be able to handle whatever injustice they have incurred as a result of that, while an investigation is happening. Also, if you have a strength-based approach, which is injected in—rather than tearing a family apart and then going to court and solving a problem later—then they are also on hand to be able to properly assess and see what is going on. If it is not workable then proper adjustments can be made so that it is.

The Hon. TREVOR KHAN: I will make an admission now. I have worked in the Children's Court—I was happy to leave it—so I have some experience. What do you do with the single mother who is drug affected, when you do not have another parent available to look after the child or children?

WITNESS E: Did you read my file?

WITNESS A: Within HomeCare, the carer comes into the home and, like I wrote, rather than being a carer if they are a problem-solver then they could support that parent to get back on track and look after that situation. If it is truly a problem for the child in that environment then absolutely—

The Hon. TREVOR KHAN: Seriously drug-affected parents are a big problem for children.

WITNESS A: I do not have that experience myself.

WITNESS E: Yes. Can I put forward what I suggest for that? We pay people to have children—bad, bad, bad. We are paying the wrong dynamic to have children. Instead, I think we should be paying in social services access for them not to have children. I know that it is a human right—listen to me. Give them an option, so here is an increase in welfare or whatever—

The Hon. Dr PETER PHELPS: If you have an implant.

WITNESS E: Yes. If you already have one child in care—I am not talking about somebody who does not have children; I am talking about somebody that has already pumped two or three children into the system. We are going to end up paying \$200,000 for the child once that child gets pumped into the system, so why not give them the incentive not to procreate? With regard to drug-affected families of a child and the parent is under the influence, I think it should be mandatory rehabilitation. We would rehabilitate that parent for 12 months, and once they are in then give them the option—do you want to take on this responsibility? Can we support you with your parenting? Will your child be permanently adopted? That is how I would look at it.

The Hon. TREVOR KHAN: WITNESS C, you raised getting rid of the department and its systems. In terms of the completely hopeless parent—and there are completely hopeless parents out there, and I think you might have seen that—

Mr DAVID SHOEBRIDGE: And worse than hopeless sometimes.

The Hon. TREVOR KHAN: Yes—those with no family support structures, which we know exist, how do we cope with caring for those children?

WITNESS C: Just going back one step, the department as it is now is just too big and too powerful to focus in on those particular needs. It has to be broken down into the various focuses of what are the problems and the solutions that need to be provided. In that particular case, the department has to be broken down so where there is effectively no support and no hope for permanency and stability for the birth family to provide for that, then I think there needs to be an adoption agency developed. That can be further broken down into two parts where initially there is a focus on exploring all options of how broken that may be and how to provide a permanent solution. For that particular area there needs to be a focus. I use the word "adoption" because that is what it is, but it could be guardianship or adoption.

WITNESS D: Permanency.

WITNESS C: Something that is legally permanent for the child right until it is 18.

WITNESS E: WITNESS C, do you believe that some people are not adopting because these children are highly traumatised and do not fall in the same category as the norm, so they still need ongoing support financially, and therefore to adopt a child you eliminate any support for those traumatic behaviours?

WITNESS C: Yes, I really do believe that families are hesitating because they know how the department will treat that family. In just our network of people, there are families who say they would love to foster and provide permanent care or adopt, but they have seen what has happened to us and they do not want to go anywhere near it.

The Hon. Dr PETER PHELPS: You mentioned that there are wonderful policies and priorities, but it seems to me that your chief concern is with the authority and agency of caseworkers in particular. One of the criticisms I have heard is that caseworkers are too young, too white and two middle-class—in other words, they see a messy house and assume that there is parental neglect, or they see no food in the house of the child and assume it is parental neglect whereas in fact they go to grandma's for their meals. Is it your experience that caseworkers generally have unrealistic expectations about household experiences. On the flip side, if you have seen good caseworkers, what were the elements that made them good caseworkers? Was it simply age or professional accreditation? What made them good caseworkers as opposed to bad caseworkers?

WITNESS A: We did experience good ones, and that was great because they observed and used their brain instead of having a bureaucratic mandate from above. The further up the hierarchy you go, the more vilifying and revolting their personalities are in the way that they treat people. Yes, it is a cultural thing, and I have no doubt that it is because—

The Hon. Dr PETER PHELPS: Is because they have seen so many bad families that they assume all families are bad?

WITNESS C: Correct.

WITNESS E: Yes, they are tainted.

WITNESS A: Yes, but the thing is that they have seen us with the children and they have zero complaints with the way we interact with our children. The caseworker even describe my wife as being exemplary in parenting before they found out that I disagreed with them as to why our children were traumatised, which was the removal. But the whole hierarchy is problematic. You might get a few good ones who will oppose that because they are viewing it the way they view it. But for them to progress, they have to become unpleasant like the rest of them to be able to move up the ranks, otherwise they get overlooked. I do not think the culture can be changed from that without some—

The CHAIR: You are saying it is quite entrenched?

WITNESS A: Yes, it is entrenched.

WITNESS B: This is coming back to me as being a FACS front-line worker in disabilities, I might add—I am not in child protection. If you stand against your team, you do get intimidated and you get locked out. Quite recently I had an experience where I went up line because a client in a home where I worked was being bullied by my line manager and another worker. I tried to step in and got very intimidated by the other two—there were only three of us on the shift. I took it up line, who did not stop the bullying. The next time I worked with those two people, I was locked out of the office and I was allocated all of the menial work. My co-worker

was given the easy stuff. I spent eight hours working on a shift when nobody spoke to me. This happened only two weeks ago, all because I stood up for what was right.

WITNESS E: You held your head up and she did the right thing.

WITNESS B: I know I did the right thing. My workplace has been so uncomfortable for me in the last two weeks that I want to leave my job. That is what takes place on the front line. That is what the good people face. If you stand up against the bureaucracy, you are ostracised and you are intimidated. There is a real bullying culture out there, despite the fact that we have a very strong anti-bullying policy. It is run by people who are narcissistic with very strong personalities. They have no compassion. If you have compassion for somebody on the front line, that is when you make yourself vulnerable.

WITNESS C: We can echo that. There are good caseworkers and there are good people that work there. We have come across them. They do their job really well, but they are under so much pressure. They are up against a culture that is toxic, which is the word I used before.

The Hon. Dr PETER PHELPS: Pressure to do what?

WITNESS C: Protect the department at all costs.

WITNESS E: Cover up.

WITNESS C: Cover up and protect.

The CHAIR: And to be perhaps abundantly cautious? In other words, to err on the side of caution?

WITNESS A: No, not at all.

WITNESS C: No, it is effectively either blame the birth family or blame the carer. There is no transparency in decision-making. When we question that in a way and we say that we think the children would be better doing this because we have observed their behaviours or what they like, it is really just squashed because it is an agenda of if that happens it is going to prove the department were wrong in their initial assessments. So at all costs they will hold on to that. I think the thing is the culture there is that the caseworkers have a thought process that all kids in care are damaged, all birth families are dysfunctional and all carers are after money—it is as an easy way of making some money on the side. That is how we are all treated. We have seen this. We have witnessed this. It is what happens to us. An example of that was we have been told a number of times to throw the towel in on what we are doing because the kids you will have will end up pregnant by 16 and drug affected and they will be back in the system and they will propagate the next generation.

Mr DAVID SHOEBRIDGE: You were told that by the department?

WITNESS C: Yes, by the caseworkers.

WITNESS E: I can back that up.

WITNESS C: We are just told, "Don't try too hard because these kids are so damaged you can't change anything." We are saying, "Hang on, no. We can change it and we've seen it." We are constantly protecting our kids from that culture. When we see that happening and in our court cases and various things we stand up to protect them from that and we get criticised enormously. That is when all the allegations start coming because effectively what the department sees is we are challenging them and we are challenging their decisions. We are saying, "Hang on, it's all about the kids." It is not. The department is about protecting the department.

WITNESS D: If I can get back to the original question that all caseworkers are too young, too white, too middle class, it does sound like we are very negative about everybody but I can think back over the course of our time and I can pinpoint in my mind two or three. Honestly, in the six years we have been involved we would have had in excess of 20 caseworkers. That is one of the biggest issues. Caseworkers last a maximum of six months, so there is no continuity in terms of getting to know carers and the foster family and how that family works and operates. There is no ability to develop a relationship with the child and truly understand the child. That is where good decision-making comes from. They are in the business of knowing people. If you do not have any longevity in the job there is no relationship built and therefore no good decision-making occurs.

It is not just necessarily about age. Yes, mostly they have been very young but there has been a small number of them that have been good. I can think of one young lady in particular who was excellent. The

difference was that she grew up as the biological child in a family that fostered her whole life. She had lived, firsthand knowledge of what it was like for a child to be in care and how to support foster carers and how to do that. It made a huge difference in the way she approached it and the way she did her job. It was that lived experience that she had. If you just chat to them and get to them a bit you find a lot of them have come from very dysfunctional families themselves, which is often why they go into that area of work. Their view of what is normal is a long way outside of what you would want to aim for as a normal, stable life for a child. I think that heavily influences them.

The Hon. Dr PETER PHELPS: Are you saying that they overly idealise the perfect family?

WITNESS D: No, the opposite. They think that it is reasonable for the kids to have days off school to go to contact visits, to have days off school to go to therapies, to go here, to go there, to have different transport workers pick them up to take them differences places on different days of the week.

The Hon. TREVOR KHAN: They do not see a problem with that?

WITNESS D: They do not see a problem with that because they have grown up in a chaotic environment that was not stable. I have had black and blue arguments with caseworkers that the kids need consistency. If you are going to have a transport worker take them somewhere you need to have the same transport worker. We do not bring up our kids to trust any old Joe who turns up at the front door and say that you will be okay with that stranger and the next day the next stranger and then in two weeks the next person who turns up. That is not okay. That is not in the best interests of kids. You find yourself having to become seemingly crazy and over-advocating for the kids for something that should just be seen as normal. It is often because it is the caseworkers' lived experience of their own childhood that has brought them into this area of work and they are bringing that to their work.

I do not know if it is training in terms of what they should be learning at university but I think a lot of them are very young and have a poor understanding of not family life but the effects of what has happened to the kids before they have come into care—trauma, prenatal drug and alcohol exposure, domestic violence and all those things. They are all very young ones; they do not know what those things do to kids and how that changes parenting a child with those factors in their background versus parenting a child that might be your biological child. There is a lot of information out there on those things. We have sort of educated ourselves, we have done a lot of reading, there are a lot of online courses and things that you can do. You often find yourself as a carer far more knowledgeable than the case manager who is managing the children and that leads to a lot of conflict. It should not be that way; it should be the other way around. But these caseworkers, maybe because they are very young, do not have that knowledge and experience. There is an imbalance of power. They have all the decision-making power over the kids in your family.

The Hon. Dr PETER PHELPS: But not the experience to adequately use it?

WITNESS E: And they have to preach that they know more than them. It becomes a game.

WITNESS D: You have to constantly prove that what I am saying to you has credibility, read this paper, look at this, this is our experience in parenting the kids. Disturbing their routine that frequently and that often upsets a child who is traumatised already. You have to sort of become the expert but yet they see you as a babysitter. It just leads to this never-ending conflict. How you fix it I do not know because obviously there is this high turnover because it is a very difficult area to work in and a lot of people probably would not be attracted to that.

WITNESS C and I had a lengthy conversation. They had Sir Martin Narey from the United Kingdom out for National Adoption Awareness Week last year. I know he did some sessions with FACS and he travelled around doing various sessions. He was a very interesting person to talk to. I do not know if you could obtain any of his materials or what he did in going through a process of reform in the UK. One of the things he said was that—I do not know if it is very politically correct to say—what they looked at in the UK was basically raising the admission mark for social workers so that you can attract people of—this sounds really political incorrect—perhaps a higher calibre who might bring a different element and bring a higher level of training who could understand the issues to a greater degree and who might stick at the job for longer.

WITNESS E: And different training too.

WITNESS D: And people with different skills.

WITNESS E: Practical training, not just theory.

WITNESS D: I think a lot of people who are attracted to this area of work if you could personality profile them would be very high on the feeling end of things. That is why you get so much ad hoc decision-making. We need people who are more able to implement policy and procedure, implement them with rigour, implement them with consistency and transparency. I worked for probably more than 10 years—I cannot remember any more—at the . It was a completely different area of work with different applications but we are licensing people, we are regulating pollution, we are regulating outputs, we are looking at various industries all around Sydney. There are different opinions and different competing interests there, but honestly in all of my work there was never this ad hoc decision-making.

You had policies about what levels were allowed for water pollution, air pollution or this and that, and people applied a completely different skill set to that. It was not a matter of "I liked Caltex down at Kurnell so I would give them more leniency" or "Because I think I know more than Orica about this, I'm going to force this on them because I know more about their process." It just boggles my mind, what I deal with. **WITNESS C** and I have worked together in a number of government departments, and the way that—

Mr DAVID SHOEBRIDGE: You have put that in as one of your recommendations: a much more analytical response.

WITNESS D: Absolutely. They would do so much better to have people with analytical skills, not based on feelings, fabrications and ad hoc decision-making.

WITNESS E: Too white, too young. I know many caseworkers who are of mature age. When it comes to the young ones, I think—

The CHAIR: Just for our understanding, when we are saying "young", what are we talking about: less than 30 years?

WITNESS D: Absolutely.

WITNESS E: Yes. Less than 30.

WITNESS C: Graduate.

The CHAIR: Less than 25?

WITNESS D: Less than 25, even. Less than 30.

WITNESS E: Less than 25, yes. Fresh from university.

The Hon. Dr PETER PHELPS: Without kids also, presumably.

WITNESS E: Without kids.

WITNESS C: Single, without kids.

WITNESS D: Without kids, absolutely—99.9 per cent of the time. We have never dealt with anyone with kids.

Mr DAVID SHOEBRIDGE: But that is a position that has been put by the Hon. Dr Peter Phelps. Each of you has said that it is not necessarily that package, that caseworkers come in all shapes and forms.

WITNESS E: They need to do things like change the training. Instead of just having the university's theoretical stuff, these caseworkers need to maybe go and live at carers' homes or something—I do not know, but something where they can see the life experience of how these kids actually work, how they manipulate, how they push and what carers go through on a day-to-day basis, because they really do not have any idea. They go in with their predisposition of what they think it should be from what their textbooks have said. They do not know that Jimmy has lost the plot for half the morning or whatever and they are having one of those mornings, and when they walk in there is still stuff sitting around in the kitchen. There is no common sense with it because there is no experience. I find caseworkers are a lot better when they do have children, because they have that knowledge of what it is like to be a parent.

I want to say something, with regard to something that was said before about the support systems. We have foster families that foster children when they are removed. Why do we not have foster families that foster families? Instead of having a child removed, we have the foster family that says, "We've got a family here. We don't want to remove the child, but maybe there's some way you guys can interlink with each other. You might be able to support the family and help them get their parenting skills back on track."

The CHAIR: Some mentoring.

WITNESS E: A mentoring family as well, instead of just going in and removing children. Another thing I want to say: there are policies for removal but there are no policies for reunification. It is all about taking the child away but there is nothing on trying to support the family. They say they have got Brighter Futures and all this sort of stuff. They do not use it. One of my foster fathers was one of the heads of FACS and he ran one of the intervention programs. He ended up just retiring because he was sick of the fact that they claimed to do all these things and just do not do it. Families are not being supported. We are removing children. I just recently heard that NGOs have told their caseworkers to reunify wherever they possibly can, right now, now that this inquiry is on.

The CHAIR: "Reunify"—what is that?

WITNESS E: To put children back in with their families wherever they possibly can. I also got word the other day that three districts were not accredited. You may want to delve into that, because there are actually offices within other districts that are not fully accredited either: They are partially accredited for only a 12-month period. I do not know whether you have been told the complete truth of that as well.

The Hon. Dr PETER PHELPS: We have.

Mr DAVID SHOEBRIDGE: I separately have some questions on that.

WITNESS E: One more thing: a professional system. At the moment we have foster carers. Foster carers are the bottom feeders. Nobody respects them. They have the reputation that they are only in it for the money. The placements are breaking down because children are being placed with families that are not adequately trained to look after these children. My thing would be to have a professional system where you have courses within courses and how many courses and whatever that you are specifically trained in will depend on what grade and category you are. So then we have a caseworker system, or whatever system we end up having, where: "Jimmy needs a home. He's in grade 5. Who have we got on our list who is capable and trained up to handle a kid like this?" They are paid more and they are professionals—that sort of system instead of a carer system where they get paid this piddly little amount that they cannot even support the poor children with, really. Also to provide free crèche for them while they are training, because they are already foster carers so they do not have the time to do this. If they could do online courses—if they could be supported to be doing this, then we would actually have a better system where we know where we can properly place children appropriately. I mean, you do compatibility for adoption. It is the same sort of thing for fostering and you will have fewer family breakdowns and—sorry: I am gibbering now.

The Hon. DANIEL MOOKHEY: In terms of policy responses that the Committee could endorse, a theme is coming through very clearly that there is a need for a complaint process that is a lot more rigorous and independent than the one that exists now. Going back earlier in the spectrum of decision-making, rather than us having to invest a lot of energy into the repair or construction of a complaint system, do you think there is merit in us essentially splitting up the decision-making powers of the department so that the people who are making the assessments are not the same people who are essentially initiating the litigation on the part of the department? A parallel would be the Director of Public Prosecutions and the police. The police investigate matters and prepare reports but there is another decision-maker in the system before matters go to court as another opportunity to split the power. Do you think there is merit in such a system? If we have a choice between constructing a complaints system, do you think we should be putting the balance on the complaints or on repairing the original decision-making?

WITNESS C: I think that is the direction it needs to go in. I think that is a very good example with the police and the DPP at arm's length. At the moment it is all in one and there is no real transparency or accountability. It needs to be separated, because I think that is the way it has to go.

WITNESS E: Because there is no accountability, so nobody is actually found guilty, so to speak, it keeps going. It is like a snowball because they know they are going to get away with it.

WITNESS D: I think you need both. I do not think having one or the other will necessarily fix the problem. I think you are going to need both.

The Hon. DANIEL MOOKHEY: But you see merit in having the first part in addition to the complaint system.

WITNESS D: Yes, both.

WITNESS B: Actually there are things in place at the moment that, at least in my case, I know were not accessed, like family conferencing, dispute resolution—those kinds of things that should have been put in

place before removal of my grandchildren—that were just completely ignored. If you are going to introduce that kind of system, you will need to introduce something to ensure that the caseworkers actually go to that system beforehand, because the caseworker in my case should have gone to that system and did not. They just completely ignored it.

WITNESS A: Splitting it up is a great idea; the more the better. We would have a completely separate division for the foster carers and working with them, and they are specialised in working with them. People could come into the homes of parents who are struggling and establish a support mechanism first to try to build them up. If that is not working, then you move to the policing aspect. There would be a separation before going to court. That would be a really good idea.

WITNESS E: They had Connecting Carers, which was an organisation that was meant to help and support carers having issues with the department.

I would love to hear what
says to this Committee if she appears. She believes in "building a relationship". Those relationships are now causing biased outcomes because so and so from has a really good relationship with ,
so she will not believe because she has built that relationship with the NGO. For
it is all about repairing the reputation, building relationships—

Mr DAVID SHOEBRIDGE: Which is taking things further from objective decision-making.

WITNESS E: Exactly.

Mr DAVID SHOEBRIDGE: No-one needs to respond to this comment. Sometimes in these inquiries we lose sight of the children. We have not heard about the children. Does anyone want to share anything about the kids?

WITNESS A: Our kids were quite traumatised by the removal in 2010 because we had good bonds with them. They were in out-of-home care and they wanted to come home, but they were not able to because of the system. That is how the trauma developed and that is why my daughter started to hold stuff in, and she has further issues. It is in court again for different reasons. I was looking after them and the department did its thing. The children want to come home and they are asking why they cannot. Of course, we are not allowed to talk to them about it. No-one listens to the kids. They are well able to say that they want to be at home with their parents. Why can they not do that, even if there is supervision involved? Preventing a child who wants to be with their parents from being with them is a violation of the child's rights. They have a right to say what they want without being included in this process. Limiting that causes more separation-related trauma.

WITNESS E: I understand that children build a bond with their parents regardless of how abusive, neglectful and terrible they have been. They will always probably want to be with their parents. My mother did horrendous things to me, but for some godforsaken reason I still wanted to live with her. There is that distortion as well. It is like the Stockholm syndrome.

WITNESS C: It is a sense of belonging.

WITNESS E: Yes.

Mr DAVID SHOEBRIDGE: WITNESS C and WITNESS D, do you have anything to add?

WITNESS D: If there were any such thing as a hierarchy—I am not sure there is—the children would be at a very bottom. I feel so badly for the children caught in this system; they really have no voice. Again, it is a matter of rhetoric. There is a charter of rights for children in care on the FACS website, and it is divided up into age groups. In my experience, the caseworkers very rarely talk to the children. The children are simply pawns in some game of chess. They are not listened to and they are not consulted. They really are at the very bottom of the pile. It is so sad. Again, a lot of policies and documents talk about engaging children in decision-making, the right of children to make decisions, the right to have input into case meetings, and case planning. But it just does not happen. If it does happen, it happens in such a superficial way that it has no effect.

This also goes to the question of the falsifications. I had a big run-in with our agency recently. I advocated strongly for the kids to be involved in their recent case review. The caseworkers came and spoke to the kids and supposedly recorded their views. But when I got the minutes of the case meeting, it in no way reflected the kids' views. I heard what the kids said and it was certainly not what they said on the day or what they might have said over the course of monthly visits over the past year. Again, it comes back to this question of fabrications or falsifications because what the kids say makes the decision for the agency.

We have not talked much about the NGOs. We have talked a lot about FACS, but the same thing applies across the board. If it makes their decision-making look bad, they will tinker with what the kids supposedly said or would want. I probably sound like a raving lunatic. However, I feel as though I need to go into one of those police interview rooms with cameras and voice recorders every time I have a meeting with my agency and every time the kids speak with their caseworker so that I can ensure that a proper record it is made. It is terrible to get to that point in life. It is not only me; you could hear 100 raving foster carers say the same thing.

WITNESS E: I was warned by my foster carer not to say anything, and if I did I would be beaten up even more, or I would be put in a girls' home. I would be worse off.

WITNESS D: The kids have absolutely no voice.

WITNESS B: I have presented two years worth of FACS records saying that there was no abuse or neglect in their biological home. They went from a home that had no abuse or neglect to a home where there was extensive abuse and neglect. The older child was in that home for 18 months and was then rejected by the carers. Even then, no-one questioned what was going on. The younger ones had three years of significant abuse and neglect. Now that they are out of that home they are getting appropriate counselling to help with the trauma. It still was not necessary for them to go through those years of abuse and neglect, because they were not being abused and neglected prior to removal.

WITNESS E: It is so confusing for a child to be removed and to be put with someone who abuses them.

The Hon. PAUL GREEN: Given your experience and others people's experience with the FACS workers and their maturity, do you believe there should be a process through which carers can give feedback about caseworkers?

WITNESS B: Yes.

WITNESS C: If it went to the Minister's office and not back to them.

WITNESS E: Yes.

The Hon. PAUL GREEN: I am talking about feedback to the department about consistency across, for example, 10 cases and about how that caseworker is responding.

WITNESS E: Everything goes back to the department.

The Hon. PAUL GREEN: You mentioned transparency. Your relationship is totally open to scrutiny, but you have no way to give feedback on the caseworkers' approach and whether it can be improved.

WITNESS E: That is where the independent body could help.

The CHAIR: Thank you very much for appearing before the Committee today. It would be hard to put pen to paper to write a submission and to appear before the Committee today to open yourselves up in the most human way. Members sincerely appreciate the fact that you have done so today. I assure you that this detailed material will be part of our thinking when we produce a report and recommendations. Hopefully they will be implemented and will make a real difference.

Mr DAVID SHOEBRIDGE: The Committee needs to address the reality of what WITNESS E said about even the Minister feeling disempowered about being able to make changes.

(The witnesses withdrew)