

# **GENERAL PURPOSE STANDING COMMITTEE No. 2**

**Monday 20 February 2006**

**Examination of proposed expenditure for the portfolio areas**

## **AGEING, DISABILITY SERVICES**

**The Committee met at 10.00 a.m.**

### **MEMBERS**

The Hon. P. Forsythe (Chair)

The Hon. Dr A. Chesterfield-Evans  
The Hon. G. J. Donnelly  
Ms S. P. Hale

The Hon. C. M. Robertson  
The Hon. J. F. Ryan  
The Hon. H. S. Tsang

---

### **PRESENT**

**Department of Ageing, Disability and Home Care**  
**Mr B. O'Reilly**, *Director General*  
**Ms E. McAlpine**, *Deputy Director General*  
**Ms C. Mills**, *Deputy Director General*  
**Mr S. Mudge**, *Chief Finance Officer*

**CHAIR:** I declare the meeting open to the public. I welcome officials for the Department of Ageing, Disability and Home Care to this public hearing of General Purpose Standing Committee No. 2. At this meeting the Committee will examine the proposed expenditure for the portfolio areas of Ageing and Disability. Before questions commence, some procedural matters need to be dealt with in relation to the broadcast of proceedings. In accordance with the Legislative Council's guidelines for the broadcast of proceedings, which is available from the attendants and clerks, only members of the Committee and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee, you must take responsibility for what you publish or what interpretation is placed on anything that is said before the Committee.

In relation to the delivery of messages, members and their staff are advised that any messages should be delivered through the attendant on duty or the Committee clerks. In relation to the time allocation, the Committee has resolved that it will do it in blocks of 20 minutes: 20 minutes for the Opposition, 20 minutes for the cross bench—so they can work it out amongst themselves, but presumably 10 minutes each—and 20 minutes for the Government and in rotation. The final 20 minutes at approximately 11.40 a.m. or whatever time part thereof that is left, I will divide equally to ensure that there is a fair opportunity for everybody up until 12.00 noon when we will conclude. I do not anticipate any difficulties. I declare the proposed expenditure for the Ageing Disability Services open for examination. I thank the members of the department for coming. Mr O'Reilly do you wish to make an opening statement?

**Mr O'REILLY:** No.

**Ms SYLVIA HALE:** A member of the public who is hearing impaired has indicated to me that she cannot hear the proceedings.

**CHAIR:** I understand that somebody from engineering is coming to attend to the additional sound requirements, but we must proceed at this point. Hopefully the problem will be rectified.

**The Hon. JOHN RYAN:** Mr O'Reilly, I refer to a financial issue that arises from the annual report that seems to indicate that employee-related expenses overran the budget by \$27 million, but the number of staff was reduced by 500. Are redundancy arrangements operating within the department at the moment? Is the department affected by some of the decisions that have been made centrally by the Government as a means to try to rein in expenditure? If so, how?

**Mr O'REILLY:** If I could pass the first part of the question over to the Chief Financial Officer, Steve Mudge?

**Mr MUDGE:** Interpreting the annual financial statements is a peculiarity in that they talk about budget rather than supplementation, so during the year we would have received some supplementation, therefore, the actual differentiation between the budget and the results would be different, so that is a part response to that. In terms of voluntary redundancies, the department did receive voluntary redundancy funding in 2004-05 of which we spent \$4.2 million in voluntary redundancies. That resulted in 87 employees taking voluntary redundancy.

**The Hon. JOHN RYAN:** Could you explain to the Committee the purpose of voluntary redundancies in the department? Why was there a need to retire 87 people?

**Mr O'REILLY:** If I may. Predominantly two areas, the first one was in the residential support worker category—they are our staff who work in our group homes—we did a review where under the award we need one RSW level 3 per home, that is like the most senior position in the home. We found that a number of homes over time had accumulated two or three RSWs at that level 3. We negotiated with the unions. It was recognised that those staff were surplus to those levels. We actually had a voluntary redundancy scheme where, from memory, around 80 staff accepted voluntary redundancy at that level. The other area was in the nurses' review where we did a new award with the Nurses Association which flattened the management position side of the nurses side, and a number of staff took voluntary redundancy there.

**The Hon. JOHN RYAN:** Is there still surplus staff in the positions you targeted?

**Mr O'REILLY:** We currently have what we call seven surplus staff out of about 12,000 but those staff—I can provide you with the details on each of them—but basically a number are working in other positions, a couple are on salary maintenance whilst they are working on project work, and I think, from memory, two are finishing up also in the near future.

**The Hon. JOHN RYAN:** The other part of my question is in relation to the policies throughout the Government to rein in expenditure and they seem to involve not filling vacancies that fall vacant. Is the department impacted by those? Does the department have programs arising from those sorts of instructions which, I understand, have been made centrally by Treasury since Mr Iemma became Premier?

**Mr O'REILLY:** Not since Mr Iemma became Premier but prior to that we were asked to review the costs associated with our group homes. We employed a person by the name of George Vermont who has done work in other States as well looking at needs of the clients in the group homes which then can relate to the staffing levels. From that we have entered into a savings strategy. Ms McAlpine can talk more about this but basically a saving strategy with regards to those homes that are higher than the bench mark but that is not to result in staff being put off, it is to result in finding the efficiencies back into the system. But as far as Premier Iemma is concerned, we have received no advice about a saving strategy for our department. There could be something in the financial audit but that has not been released yet.

**The Hon. JOHN RYAN:** I have been asked to follow up an issue that I am not sure that I entirely understand but your workers compensation premiums appear to have been reduced by about 8.3 over the course of the year but your claims history stays about the same. This is the aspect of the question I do not quite understand but a non-government provider is wondering how does it get a similar treatment in workers compensation. They say the overall average claims costs have risen by \$300 per claim. I think the annual report reports what your actual workers compensation cost is. It would appear that your workers compensation pay-outs have increased, your incidents have stayed the same and somehow or other your workers compensation premiums have been reduced. What have you been able to do to achieve this miracle?

**Mr O'REILLY:** Firstly, about two years ago we entered into an agreement where we put occupational health and safety managers, or risk managers, in each one of our regions. We also moved into a training program on manual handling because that was the biggest cause of our workers compensation claims. They have produced some excellent results, so much so that the training manual handling side of the things we are talking with the other non-government providers about entering into a relationship so they can access those training programs. Basically I think we have managed the claims better but one thing I would say is that workers compensation tends to have peaks and flows. So what you manage one year, something else squeezes out the following year. But for the good news, yes, we manage the claims down. People return to work quicker, we have people chasing people up, providing different part-time work programs, work environment changes so that people could return to work and still be participating in the work force.

**The Hon. JOHN RYAN:** On page 157 of the annual report it refers to a charitable trust into which \$6.6 million worth of property was transferred. It would appear that the Director General is the administrator. What is the charitable trust? Why is the Director General the administrator? It appears to be some sort of in-house arrangement for squirrelling money.

**Mr O'REILLY:** There was a facility towards Hornsby/Wahroonga called John Williams that was left to the department to provide for facilities and services to young people with a disability. We went through Commerce, put that on the market because it was no longer suitable—it was one of those big old mansion-type places that was no longer suitable for care for people with disabilities—and we negotiated for it to be sold. The \$6.8 million is the proceeds. Under the arrangements, that money can only be spent for respite facilities for young people and we are currently looking with Commerce to purchase two respite facilities for young people, one in the northern suburbs area, and one in the western suburbs of Sydney.

As far as me being the administrator, that was purely an arrangement that we needed to have with the Australian tax department. As the Director General I am the administrator, however, I am not

the sole signatory to any of the spending of the funds: that has to be done through a number of dedicated officers. Steve, do you have anything to add?

**Mr MUDGE:** We currently operate a separate set of accounts for that trust that are outside the department's accounts. We are waiting to spend those funds in accordance with the purchase program.

**The Hon. JOHN RYAN:** There has been quite a delay in the northern suburbs for access to respite for families with young people. What have you done in the interim after John Williams closed—I recall raising the concerns of parents in Parliament and at other times. I am sure they will be very concerned that you have already realised the asset and have \$6.6 million and would want to see very quickly the restoration of the respite that they used to enjoy at John Williams. Although it was an inadequate facility as a capital asset it was better than nothing.

**Mr O'REILLY:** I agree with you. Any interest that the monies in trust hold are going to be used for the respite under the deed of trust. We have had Commerce doing an exhaustive search because what we are after is approximately a six-room home that is on a flat site. We will obviously have to do renovations and that sort of thing for widening hallways and bathrooms and things like that but they have told me that they have got nearly every estate agent in Sydney looking for such a dwelling. It has not been through lack of effort, I can assure you. It is just very difficult. If necessary, we may have to buy a knock-down-and-build position for this but, of course, we have to balance that with the monies available.

**The Hon. JOHN RYAN:** In what area of the western suburbs are you looking with the balance of the funds?

**Mr O'REILLY:** It will be anywhere in western Sydney.

**The Hon. JOHN RYAN:** The amount of \$6.6 million sounds an enormous amount of money to spend on two houses, even if they do have six rooms. I would have thought you might be able to squeeze a couple more.

**Mr O'REILLY:** If we can, we will.

**The Hon. JOHN RYAN:** You could buy six with \$1 million. It would be hard to find a house with six rooms in Sydney, except at some of the more salubrious parts of the seaboard, that would cost more than \$1 million.

**Mr O'REILLY:** Our group homes cost us \$1 million so we are looking at a respite centre that has, first, to meet with the planning laws of the local government. Second, we have to negotiate with the neighbours, the people, about access vehicles and drop-off points and that sort of thing.

**The Hon. JOHN RYAN:** Is the problem that you are looking for six beds? Would it not be better to find four bedrooms and build more of them and make them more diverse? It seems to me that looking for six bedrooms is somewhat tough, why not find four. For example, my wife works at a facility which is an absolute replica of the house in which I live, oddly enough, and has four bedrooms which are full and operate all the time, why six bedrooms?

**Mr O'REILLY:** It is basically just the economies of scale with staffing levels. I can understand your concern and our concern as well. We have asked Commerce for a progress report on this as late as last week and I am more than happy to provide you information on that progress.

**CHAIR:** How are you doing with the money in the short term? Do you have it invested in the money market?

**Mr MUDGE:** It is invested in TCorp at this point in time.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** And will the interest go back to—

**Mr O'REILLY:** The interest goes back to the trust.

**The Hon. JOHN RYAN:** If I can ask you questions about the work transition and Community Participation programs. As I understand it, the tenders for Community Participation are to be released on Tuesday, tomorrow, is that correct? And is that on time?

**Ms MILLS:** No. The schedule was to release them some time this week, so Tuesday was not a definite date. The work within the department is to schedule. We anticipate, speaking with the Minister late last week, that due to the changes in portfolio that were announced on Thursday we now have to brief some additional Ministers, and there may be a slight delay but it will be a matter of a few days, we anticipate at this time.

**The Hon. JOHN RYAN:** What Ministers other than the Minister for disability services had to be briefed?

**Ms MILLS:** Because of the financial commitment, because it is a forward financial commitment to the size of the program, it will be going to the budget committee of Cabinet.

**The Hon. JOHN RYAN:** How many service providers does the Government expect will apply for the 2006-07 Community Participation and work transition tender process?

**Ms MILLS:** We have in excess of 100 service providers presently in Community Participation. Virtually all of those service providers attended training programs in October and November around how to prepare a tender, so we anticipate that the bulk of those will apply. We anticipate that indeed some other organisations that are not currently Community Participation providers may also apply.

**The Hon. JOHN RYAN:** Is the tender worth the same as last year? If not, how much has the Government set aside for the 2006-07 tender?

**Ms MILLS:** We are finalising the budget now as part of the process to be moved forward, and the total budget will be part of the tender process.

**The Hon. JOHN RYAN:** Will the budget be impacted by any change to the guaranteed funding of \$13,500 for each individual? Is that to change?

**Ms MILLS:** I cannot comment on that because it is part of the tender.

**The Hon. JOHN RYAN:** So it could change.

**Ms MILLS:** I said I could not comment because it is part of the tender.

**The Hon. JOHN RYAN:** Will the worth of the tender change because there are more participants? If so, can you instruct the Committee as to how many additional participants you expect?

**Ms MILLS:** Yes, there will be an additional number of participants. In total for post-school programs next year, we received applications from 844, 2005 school leavers; 771 of those have been deemed eligible for a post-school program, of whom 506 will enter the Transition to Work program and 265 have been approved for placement in a Community Participation program which is subject to the tender.

**The Hon. JOHN RYAN:** While you might not be able to comment on the upper end of the amount for each individual client, a political commitment has largely been given with regard to the \$13,500. Are you able to assure the Committee that it will not go below that amount or that that commitment will not be withdrawn?

**Ms MILLS:** I do not believe we can make any comments on the financial aspects of the program due to the tender about to be released.

**The Hon. JOHN RYAN:** I think you will find that some people will be very concerned that there is not a message from someone that the minimal level, which was a cut from the previous

program, is not maintained. I am surprised—and I must say I was surprised by the answer I got from the Minister on notice—that he appears to leave that issue very ambiguous indeed. Also, unless I am reading something wrong, all your answers seem to make that issue ambiguous. Will this funding be portable and individualised?

**Ms MILLS:** Yes it will be. We have looked to return to individual funding. We issued a discussion paper on key elements of the program in late 2005 and sought feedback from a wide range of stakeholders on that. One of the issues we canvassed in there was whether we should return to individual funding. There was strong support for individual funding from stakeholders connected with children and advocacy groups. Service providers have raised the issue of concerns about viability, and this is something that was also subject to considerable discussion in the upper House inquiry early last year. The department is looking at the most appropriate way to balance those two sometimes competing scenarios: How do we ensure maximum flexibility for individuals in the service while also ensuring that the service providers are viable? Part of the tender will seek to address that.

**The Hon. JOHN RYAN:** Two Ministers have given a guarantee that community participation clients will receive a minimum of 18 hours a week. Does that remain part of the tender or is that also something on which you cannot comment?

**Ms MILLS:** That is also subject to the tender.

**The Hon. JOHN RYAN:** When will it become obvious whether those commitments will be changed?

**Ms MILLS:** All of the detail, including funding levels, program objectives, program outcomes, performance indicators, financial viability issues, et cetera, will be detailed in the tender documents.

**The Hon. JOHN RYAN:** To be released this week.

**Ms MILLS:** To be released as soon as possible—we hope this week.

**The Hon. JOHN RYAN:** Now that the work transition program has started and been operating for two years how many people do you expect to leave this program and enter supported open employment this year?

**Ms MILLS:** I will have to take that on notice, although I can say that we have done detailed modelling of the anticipated people leaving the program and the likely uptake of employment places. I do not have that data with me. I might also make a comment, however, that to ensure that we have maximum outcomes for those people, we have extended the placement of people who entered the program from ATLAS until July this year to ensure that they have the best possible chance of receiving employment opportunities.

**CHAIR:** The 20 minutes for the Opposition has expired. We now move on to the crossbench.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** With the nurses review and your given redundancy to the RSW3s, does that mean you are actually losing experience in order to save a few bucks?

**Mr O'REILLY:** No, I do not think so because—

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Are they not the most experienced workers?

**Mr O'REILLY:** Not necessarily because it could be based solely on qualifications as well.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So you are losing the most qualified workers instead.

**Mr O'REILLY:** What happens is every one of our outlets, if we can call them that—be it a group home, a respite centre or whatever—has one RSW3 there.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So in order not to have to pay a slightly higher award you are getting rid of your most experienced and qualified staff, is that right?

**Ms McALPINE:** It is conceivable that RSW2s would have worked the long hours of RSW3s so they are not solely the most experienced staff. Many of our RSW2s complete the certificate for competencies in expectation of at some stage winning a RSW3 position. So it is not quite as black and white as them being more experienced.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Why are they on a higher grade if they are not more experienced or better qualified?

**Ms McALPINE:** Because when this award was implemented people in a certain pay band became RSW3s. They did not necessarily have additional qualifications at the time that that award was implemented.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** But in general people with higher grades have more qualifications or experience, do they not?

**Ms McALPINE:** They have had more years in the service.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** That is more experience, is it not?

**Ms McALPINE:** They may have had that one experience year after year after year.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Should they not have a career path?

**Ms McALPINE:** They have a career path. I guess it is about: Are people prepared to move across houses to see different client groups, different support needs? Some people are prepared to do that; some people remain in one house for long periods of time. So while they may have a lot of experience in that house, they do not have the full range of experience with the clients who live with us.

**Mr O'REILLY:** And some people leave the house and become network managers on promotional opportunity as well.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So they have gone upwards but they would not have taken redundancy if they had been promoted?

**Mr O'REILLY:** The redundancy was voluntary.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is it not important that you keep a pretty constant staff in terms of the happiness of your clients?

**Mr O'REILLY:** Yes, very important.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So why are you getting rid of people who have been in the job for a long time, presumably like foster parents for the people in your houses?

**Mr O'REILLY:** I think it is more that we have a finite budget.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Yes, I am sure it is more.

**Mr O'REILLY:** The amount of moneys that go to each group home that is causing the benchmark figures against other States was partly because over the years we have had people who have moved into the grade level at RSW3 mainly as a product of the renegotiated award some years ago. We took steps to rectify that—put out expressions of interest, and these people elected to leave. They said that it was opportune for them to leave at that time. We have still maintained the number of

supervisors to the number of staff according to the award. The information we received back from both the PSA—the union involved—and our network managers and staff is that it has been very successful and there has not been a loss of service quality to our clients.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** But the network managers effectively mean that there are fewer bosses, there is not a boss at each home, there is a boss covering a number of homes. Is that not the bottom line of that?

**Mr O'REILLY:** That is with network managers?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Yes.

**Mr O'REILLY:** But in the home itself is the RSW3.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Are there a number of homes transferred to NGOs?

**Mr O'REILLY:** No, we are not transferring homes to NGOs. If we receive funding for new homes, for new accommodation arrangements—

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** They become NGOs or they may.

**Mr O'REILLY:** They may—we go out to tender. We have had a number of homes transferred back to us from DADHC because the NGO has said it could be—

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** It is too hard.

**Mr O'REILLY:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Who won the seniors phone information service contract that we discussed in the previous questioning?

**Mr O'REILLY:** The formal tendering process resulted in a new provider being identified, Quantum Multimedia Communications trading as LinkU. That was at a significant saving of more than \$250,000 per annum to the Council on Ageing quote for the same service. The service was transferred from the Council on Ageing on 1 February this year. The telephone number is unchanged and remains the same for our clients, and the service continues to operate from 9.00 a.m. to 5.00 p.m., Monday to Friday, and can be contacted for the price of a local call throughout New South Wales.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Are the tender documents as to the evaluation available publicly? If not, can we get them?

**Mr O'REILLY:** I will just had to check if there is a procurement rule about this with Commerce.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** It may need the equivalent of an FOI application.

**Mr O'REILLY:** No. I am saying that if under the procurement rules of Commerce that information is available automatically, I will certainly make that. I will just have to check that for you.

**CHAIR:** Do you want to take that on notice?

**Mr O'REILLY:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is there a waiting list for all services that you deliver? With access to respite care and access to group homes and so on, over the years we have had questions about people trying to get a service, could not get it and looked after their child for the next 20 years, thinking that they were on a list because they had approached the system when in

fact no list was kept of people who want services. Is there a master list? If so, lists in what areas and who maintains them and how many people are on them?

**Mr O'REILLY:** There are quite a few programs. If I can just go through the group home side of things and the high needs, we will just go through each program area.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Do you want to give it to me on notice?

**Mr O'REILLY:** Whatever is suitable. If you would like that, we can do that.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Perhaps you better give us a little sketch.

**Ms McALPINE:** We keep a service register for group home places. That is kept in a region. Vacancies in government and non-government group homes are filled via a vacancy map placement committee, which is a regional committee, and positions are filled from the list.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So if someone indicates that they have a problem are they retained on those lists indefinitely?

**Ms McALPINE:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So are you aware then from that of a pent up demand?

**Ms McALPINE:** We realise that there are a significant number of people across the State looking for accommodation. One of the difficulties we have is that many people want an accommodation that has a lot of parameters around it, close to home, walking distance, this sort of thing. A vacancy may become available in a different location and people do turn down vacancies.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Surely but I mean if one were to ask for the situation with vacancies in a certain area, could we then get a list of what vacancies there were or how many people are after each type of accommodation?

**Ms McALPINE:** Yes. We filled 99 vacancies across the State through this process in the last year.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Who defines what a disability is in terms of resources? I have had inquiries from people with autism in schools, where they have been mainstreamed. I gather that autism is not defined as a disability in its less flagrant form, shall we say, its less extreme form. They do not then have any supplementary money for people in education. Is that correct? Who defines disabilities and who liaises about disabilities with groups like the Department of Education and Training?

**Ms MILLS:** Autism is a disability from the department's definitions. However, we have two categories of ways in which we assist young people with autism in particular. Children under six with a developmental delay, including autism, receive services from us. For children who are aged over six with autism, if they do not have an intellectual disability they are not a priority client for the department. However, we provide significant funding to a number of services to assist those children. This includes \$2.6 million each year to Aspect, formerly known as the Autism Association New South Wales, for the provision of people with autism and to support its role as a central contact point and information provision and advice for people with autism. In addition, in 2005 we provided a one-off grant to the Autism Behavioural Intervention Association to help them.

We also provide broadly based services for children and young people with a disability, including autism, but not as a separate category, including \$46 million each year for community support teams, which provides a therapy services, behaviour support, case co-ordination and case management to those people. Around 70 per cent of people with autism have an intellectual disability, so they remain part of our target group, but it also should be remembered that the Department of

Education and Training provides significant resources in disability education and conducts classes and provides support for young children with autism both in mainstream and in special schools.

**Ms SYLVIA HALE:** It probably is appropriate that I ask you a question about government policy in relation to hearing impairment. Does the Government have a policy to ensure that publicly available government resources are captioned in order that information is fully accessible to people with a hearing impairment?

**Mr O'REILLY:** That area is predominantly the Department of Health. However, when we have any corporate communications as such, obviously we look at our client groups that are going to receive that information. From the side of DADHC be it in large printed form, be it through a different type of DVD and that sort of thing, we take that approach automatically.

**Ms SYLVIA HALE:** Would you be aware of the proportion of government services and documents that currently are available to hearing-impaired people?

**Mr O'REILLY:** I would have to get that information from Health.

**Ms SYLVIA HALE:** When you are obtaining that could you also find out the current timetable for making sure that that material will be available?

**Mr O'REILLY:** Certainly.

**Ms SYLVIA HALE:** In terms of public transport information, do you have any idea what proportion of information and service—ferry, bus or train departure, announcements—are accessible fully to people with a hearing impairment?

**Mr O'REILLY:** Our role predominantly is through the Community Transport Services, where funding has grown from \$13.2 to \$28 million, and an additional \$3 million in non-recurrent funding was provided for community transport vehicle replacement upgrades in 2004-05. As far as that type of information, it mainly is through the Ministry of Community Transport.

**Ms SYLVIA HALE:** When critical announcements are made regarding the train or ferry departures, delays or whatever, who is responsible for ensuring that information is available to people who have a hearing impairment?

**Mr O'REILLY:** The Department of Transport.

**Ms SYLVIA HALE:** There is no co-ordination between departments, such as the Department of Health, the Department of Transport and your department to ensure that information is accessible?

**Mr O'REILLY:** With regard to our information to our seniors, we have a senior's booklet that we provide and update twice yearly. The booklet goes out to some 850,000 seniors.

**Ms SYLVIA HALE:** But I am concerned for hearing-impaired people in the community. You are saying that if an announcement is made it is up to the Department of Transport as to whether they are able to read a version of that announcement rather than have it come over an intercom. Is there any co-ordination so that the Department of Transport is even conscious of the need to make that announcement available other than over an intercom?

**Mr O'REILLY:** Each department has a disability plan. For a person who is hearing impaired they would have strategies around that to make sure that their client group—people travelling by rail, bus or whatever—were able to gain access to that information.

**Ms SYLVIA HALE:** Do you ever consult with those departments to make sure that those programs are implemented adequately?

**Mr O'REILLY:** Yes, we do and also we ask for copies of the disability plans so that we can monitor that they are addressing those sorts of instances.

**Ms SYLVIA HALE:** Presumably you would make representations to the Department of Transport about those?

**Mr O'REILLY:** Yes, that is right.

**Ms SYLVIA HALE:** Returning briefly to the Post Schools Option Program, a recommendation of the inquiry last year was that DADHC adopt a policy of providing a minimum of four program days per week for participants in the Community Participation Program, and those who had high support needs should receive five program days per week. What proportion of participants in the program who left school in 2005 are now receiving those recommended levels of support?

**Mr O'REILLY:** The Government is due to report by the end of March on its decision with respect to each recommendation from the inquiry. I am not in a position to be able to comment.

**Ms SYLVIA HALE:** But, presumably, you would be in a position to provide figures as to the number of people who receive five days of care and those who receive four?

**Mr O'REILLY:** Yes.

**Ms MILLS:** As you know, last year the Minister announced that people would receive a minimum of 18 hours a week, and we can confirm that all people were offered a minimum of 18. There are a number of people who receive more than 18, but we are aware only because of the reporting nature and because it is block funding of those for whom supplementary funding was sought to bring them to 18. While we are aware that many people receive in excess of the hours you are speaking about, we do not have the exact detail of each individual client in the program at the moment. What we will set in the tender is the required benchmark for the future program and, again, it will be set in a similar way of a minimum number of hours service to be expected rather than a maximum.

**Ms SYLVIA HALE:** But will you compile figures as to those who are receiving in excess of the 18 hours?

**Ms MILLS:** As part of monitoring for the program we will collect all relevant information from service providers so that we get a good understanding of the effectiveness of the program for individuals, yes.

**Ms SYLVIA HALE:** When you are collecting that information will you seek information from parents of a child with high support needs who no longer will receive more than 18 hours? Will you collect information as to the options of families who have dealt with that situation?

**Ms MILLS:** If I can make two comments on that, the first is that the number of hours to be offered will be part of the tender process. I have not indicated what the minimum will be in a new program, just to make that clear. Second, we will have a number of ways to measure client satisfaction and to see the appropriateness of the services. Each individual in the program currently has and will continue to have an individual plan when they set out the goals, expectations and aspirations for the year. That will be monitored closely. Those plans are developed in close consultation with the parents, so there will be a strong and mutual understanding between parents, service providers and individuals in the program about what they will receive and how they will benefit from them.

**Ms SYLVIA HALE:** Will you collect data on the number of parents who have been obliged to give up their own jobs to care for children who no longer receive in excess of 18 hours a week?

**Ms MILLS:** Again, I cannot comment about how many hours a week people will receive. But it is important to state that right through this process, since the introduction of the 18 hours we have had very little information come through to us from parents concerned about that. Whilst there has been anecdotal information that was provided around 12 months ago to the inquiry and some case studies were provided to the inquiry, we have had no further really detailed input from parents or concerns from parents on that issue. It is not an element of our program and to evaluate whether it impacts on the effectiveness of people being able to get other employment. What we will evaluate is

whether young people in the program receive an appropriate service, and that will include an appropriate level of service for them to attain their goals.

**Ms SYLVIA HALE:** Whose job would you say it would be to determine the impact upon families, upon parents if they are obliged to make what could be quite catastrophic career choice for themselves in view of a declining availability of care?

**Ms MILLS:** I think we need to make the point that there is not a declining availability of care in this program. In fact, the introduction of a guaranteed number of hours in the middle of last year was the first time ever that there had been a commitment to a certain level of service as opposed to a locally negotiated service level between the service provider and individual parents. I would contest that. We have no advice other than individual cases that would say that it is not.

**Ms SYLVIA HALE:** Let us hypothesise and say "if". Will anyone attempt to monitor the impact upon families of changes to the provision of care?

**Ms MILLS:** Certainly as part of the effectiveness of the program, the impact and the success of the program relates in part to the continued presence of people in the program and retaining their goals. The impact on families and advice from families on how it works with them would be part of that process.

**The Hon. HENRY TSANG:** Earlier the Hon. John Ryan and the Hon. Dr Arthur Chesterfield-Evans asked a question about the surplus of overqualified staff in the group homes. When they took redundancy would they have the opportunity to be engaged casually by the department, or can they come back to the department on a low ranking?

**Mr O'REILLY:** Part of the rules of redundancy is that if you were to receive a six-month redundancy payment, for example, you cannot be re-employed by the Government for the period of six months. After that period of time you can be re-employed. They may come back into a different job completely to the one they had, but there are some pretty tight rules around redundancy. If you accept it you cannot be re-employed during that period of time.

**The Hon. HENRY TSANG:** The John Williams Respite Unit property was sold for some \$6 \$7 million and you have two properties, one in the north and one in the western suburbs. Would you honour the family by giving them a similar name?

**Mr O'REILLY:** We have had discussions with the family, the son and daughter of Mr John Williams. We want to involve them as much as possible in not only the opening of the building but also acknowledging where the funds came from. We would have to look at the actual title of the property as well, but we want to acknowledge the John Williams Foundation.

**The Hon. JOHN RYAN:** In May 2005 you indicated that 73 out of 244 respite beds were blocked. At the last budget estimates hearing you told us that 77 beds were blocked. Can you tell me how many are blocked now?

**Mr O'REILLY:** Fifty. I would comment on that, if I may. The point about the block respite beds is that it is a point of time issue. We predicted we would be asked this question on respite, because it is a very important issue to the sector and to us. However, it does fluctuate from time to time. We are at the level of 50, and that information is as at last Thursday.

**The Hon. JOHN RYAN:** At the last estimates hearing we heard from the Minister and yourself that there would be some spending of the \$48 million that was jointly funded by the State and Commonwealth with regard to carers of the aged. The Minister indicated to me that he expected funding would be available pretty much immediately. Has it been? If so, where has it been spent?

**Mr O'REILLY:** The State Government has agreed to release the funds. Unfortunately, there has been a bit of a reshuffle at the Commonwealth level, and our Minister has approached the new Minister, asking to sign off the agreement.

**The Hon. JOHN RYAN:** Don't you just love State and Federal arrangements? If ever we needed reform of government, that is one. I would like to ask you some questions with regard to boarding houses. I understand the Department of Ageing, Disability and Home Care employs 17 staff across several regional areas to monitor unlicensed residential centres. How many of those staff are specifically employed to ensure compliance with the Youth and Community Services Act?

**Ms MILLS:** I will have to take that question on notice. But I can say that for some of the staff it is their full-time role, and for some positions it is a shared role with other duties. I do have that information, but I would have to take the detail on notice.

**The Hon. JOHN RYAN:** People have said to me that there is a fair level of non-compliance with the Youth and Community Services Act, that several hundreds of unlicensed boarding house beds are operating and there does not appear to be much effort to make them comply. May I illustrate that with one single example? Has anybody visited the property in Palmer Street, in the city, owned by the recently elected member for Pittwater when, judging by his press comments, he is clearly operating a property which ought to come within the terms of the Youth and Community Services Act? He said, for example, that many of his residents have mental illness, are from some sort of rehab, and are on disability pensions. Has anybody visited this property—particularly in view of photographs that appeared in the *Sydney Morning Herald* suggesting that the accommodation is not very salutary—to inform him of his obligations under the Act and to ensure that he complies?

**Ms MILLS:** I would have to make inquiries as to whether we have visited that specific property. But I would also make the comment that, for unlicensed boarding house, under the Act we are required to attend those when we have a specific issue or complaint brought to us. And, when that does happen, we have a record of visiting and acting on those premises. But the numbers that actually come to us formally each year are very small indeed.

**The Hon. PATRICIA FORSYTHE:** So you are taking that on notice?

**Ms MILLS:** Yes.

**The Hon. JOHN RYAN:** So a reference in the newspaper from Mr McTaggart, who says, "It's low cost accommodation. A lot of these people are on some sort of rehab"—as appeared in the *Sun-Herald* on 4 December—and his further comments that, "they work with charities such as Caritas, the Salvation Army, AngliCare to look after residents; a lot of these people come off the streets, Mrs McTaggart said. "A large proportion are schizophrenic and they are shocked to see that this place in the paper as it is their home ..." and so on. Mr McTaggart himself made some comments about his residents. I say this not with reference to Mr McTaggart himself; I think he is genuinely uninformed about his obligations under the Act. But are you saying that that sort of publication in a newspaper would not automatically trigger an investigation—because, without a doubt, he is operating a boarding house that should be licensed?

**Ms MILLS:** As I said, I would have to take on notice whether we have actually visited that premise.

**The Hon. JOHN RYAN:** Has anybody visited the premises that were featured on various ABC programs that covered boarding houses that are right opposite Marrickville Council, which are clearly unlicensed boarding houses, and are clearly inadequate? I visited some of them myself.

**Ms MILLS:** Again, I will take the exact address on notice, if I can have that. But I also make the comment that where we have received formal complaints about concerns about unlicensed boarding houses having two or more residents with a disability, our staff have been acting.

**The Hon. JOHN RYAN:** What constitutes a formal complaint? I do not know whether the Act actually suggests there needs to be a formal complaint.

**Ms MILLS:** The information has to be brought to us from outside. And, again, I agree with you that there are some elements of the Act that could be made clearer in terms of our roles and responsibilities. But we are confident that, where we have information available to us, we have acted appropriately. As I said, I will follow up on those specific addresses, if I could receive them.

**The Hon. JOHN RYAN:** Can I put it to you that there is no way that they have been acting appropriately. I cannot believe the level of non-compliance with that Act in the few places that I was shown by some community workers in the inner city. There are clearly dozens of unlicensed boarding houses, some of them even advertising with real estate agents. I visited one that had two caravans parked down the back that were connected to the house only by an electricity cable slung above the backyard. I mean, clearly they were not appropriate. The person who showed me around is a government-funded employee. He clearly knew where they were. He has appeared on television several times. He is saying to me that nobody has even gone to him and said, "Goodness me! This is terrible. Where should we be sending people to investigate?" Why wouldn't that happen?

**Ms MILLS:** Again, there are differences in our roles between licensed boarding houses and unlicensed boarding houses. With unlicensed boarding houses, they are only covered if we are given advice that two or more people living in them have a disability, and we have to have a specific address provided to us to go out there.

**The Hon. JOHN RYAN:** I put it to you that I myself have put plenty of information on the public record in Parliament about unlicensed boarding houses, and nobody has picked up the phone to ask me about where those places are or where they should go—even though I have indicated in the media where they were.

**Ms MILLS:** Again, I will take the specific addresses on notice.

**The Hon. JOHN RYAN:** Does the Department of Disability Services make payments to the Department of Health to provide for health services for clients who are in licensed boarding houses?

**Ms MILLS:** Yes, we do.

**The Hon. JOHN RYAN:** Are you satisfied with the assistance you are getting from the Department of Health?

**Ms MILLS:** The Department of Health provides services on an annual basis, to the value of just over \$1 million I believe, for a range of services, including podiatry and dental and other health services. We work with the department regularly to monitor the use of those funds. In some years, there are higher take-ups than in others, and it is something that we negotiate each year. Because the budget process is currently under way, it is subject to discussion now.

**The Hon. JOHN RYAN:** I am in receipt of a letter, which I understand has been sent to the department, which describes some of the dental care that clients in the inner city area receive from the facilities at 117 Livingstone Road, Marrickville, which is a licensed boarding house. It describes these two cases, and I quote from the letter:

One man had to have all his teeth extracted under anaesthetic at Canterbury Hospital. He had to pay a co-payment.

The point was that they thought these people should be getting the service free. I return to the quote:

Since he had used up all his allocation, he had to wait 12 months for dentures. By this time, he had found a way to eat without teeth, and he cannot or will not wear the dentures. Another man also has had all his teeth extracted, but was then unable to eat. He lost so much weight that doctors at RAPH wrote to the Dental Hospital demanding he be given dentures before he died of malnutrition. He was due to have an appointment this week, but it is unclear how long it will take for him to be given dentures. The turn around time for repair of dentures at the Dental Hospital has been known to take months.

The question that you apparently were asked in this correspondence is: Why are you using the Dental Hospital, when clearly their services are hopeless? Why would you not be paying for these services elsewhere, where the clients might get quicker treatment, given that their conditions are so dire?

**Ms MILLS:** I have not seen that correspondence, so it is difficult to comment on some of the details. But the funding that we provide to Health is a contribution payment; it is not considered to be the full payment of all health services. So people access the appropriate health service in their local area. The concerns that are expressed in that letter, from your reading of it, about the quality of health care, are properly a matter for the New South Wales Health Department.

**The Hon. JOHN RYAN:** Whilst it is properly a matter for the New South Wales department, if the service is as bad as is described in this letter, why would you be using a facility that is that bad? Would you tolerate that in a group home? You would not be prepared to have a person in a group home eat for 12 months without dentures, when they need them, would you?

**Ms MILLS:** Again, I would have to look at the specifics of the letter. It is difficult to comment without having seen it.

**The Hon. JOHN RYAN:** Another aspect of the letter is that many of these clients also make co-payments for podiatry services. They describe a situation in which one of the services provided for podiatry. I should explain for other members that many people with disabilities are unable to clip their own toenails and so on, and can have difficulties with ingrown toenails, and this is obviously something that needs to happen probably every six to eight weeks. This particular letter describes how one worker is paid to take residents and she is able to take six residents every six weeks, so that there are up to five months between appointments for individuals. Surely, that is not an acceptable level of service: people who should be visiting every six weeks are seeing a podiatrist every five months. What monitoring do you make of the services provided to determine whether they are adequate?

**Ms MILLS:** We do two types of monitoring. Obviously, in our regular visits to licensed boarding houses, we are concerned with the healthy, safety and wellbeing of the residents, and that is part of the role of the 17 people you mentioned earlier. In addition to that, as I said, we negotiate each year with Health about the types and quantum of service that might be provided, and if there is validity in the issues being raised in the correspondence, once we have seen it, certainly that would be subject to discussions with the department.

**The Hon. JOHN RYAN:** In answers that the Minister gave to me in response to questions without notice the Minister indicated that the Boarding House Team had identified 26 people who were eligible for other forms of supported accommodation living in boarding houses, and that only 10 of those people had actually been moved out of boarding houses. What is happening to the other 16?

**Ms MILLS:** All 16 who remain have a plan in place for transition, and each of them is moving along on the transition path according to that plan. I would have to take on notice the exact status of each of the 16.

**The Hon. PATRICIA FORSYTHE:** So you are taking that on notice?

**Ms MILLS:** Yes.

**The Hon. JOHN RYAN:** How often are people that go into boarding houses screened? I am informed that sometimes they are screened on entry, but it is appropriate to screen them again after significant health impacts. Are they re-screened—because it has been put to me that dozens of people in licensed boarding houses are inappropriately accommodated there?

**Ms MILLS:** All people are screened prior to entry to a licensed boarding house, and will be re-screened if we are aware that the situation of the person has changed significantly. But that does require some form of reporting, either from the boarding house operator, our visits or a health service.

**The Hon. JOHN RYAN:** How many clients have you got living in boarding houses? There are only about a thousand, are there not?

**Ms MILLS:** That is right.

**The Hon. JOHN RYAN:** How difficult would it be to make sure they get screened, or that they are checked to see whether they need screening, at least on a 12-monthly basis?

**Ms MILLS:** I can certainly take that as an issue to consider in the future. But, as I say, at the moment, we do visit the properties regularly, and there are responsibilities for a range of different players in considering the wellbeing of those people, including community visitors, as well as our own staff, as well as the alley-workers and the other support mechanisms now in place as part of the

boarding house reform program. So I am confident that a resident of a boarding house is seen quite regularly by any number of government-funded services, and if the situation of somebody has changed or is significantly altered then that information should be brought forward to us.

**The Hon. JOHN RYAN:** It has been put to me that sometimes people are deliberately not screened, because an obvious impact that comes from them being screened and found to be inappropriately accommodated is financial implications on the department, so that there is a reluctance to actually screen. Is it possible that that happens?

**Ms MILLS:** There is absolutely no validity in any argument that we do not screen for financial reasons. On the contrary, we have placed well over 400 people under this program, and that is well in excess of the original target for the program, and there has never been any question of someone being denied a service for that reason.

**The Hon. JOHN RYAN:** In various answers the Minister has indicated there is a review of the boarding house legislation. I presume that means the Youth and Community Services Act. How is that review being conducted? How will that be different from the Allen Consulting report, which has already been conducted at great expense? And what is the time frame in which that review will be completed?

**Ms MILLS:** We are not conducting a separate review. It is part of the process under which the Allen Consulting report was initiated. We received 13 submissions on the Allen Consulting report when it was placed on our web site in late 2004. We are examining which of those options are the most appropriate for implementation in the future; and where, if any, gaps exist in the current legislation, how we might move on that. Last year we identified that one of the key issues that people have brought to our attention are concerns about ultra vires clauses or aspects of the administration of boarding houses that appear to fall outside the Youth and Community Services Act, which is currently the Act that covers licensed boarding houses. We attempted last year to take a test case to court. Just on Christmas the owner of that premise withdrew from the court case. So what we have is an Act that we believe covers the vast majority of issues. There are some concerns about the legal interpretation of whether some aspects of safety and security are fully covered. Our court case was an attempt to do a test of that. But we are continuing to work on options for the Minister about the future directions of the Act, in line with the work that was undertaken by Allen Consulting.

**The Hon. JOHN RYAN:** Both the Ombudsman and the Allen Consulting report have indicated that it appears to be inappropriate to have four different types of licence. Do you not think it is time we had one type of licence, as that is one of the things that is causing obvious confusion? Boarding houses appear to be the only sort of accommodation that I can think of that have four different types of licences. The Department of Community Services does not accept different types of licences for child-care centres, for example. You would not accept different types of licences for group homes and other supported accommodation. Why on earth are boarding houses still subject to four different types of licence?

**Ms MILLS:** I certainly agree that what we have to look at is the most simple and effective way to get the appropriate balance between the rights of residents and to maintain a viable industry and that in considering the recommendations of the Allen report, they are the types of balancing issues we would be examining.

**The Hon. JOHN RYAN:** Why would a person go and get a licence for a boarding house when they appear to be able to operate without any interference from your department in an unlicensed fashion and, in fact, getting a licence probably puts a financial constraint on the value of their property? Why would they do that if the level of scrutiny of unlicensed boarding houses is so low?

**Ms MILLS:** Whilst it is certainly true that we have had very few new licensees move into the boarding house system, it is also true that the boarding house system in general is not growing, so it is difficult to make any judgment call whether that is true or just an assumption.

**The Hon. JOHN RYAN:** Has the department done any study of the level of unlicensed boarding houses operating or does it not want to know?

**Ms MILLS:** We certainly know through the Department of Planning the number of boarding houses that operate in New South Wales, yes.

**The Hon. JOHN RYAN:** Do you think that the numbers of boarding houses that are licensed are the ones that should be? Do you think there are many outside that are operating illegally?

**Ms MILLS:** As I said, if people bring information to us that there is an unlicensed boarding house that is operating and should be covered by the legislation that we have, then we would examine that property, yes.

**CHAIR:** What does constitute a formal complaint in relation to an unlicensed boarding house?

**Ms MILLS:** Bringing forward to us the specific details of the address of the property and, really, we can act from that point.

**CHAIR:** So a media story identifying a particular boarding house is not sufficient?

**Ms MILLS:** As I say, I am taking on notice whether we have looked at those other properties.

**The Hon. JOHN RYAN:** I put it to you that it is perfectly obvious that the law is not operating appropriately in that regard and the only reason that the department has not studied it further is that it obviously does not want to know the answer. Are you sure that fire safety regulations are appropriately being adhered to in unlicensed boarding houses?

**Ms MILLS:** Fire safety is a matter for the local council.

**The Hon. JOHN RYAN:** But surely you would be interested to make sure that your clients who have disabilities are being appropriately cared for?

**Ms MILLS:** We liaise with the local councils on a regular basis and certainly there have been some examples in 2005 where licensed boarding houses were brought to my attention where an advocate had concerns about fire safety. We liaised with the council to ensure that they were in fact complying.

**The Hon. JOHN RYAN:** I would be grateful if you would liaise with Marrickville Council and ask them to cross the street and look at some of the ones on Crystal Street. Do you think that the powers of entry of your officers are appropriate? That does not appear to be the subject of review. Are the powers of entry into boarding houses appropriate? Do officers have enough power to carry out proper investigations?

**Ms MILLS:** I think that all the aspects of the manner in which our staff are able to work with licensed and unlicensed boarding houses are something we are looking at under the Youth and Community Services Act review.

**Mr O'REILLY:** We did try to test that where it was argued by one licensed boarding-house operator that we did not have the authority or the power. We actually tried to test that in the court and he withdrew just prior to Christmas.

**The Hon. JOHN RYAN:** Is that the only test? I can find you 10 other properties that I am sure you could go and test today. Try sending somebody into two properties in Crystal Street, Devonshire Street, Cavendish Street in the inner city. We could set up the test 10 times and you would not miss.

**Ms MILLS:** The ones you are speaking about presumably are all unlicensed boarding houses?

**The Hon. JOHN RYAN:** They are all unlicensed boarding houses.

**Ms MILLS:** Yes and, as I say, that is the aspect that we will be looking at in the review.

**The Hon. JOHN RYAN:** Can I suggest that we might set up a little test on some of those then, because it is hardly being vigorously tested. I think that there were nine investigations last year and nil prosecutions. The sensational lack of implementation of that law is stunning. There has not been a single prosecution and the why would you? The maximum penalty is \$500. Do you think \$500 is an appropriate penalty for someone who is basically exploiting groups of people with disabilities and keeping them in the shameful conditions that are occurring at Cavendish Street and other parts of Newtown.

**Ms MILLS:** Again, aspects such as the types of penalties are part of the review.

**CHAIR:** Time has expired for Opposition members.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** When will the Government give its response to the post-school options program disability report, which came out in August?

**Mr O'REILLY:** The timetable that was requested by the inquiry was by the end of March and we will adhere to that timetable of course.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Do Corrective Services Industries impinge on industries for people with disabilities in the type of work that is done? Do they compete in any way?

**Mr O'REILLY:** This is in relation to the business services side of the return to work? Like the transition to work program, you mean?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Yes, work done by disabled industries?

**Mr O'REILLY:** I could not honestly say you whether there is competition there.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** There is some fairly mundane work being done by Corrective Services Industries?

**Mr O'REILLY:** There is routine work, yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Were you aware that there is an inquiry into Corrective Services Industries and work competition?

**Mr O'REILLY:** Personally I was not. Were you?

**Ms MILLS:** Not formally, no.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So the disability sector does not intend to put a submission into that inquiry?

**Mr O'REILLY:** Following what you have just told us we will be checking that out when we get back to work to see where this inquiry is up to and what is happening.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Submissions have closed and I note that there was not one from anyone in the disability sector, which worries me a little. We have had an inquiry into dental health which found a very unsatisfactory level of service for people needing public dental health services. Does your department rely on dental health services provided by public dentists to a large extent?

**Ms McALPINE:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Have you found them unsatisfactory?

**Ms McALPINE:** They vary. We have very good services from John Hunter Hospital and have for a very long time and people at Marsden and Rydalmere are also well serviced.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** That is by Westmead, is it?

**Ms McALPINE:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Are there other areas where is not good service?

**Ms McALPINE:** I cannot comment on all of them. I think our greater issues are in the disperse nature of group homes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Were you aware that there was inquiry into dental services?

**Ms McALPINE:** Yes, and we put in a submission to it.

**Mr O'REILLY:** If I can comment on that question prior to that one about the business services and Corrections, that of course is funded through the Federal Government for the business services side of the equation for the transition to work.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So you are saying it is beyond the scope of your department.

**Mr O'REILLY:** No, I am just adding it in that it may be the reason why the disability sector, as a whole, did not respond but I will follow that up with Patrick Meagher from Australian Council for Rehabilitation of the Disabled to see if a submission was sent because they tend to be the providers of those services.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** It obviously impinges on work if they are doing mundane work that people with disability could do.

**Mr O'REILLY:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Does that Act comply with the consultation requirements of the Disability Services Act? I note that was one of the recommendations of the inquiry.

**Mr O'REILLY:** I am sorry, could you repeat that?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Recommendation 10 of the inquiry asked whether DADHC complied with the consultation requirements of the Disability Services Act 1993. Presumably the committee would not have recommended that if you were complying?

**Ms MILLS:** In direct relation to the upper House inquiry, yes, that was a recommendation. Concerns were raised that the form of consultation that the department had undertaken prior to the reforms was not appropriate. We certainly would note that some of the submissions received also made comment that from mid to late 2004 significant improvements in the consultation on the issue between the department and stakeholders had already taken place and we further strengthened that throughout 2005 and 2006. A range of forms of consultation have been involved in the development of, for example, the new community participation program and its tender, including ongoing working groups, containing representatives from industry, individual stakeholders, peak bodies, et cetera.

We have also issued discussion papers through the Internet and member sites and just before Christmas we released a lengthy discussion document on the new directions and community participation and sought feedback on those in late January. We are certainly confident that in the last 12 to 18 months we have been complying with that recommendation and we certainly endorse that approach as important to program reform in the department.

**Ms SYLVIA HALE:** I understand that last November the department initiated an investigation into the governance and financial issues of the Canterbury Multicultural Aged and Disability Support Services. Has this investigation been completed?

**Ms McALPINE:** We are still waiting for the finalisation of the report from Walter and Turnbull.

**Ms SYLVIA HALE:** When do you anticipate it being completed?

**Ms McALPINE:** I do not have a date but I assume within the next four to six weeks.

**Ms SYLVIA HALE:** Will the outcome of that investigation be made public?

**Ms McALPINE:** I would have to take that question on notice.

**Ms SYLVIA HALE:** Is the department aware that Luke and Care is proposing to operate a facility at Callan Park? Do you have any knowledge of that?

**Ms McALPINE:** No.

**Ms SYLVIA HALE:** I turn now to Redfern and Waterloo. Given the high concentration of public housing tenants and elderly residents living in the Redfern-Waterloo area, what involvement and communication has the department had with the Redfern-Waterloo Authority regarding the provision of aged care and disability services in the authority's area?

**Mr O'REILLY:** A steering committee has been established under the Redfern-Waterloo arrangements and we are represented on that steering committee by Deputy Director General, Carolyn Burlew.

**Ms SYLVIA HALE:** In December last year the authority released phase one of the Redfern-Waterloo human services plan. Was that department involved in the development of the plan?

**Mr O'REILLY:** Through Carolyn Burlew's input, yes.

**Ms SYLVIA HALE:** Phase one of that human services plan focused on demand and provision of youth and family services. Phase two will presumably focus on aged care and disability services. Do you have any idea when phase two will be released?

**Mr O'REILLY:** No I have not, but if I can take that on notice, I will see if I can find out for you.

**Ms SYLVIA HALE:** Earlier this month the authority released the draft Redfern-Waterloo built environment plan, which proposes major decisions regarding planning and land use in the area. Was the department involved in any way in the development of the plan?

**Mr O'REILLY:** Not to my knowledge with regards to that aspect of it, no.

**Ms SYLVIA HALE:** Does it concern you that the built environment plan, which makes proposals about zonings and the type of development permitted on specific sites, has been released prior to phase two of the human services plan, which will assess the demand for aged care and disability services in the area?

**Mr O'REILLY:** From what you are saying, yes, but, as I have mentioned, I will need to take that on notice to give an informed answer.

**Ms SYLVIA HALE:** Because the built environment plan, to my understanding, is on public exhibition for comment up until the beginning of April. You will look into these land use decisions being proposed prior to the thorough assessment of the demand for community services. The built environment plan failed to provide clear targets, goals or criteria for the provision of aged care and

disability services in the area. Will your department be supplying these requirements to the Redfern-Waterloo Authority?

**Mr O'REILLY:** Through our office we will be providing as much information as we possibly can for that.

**Ms SYLVIA HALE:** The Rachel Foster hospital site has been earmarked for residential development. Before 2003 the site operated as a hospital and provided a range of medical services to aged and disabled residents in the area. Admittedly now the hospital is closed and services have diminished but some service is still provided by a medical centre operating on the site. Where will these services to aged and disabled residents be provided when the site is developed for residential use and will the medical centre be retained?

**Mr O'REILLY:** I would have to take that on notice.

**Ms SYLVIA HALE:** Both DOCS and DADHC are represented on the Implementation Senior Officers Group. How many times has the group met and what schedule has been set for future meetings?

**Mr O'REILLY:** Again, I would need to take it no notice, but there have been fairly regular meeting. I am not sure exactly how many. Carol represents the department on that.

**The Hon. CHRISTINE ROBERTSON:** I understand that over the last five years there have been quite considerable efforts to increase group home accommodation. I would like you to talk about the policy, specifically in relation to the earlier discussion about boarding houses and the sort of work the department is putting into ensuring that appropriate accommodation is available.

**Ms McALPINE:** I will talk first about the general approach to accommodation services. We released a discussion paper just over 12 months ago that invited participation and comment on suggesting a range of models that might be appropriate to develop housing supports for people with disabilities. We had more than 214 responses from a range of people: families of people with disabilities, people with disabilities, interest groups, advocacy groups, other government departments and service providers. From those responses it was clear that there was a desire for a greater range of models of care to be provided for people rather than just the traditional models we have operated and funded; that is, large residential centres, group homes and a small component of in-home support services. The policy platform has been about seeking people's input into the way services should be configured and delivered in the future, and there was a great emphasis on making sure that people's needs were matched to the type of support that was delivered to them.

**Ms MILLS:** I can answer that with specific reference to the boarding house program. Since it was initiated in 1998, the boarding house program has provided relocation assistance to around 400 former residents of boarding houses, and it provides assistance to 900 remaining in licensed boarding houses. This year some \$48 million will be spent through the program, including over \$42 million in community-based accommodation support services to former residents—those who have been relocated from a boarding house to a group home accommodation model. That also includes an additional \$1.5 million in growth funds this year. A further \$4.2 million in support is provided to people remaining in licensed residential centres and \$2 million is available this year for the purchase of capital accommodation for any further requirements. Should any boarding houses close in the course of the year we also have a contingency fund to deal with that. There was one boarding house closure in 2005.

Eligible boarding house residents also receive personal care services valued at \$4.1 million through the Home and Community Care Program delivered by the Home Care Service of New South Wales. A further 45 people were moved last year, with just the small number remaining that John Ryan referred to earlier.

**The Hon. CHRISTINE ROBERTSON:** In relation to boarding houses, I know that these people still require boarding house accommodation—elderly persons who are perhaps isolated; young, particularly rural, people looking for work, or who are in very low paid work; and perhaps persons

who are borderline and not necessarily your client base but require assistance. Where are those people going in the new, more structured environment for mentally ill and disabled persons?

**Ms MILLS:** Some of this question is outside my area of responsibility, but I can say that the boarding house population and certainly the number of boarding houses in New South Wales declined quite significantly in the 1980s and 1990s. There has been some stabilisation. As I said, closure of licensed boarding houses peaked at 26 in 1997. We had only one closure last year, so I think there has been a levelling out. The Government has put in place a number of initiatives to support owners of boarding houses to remain financially viable, such as planning legislation, tax concessions and other methods of assistance. There is a program of fire upgrade financial assistance and a number of different things operated by the Departments of Housing, Planning, Local Government, and so on. There has been a combined effort. People who require low-cost accommodation also go to social housing—public housing and community housing. There has been a small growth in the establishment of affordable housing for lower income employed people. Obviously caravan parks and manufactured housing estates are forms of accommodation, for all of which the Government has quite significant legislative protection for residents.

**The Hon. GREG DONNELLY:** With respect to boarding houses, would you care to explain the procedure for inspection of boarding houses to ensure basic standards are maintained; in other words, provide an overview?

**Ms MILLS:** There are two types of inspections and perhaps it would be best to take the question on notice to provide some of the detail. There are inspections specific to looking at particular issues and the Act also requires that there be comprehensive inspections every three years. Follow-ups are done with any issues that are identified in those holistic inspections. The number of visits one of our staff might make to a boarding house in the course of a year will be dictated by the number of issues that have either been brought to their attention or identified through the full analysis every third year.

**CHAIR:** Do all clients in licensed boarding houses access day care programs?

**Ms MILLS:** They access a number of different things. I would have to take on notice how many attended programs. We provide funding under the Active Linking Initiatives Program (ALI), which is taken up by most residents. The services we provide are not compulsory so if people choose not to accept that program—

**CHAIR:** But they are available.

**Ms MILLS:** There is availability under the ALI program for day support, which varies according to the needs of the client.

**The Hon. JOHN RYAN:** I wish to raise a couple of matters arising from my previous questions on boarding houses. You confirmed that 73 screenings were conducted during 2004-05. That would indicate that if the new people who were moved into boarding houses were screened and we did not re-screen anyone, less than 6.5 per cent of the boarding house population moved out and changed over. Does that sound like a realistic number or does it seem that large numbers of people are moving into boarding houses and not being screened?

**Ms MILLS:** I am unaware of any way that you could move into a boarding house appropriately without being screened. It is a requirement under the boarding house reform program that our licensees must accord with. The assessments are being conducted. It is true that we do not have a large number of vacancies. It is a fairly stable population but I am not aware of the exact turnover rate.

**The Hon. JOHN RYAN:** It is incredibly stable at 6.5 per cent. Most people dealing with rental accommodation would expect a bigger turnover than 6.5 per cent in the course of a year. I suggest those figures possibly indicate there are people entering boarding houses who are not screened.

Earlier I read from a document and indicated it had been sent to the department. I wish to clarify my answer in one respect. The letter was written—I am happy to table it for the committee—by Marie Harris, the Convenor of the Coalition for Appropriate Supported Accommodation for People with Disabilities. The letter was dated 7 February and was sent to the Director of Nursing Mental Health Services at Rozelle, but copies were sent to the Premier, Morris Iemma; the Minister for Health, Mr Hatzistergos; the Hon. John Della Bosca, Minister for Ageing and Minister for Disability Services; the Hon. Cherie Burton, Minister Assisting the Minister for Health; Ms Carol Mills, Deputy Director-General of DADHC; and other people with DADHC, who might include Dr Peter Martin, psychiatrist to the boarding house team, the boarding house team itself at Croydon and Camperdown; and the licensing team, Metro South West.

**Document tabled.**

**The Hon. JOHN RYAN:** I have some questions with regard to the management of supported accommodation. Firstly, I thank you for providing answers through the Minister to my question with regard to the regional vacancies, in which you have indicated that the Hunter had 32, Metro North, 18; Metro South, 11; Metro South West, 17; Metro West, 9; Northern, 13; Southern, 3; and Western, 3; and that they arose from 337 applications. While there might be 337 applications, I understand a larger number of people would have applied but been found to be ineligible. Is that true? The 337 applications were from those who were eligible and not necessarily everybody who applied.

**Ms McALPINE:** I will answer this in two parts. Most of our group homes are for people with an intellectual disability, delivered directly either by DADHC or the non-government sector. They would have their eligibility confirmed prior to their requesting accommodation. My belief would be that the majority of those people were asking for accommodation and were eligible for it.

**The Hon. JOHN RYAN:** Another set of statistics I was given on a different occasion indicated about 900 people made applications. I have an answer to a question on 22 September 2005, which says that based on information from the regions, 99 vacancies were identified across the government and non-government sectors; 976 clients requested accommodation support; 337 clients were short-listed for these vacancies—that is, their client profile matched the house profile; 99 clients were placed in group homes; and 228 short-listed clients were not placed. There seems to be some discrepancy in the two sets of figures given in answers to questions.

**Ms McALPINE:** I think the short-listed group are the people whose support needs would be met by the profile of the house in terms of the other residents, the level of support, the location and those sorts of factors. They would be the subgroup of the 900 where it was felt there was a potential match.

**The Hon. JOHN RYAN:** What is the difference between the 976 clients who requested accommodation and the 337 clients who were short-listed?

**Ms McALPINE:** The 337 clients were potential matches to the vacancies.

**The Hon. JOHN RYAN:** Are the 976 clients all the people who would suit—

**Ms McALPINE:** Who were on the service register.

**The Hon. JOHN RYAN:** —who would match the requirement of being in crisis or homeless?

**Ms McALPINE:** Those who had an accommodation need and who met the eligibility criteria for the program.

**The Hon. JOHN RYAN:** At what point does the requirement to be in crisis or homeless come into operation?

**Ms McALPINE:** Some people are in crisis and homeless and others are saying, 'I think I will need it in the future and I want to put my name on the register.'

**The Hon. JOHN RYAN:** How many of the 976 clients would be homeless?

**Ms McALPINE:** If your parents had been unable to continue to support you, we would have you in an alternative option, for example, a respite bed.

**The Hon. JOHN RYAN:** You have given us the details of where the vacancies occur but I would be grateful if you could give the committee details of where the applications came from so we would be able to find out how many applications were made in Hunter, Metro North, Metro South West and so on to enable the committee to determine whether the beds are occurring in the places where the applications are coming from.

**Ms McALPINE:** I will have to take that on notice.

**The Hon. JOHN RYAN:** Is there a higher level of applications in places where there are lower levels of vacancies?

**Ms McALPINE:** We have done some work looking at beds per 100,000 of population and there are some areas. Let me get the detail for you.

**The Hon. JOHN RYAN:** With regard to the answer given in September, what does 976 clients requested accommodation support mean? Is that simply that they requested supported accommodation?

**Ms McALPINE:** Yes.

**The Hon. JOHN RYAN:** It does not mean they were after home care or something as an alternative?

**Ms McALPINE:** No, supported accommodation.

**The Hon. JOHN RYAN:** Would there not be some virtue in allowing clients to be individually funded so they could take the funding to a service provider where they wanted to go? An enormous amount of resources appears to be put into matching clients to vacancies, rather than matching support to clients and allowing the vacancies to occur where the clients want them.

**Ms McALPINE:** That is in fact what we do with the attendant care program, and one of the things that came out of our consultation on the accommodation paper was a desire for more of that form of accommodation support.

**The Hon. JOHN RYAN:** But do we need you to be in that form? Why can it not apply, as it does in Western Australia, that people move their accommodation package to whatever particular accommodation they want? So if you were being accommodated in Western Sydney in a group home, for example, and you felt that that was no longer appropriate you could take the value of your package somewhere else and perhaps have it applied to a Department of Housing home or something.

**Ms McALPINE:** That does provide us with some difficulties in maintaining the viability of the residual group left in the group home.

**The Hon. JOHN RYAN:** Surely if we are talking about four or five people in a group home moving one is hardly going to make it unviable.

**Ms McALPINE:** It does.

**The Hon. JOHN RYAN:** Does it come as news to you that they operate a system exactly like this in Western Australia and they do not have unviable group homes?

**Ms McALPINE:** I would like to see if those clients have the same support levels as the people in our group homes.

**The Hon. JOHN RYAN:** My visit over there seemed to indicate that in many cases they get the same or better and they have the capacity to move.

**Ms McALPINE:** No, I said the support levels of the clients.

**The Hon. JOHN RYAN:** As I said, I beg to differ. I think someone ought to go and have a look to see how they do it because they certainly offer a level of flexibility that we do not in New South Wales. As I said, it often takes months to match a person to a vacancy. They do not seem to have that problem in Western Australia because the person gets their funding and takes it to the agency that would best provide it.

**The Hon. HENRY TSANG:** Western Australia has more funding from New South Wales.

**The Hon. JOHN RYAN:** I do not think that applies. It is a matter of how you manage the funding you have. I am not talking about whether there is enough. Western Australia, like New South Wales, has a problem finding enough funding but they do seem to have a level of flexibility that we are not able to offer in New South Wales. Madam Chair, I must say that, without wanting to trouble these people, I have gone through most of the questions that I wanted to ask.

**CHAIR:** Do crossbench members have further questions?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Community care services for older people are not keeping up with need according to Combined Pensioners. Are there any plans to adopt PPPs in this area?

**Ms MILLS:** We currently have a growth rate in our community care service program—that is the home and community care agreement—of 8 per cent per annum, which is certainly well in excess of inflation. That is based very largely on a formula connected with growth in population numbers.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Do you mean demographics from the ABS?

**Ms MILLS:** Yes, that is correct. As to the question about PPPs, the vast majority of our community care money is, by definition, provided in people's community in their homes. Most of it is recurrent funding for support. Only a small portion of it is used in any year for capital. The scale of the development we are talking about would be things like day programs, facilities for day programs or facilities for Meals on Wheels services to operate out from. They are certainly not of a scale that would indicate that they would be a PPP-type investment option, I do not think.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So they are sometimes tendered privately but, in terms of service provision, there is obviously nothing new about that.

**Ms MILLS:** That is right.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** But there are no plans to build capital works under PPPs.

**Ms MILLS:** Not at this stage, no. We have a very small capital program under community care. We have a proposal at the moment in negotiation with the Commonwealth for some additional day program resources across the States but we are talking well under \$20 million a year investment.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is the home care service going to be corporatised or privatised?

**Mr O'REILLY:** As far as I am aware there are no plans that home care services are going to be corporatised or privatised.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Are there any more group homes being opened? If so, are all of them being built by NGOs rather than by the department or are they open to tender?

**Mr O'REILLY:** It is open to tender. When we receive extra funds for group homes as a matter of course we put it out to tender. Sometimes we do not get any tenders because of the location or the nature of the needs of clients, in which case DADHC will run those group homes. But, basically, the normal process is to go out to tender.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Do parents ever approach you in groups to set up group homes, asking for a co-ordination between a number of parents?

**Mr O'REILLY:** That has happened, yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** What happens then?

**Mr O'REILLY:** Normally what happens is that a group of parents over the history of raising their children with a disability have got to know each other and share different resources, different experiences and that sort of thing. They have come to the department and said, "We have four or five people who are compatible who could go into a group home". Of course then it gets down to the issue of the funding to buy the group home and then to staff the group home. But it has happened: We have been approached by groups of parents.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** And what happens? Did any of them get placed? Are they partially funded by the parents? Presumably if the parents were getting elderly they would want to put some money into a trust. What happens in situations like that? Are there any hybrid models?

**Mr O'REILLY:** We are currently doing some work with some of the non-government providers on this issue. Because of the ageing carer or parent—if I can call them that—there are greater issues arising where parents are saying, "Maybe we can enter into some estate planning trust arrangement where we might be able to purchase the home, for instance, and reside in the home"—there may be a number of them near each other. Then the provider or the NGO could take over the responsibilities and keep the capital. There is a big issue with the cost drivers with all of that. If you can purchase the building for, let us say, \$1 million or \$500,000 for mum, dad and one child, the issue becomes the care costs after that. It is a reasonably high cost. One provider has told me that, according to the sums they did, after five years they are going backwards because of care costs. There is some work being done. The Minister has asked for some work to be done on estate planning as well in order to offer options for parents because of the problem we have with ageing carers.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is the Protective Commissioner involved in this?

**Mr O'REILLY:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is that the person who looks after the estates of people with disabilities?

**Mr O'REILLY:** Yes. We are getting quite a few people involved in this, including a doctor—I cannot think of her name—on the ACROD board. She has asked for us to meet because they have done quite a bit of work on this idea. There were issues around taxation and things like that that had to be worked through and it was pretty difficult for them to be able to sort those issues out. So we are meeting as part of this request from the Minister about estate planning to see whether we can progress these ideas.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is there a formal structure for these sorts of negotiations and plans?

**Mr O'REILLY:** No, it has been fairly ad hoc. But because of the fact that we are being faced more and more with parents who are ageing and whose sons and daughters are now in their

forties, or possibly even fifties, it is becoming more and more of an issue. We want to work with the Commonwealth on this as well because it is a big issue right across the country. There are issues around pensions and taxation that we cannot work out. They need to be worked through with the Commonwealth.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** You are saying that you are aware of the problem, as presumably everybody here is. Presumably a large number of people in the sector are also, and presumably there are Federal-State disability problems, as always. Is there some formal structure we can plug into and see how this is progressing? You can tell me on the record, "Yes, we are doing a bit of work on it", but what does that mean in practice? Are there guidelines? Are there plans? If so, how are these being negotiated and who is on the working parties?

**Mr O'REILLY:** It is very early days as far as the actual arrangement to bring all the parties together. The Minister has asked us to do this in the first part of this year. We will obviously have a number of government agencies, the Protective Commissioner, the Public Trustee and possibly representatives from the Guardianship Tribunal, Health and Housing.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** When might we expect the structure to be announced and the people to be appointed to it?

**Mr O'REILLY:** As far as the consultation arrangements go?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Yes.

**Mr O'REILLY:** I would say probably around April.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So quite soon.

**Mr O'REILLY:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** And that will come out of the Minister's request, will it?

**Mr O'REILLY:** The Minister has requested that we start doing this.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** The consultation arrangements will be announced in April.

**Mr O'REILLY:** Yes.

**CHAIR:** Ms Hale, do you have further questions?

**Ms SYLVIA HALE:** Yes, thank you. I have a couple of questions about Ferguson Lodge at Lidcombe. What arrangement has the Government reached with ParaQuad and the residents of Ferguson Lodge about the residents' long-term tenancy at the facility?

**Mr O'REILLY:** Ferguson Lodge is operated by ParaQuad New South Wales and receives funding from the Department of Ageing, Disability and Home Care. The facility itself is located on a section of Crown land that is the subject of sale and development for residential housing. The current buildings would require substantial capital expenditure to improve their condition. The organisation has been assisted by the department to explore alternative options for the location of the service and the Government has acknowledged that ParaQuad has committed to supporting existing clients and has said that no client will be made homeless by any relocation of the facility. The department meets regularly with the management of ParaQuad to monitor and progress the development. Currently there have been concerns expressed by a number of clients of ParaQuad that their services will be either diminished in some way or that their ability to maintain the friendships and contacts that they have had with other clients will be changed. ParaQuad has told us that that is not the intention and is meeting regularly with the client group as well.

**Ms SYLVIA HALE:** Have all existing residents been guaranteed a place at Ferguson Lodge? It is my understanding that that is central to their concerns—they wish to remain together as a collective or to be moved temporarily off site while the premises are upgraded.

**Mr O'REILLY:** I will have to check it out for you, but my understanding is that guarantees have been made to the clients. But I will chase that up for you.

**Ms SYLVIA HALE:** Has a new lease been entered into with ParaQuad for Ferguson Lodge?

**Mr O'REILLY:** No, my understanding is that there is talk about having to relocate because of the arrangements there. But I will have to find out the detail for you. I can get that to you this week.

**Ms SYLVIA HALE:** Thank you. I realise that the legislation covering incorporated associations comes under the aegis of Fair Trading rather than you but has the department received any complaints about the way in which that incorporated associations legislation or the provision or operation of the model rules have allowed small interest groups to control facilities that provide assistance to disabled people or aged care facilities?

**Mr O'REILLY:** We have received concerns expressed by one group of parents about the board membership, for instance, of another small operation and about whether they have access to becoming board members or the fees that are charged. Only one case springs to mind at the moment that we are currently working on because of the concerns expressed by one group of parents.

**Ms SYLVIA HALE:** I am conscious of these two cases where there is concern that a small group have joined an incorporated association, have come to dominate the committee of management and then, because of the veto powers over membership of the committee of management, have managed to exclude other voices from the way in which that organisation is being run. You say that you are only aware of one instance of this.

**Mr O'REILLY:** I am aware of one. It was in a letter that I received last week. A number of parents expressed their concerns—exactly the example that you have outlined.

**Ms SYLVIA HALE:** If I were able to provide you with information about other instances would you make representations to the Department of Fair Trading to review the operations?

**Mr O'REILLY:** We would, particularly because we are funding the service and obviously we want the service to be accountable and transparent not only to us but also to its members.

**Ms SYLVIA HALE:** A number of other concerns are that it gives rise to quite considerable possibilities of corruption in terms of who is appointed as auditor and how stringent the auditing of the books is.

**Mr O'REILLY:** Yes.

**CHAIR:** Do Government members have any questions?

**The Hon. CHRISTINE ROBERTSON:** Not at this stage.

**CHAIR:** When this Committee inquired into the ATLAS program it was told that some services had been omitted from the Directory of Services. Indeed, there was a suggestion that one or two services had closed as a consequence. Has that directory been reprinted? If not, have all eligible services been included? As a consequence of what happened at that time can you give an assurance that after we have gone through the next tender process that whatever went wrong will be overcome for the future directory publication?

**Mr O'REILLY:** Yes, I recall the example. We have tidied up that part and that was mainly an administrative error where one address was put on the form instead of six different outlets. Nevertheless, that has been fixed. Because it will be a public tender it will be captured that way, and all the providers attended the training program that we have just recently conducted are also aware of

the requirements. We are fairly confident that it will not be through lack of effort that all providers will know about the tender, about the requirements and that sort of thing.

**CHAIR:** No further questions from the Opposition. Are there any other questions?

**Ms SYLVIA HALE:** Yes, I have one question that may be covered when the response to the Committee's inquiry is tabled. One of the concerns of the inquiry was whether people in receipt of ATLAS or transition to work or community participation assistance attending TAFE would render them ineligible for that assistance. What is the position?

**Ms McALPINE:** Yes, we will make that position clear in the tender documents and in the response. But because it will be part of the eligibility and design of the program I think we need to wait for the tender to come out to explain it.

**Ms SYLVIA HALE:** Those tender documents should be available very soon.

**Ms McALPINE:** Yes.

**CHAIR:** I thank the members from the Department of Ageing, Disability and Home Care for their co-operation. I indicate that you have taken a number of questions on notice and that this Committee has previously resolved a 14-day return for those questions. If there is an issue about further hearings, it is a matter for this Committee, but we meet again on 14 March and will probably make a resolution at that point. I suspect at that stage your tender documents will be out in relation to the ATLAS inquiry, which is of some interest to this Committee.

**The Committee proceeded to deliberate.**

---