

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 2 – HEALTH AND  
COMMUNITY SERVICES**

**BUDGET ESTIMATES 2018-2019**

**FAMILY AND COMMUNITY SERVICES**

**UNCORRECTED**

**At Macquarie Room, Parliament House, Sydney, on Monday 5 November 2018**

**The Committee met at 2:00 pm**

**PRESENT**

The Hon. Greg Donnelly (Chair)  
The Hon. David Clarke  
The Hon. Paul Green (Deputy Chair)  
The Hon. Courtney Houssos  
The Hon. Taylor Martin  
The Hon. Dr Peter Phelps  
Mr David Shoebridge



**The CHAIR:** I welcome everybody to the supplementary hearing for the inquiry into budget estimates for 2018-2019. Before I commence, I would like to acknowledge the Gadigal people, who are the traditional custodians of this land, and I would like to pay respect to elders past and present of the Eora nation and extend that respect to other Aboriginals present and any who may be watching this on the internet. Today the Committee will examine the proposed expenditure for the portfolios of Family and Community Services [FACS], and Disability Services. Before we commence I will make some brief comments about procedures for today's hearing.

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

There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take questions on notice and provide an answer within 14 days. Any messages from advisers or members of staff seated in the public gallery should be delivered through the Committee secretariat. I remind the witnesses that you are free to pass notes and refer directly to your advisers seated at the table behind you. To aid the audibility of the hearing, may I remind Committee members and witnesses to speak into the microphones. In addition, several seats have been reserved near the loudspeakers for persons in the public gallery who may have hearing difficulties. Finally, could everyone please turn off their mobile phones for the duration of the hearing.

**MICHAEL COUTTS-TROTTER**, Secretary, Department of Family and Community Services, on former oath  
**DEIDRE MULKERIN**, Deputy Secretary, Commissioning, Department of Family and Community Services, on former affirmation

**The Hon. COURTNEY HOUSSOS:** Welcome back. I want to ask you about the *Daily Telegraph* article that appeared on 23 October. The Minister blamed a technical glitch for dropping face-to-face assessments. Can you explain where the figure of 1,600 fewer children came from?

**Mr COUTTS-TROTTER:** Certainly. We published a department media release that week that provided a summary of a couple of key measures of child protection performance, including the number of children that we had seen in the 2017-18 financial year. We reported that we saw 26,196 children, which was higher than any other year of the previous seven except for the 2016-17 financial year. The figure the Minister was referring to was the difference between the number of children seen in 2016-17 and the number of children that we saw in 2017-18. She has asked me to provide her with a review about the factors that may have contributed to that change.

**The Hon. COURTNEY HOUSSOS:** We will get to that in a moment. I will get back to the data. Can you tell me where the comparison data was being used? Is this the September 2017 data that is the most recent public data or was it from the June 2017 quarter?

**Mr COUTTS-TROTTER:** It is the June 2017 quarter, and when we released that quarterly data we released full year data for 2017-18.

**The Hon. COURTNEY HOUSSOS:** For 2017-18?

**Mr COUTTS-TROTTER:** Yes.

**The Hon. COURTNEY HOUSSOS:** You released the risk of serious harm data?

**Mr COUTTS-TROTTER:** We released the number of children we saw. We released information about the funded casework positions and annual vacancy rate. We released information about the number of entries and exits into care for Aboriginal and non-Aboriginal children in 2017-18 and the previous two years to provide a point of comparison and, as I say, we contrasted the number of children we saw in 2017-18 with the number of children we had seen in 2016-17.

**The Hon. COURTNEY HOUSSOS:** In budget estimates, you said that you would have the data for the 2017-18 period within a matter of weeks. Is this the data that you were talking about?

**Mr COUTTS-TROTTER:** Yes.

**The Hon. COURTNEY HOUSSOS:** Did that include the children at risk of serious harm?

**Mr COUTTS-TROTTER:** No. I can give you the number of children who were reported at risk of significant harm in that period. In 2016-17 the number of children in at risk of significant harm reports was 86,426. In 2017-18 it was 92,007, which is an increase of around 6 per cent.

**The Hon. COURTNEY HOUSSOS:** Was that published as part of this data that was released?

**Mr COUTTS-TROTTER:** No, because that information was not confirmed at the time but it will be published formally in our September quarter dashboard.

**The Hon. COURTNEY HOUSSOS:** When will that go up? In December?

**Mr COUTTS-TROTTER:** That is due to go up, as is usually the case, a couple of months after the end of the quarter. We will publish it on or before 30 November.

**The Hon. COURTNEY HOUSSOS:** Will you provide me with the breakdown for the different districts? How many for the Central Coast?

**Mr COUTTS-TROTTER:** I need to take that on notice. It is a very difficult thing to do. In fact, we decided we could not do it for the 2017-18 year because of the way we counted and allocated work between so-called statewide services, such as the Investigative Response Team. The out-of-hours response through the Helpline changed during the year, so allocating to a district for the 2017-18 period, my data colleagues told me they were not able to do it with a sufficient degree of accuracy. We have been looking to publish "children seen" data as well as "children reported at risk of serious harm" data by districts on a more rapid and regular cycle as part of our reporting from here on out. But I am yet to get confirmed advice on what will be available for the

September quarter report. That is a very long-winded way of saying I would need to take that on notice and confirm it for you.

**The Hon. COURTNEY HOUSSOS:** You will take on notice the specific regions: Central Coast, Far West, Hunter New England, Illawarra, Shoalhaven, Mid North Coast, Murrumbidgee, Nepean Blue Mountains, Northern New South Wales, Northern Sydney, South Eastern Sydney, South Western Sydney, Southern New South Wales, Sydney, Western New South Wales and Western Sydney?

**Mr COUTTS-TROTTER:** Yes, they are our districts.

**The Hon. COURTNEY HOUSSOS:** A large amount of information was released in the lead-up to the 23 October article. Is that correct?

**Mr COUTTS-TROTTER:** It is available on our website, yes.

**The Hon. COURTNEY HOUSSOS:** In the dashboard?

**Mr COUTTS-TROTTER:** There is a June quarter dashboard and there is an accompanying media release and table of information.

**The Hon. COURTNEY HOUSSOS:** The information that was released on the dashboard and in the accompanying table, the figures that were not released were the "children at risk of significant harm". Is that correct?

**Mr COUTTS-TROTTER:** That is right.

**The Hon. COURTNEY HOUSSOS:** Do you have any other information that you have not yet released?

**Mr COUTTS-TROTTER:** In respect of 2017-18? There is quite a lot of detailed information that we provide to the Australian Institute of health and wellbeing and the Productivity Commission for reports that appear either later this year or early next. So there is quite a depth of child protection information of one kind or another that is still to be released. But that is following the usual pattern of confirmation and provision to those independent organisations.

**The Hon. COURTNEY HOUSSOS:** In terms of the information that is usually provided that has been provided since 2009, I think "children at risk of significant harm" has been released. You did not release that in October; you have now released that. Do you have any other data, apart from this reporting data, that has not yet been publicly released?

**Mr COUTTS-TROTTER:** That is usually contained in a dashboard, no. What we want to do is build a much broader picture of the whole of the child protection system. This data is really important but, of course, there is an increasing emphasis on earlier intervention and diversion and we would want to be building our dashboard so that we are reporting more regularly on other investments the taxpayers are making and other initiatives that are being delivered by Government and non-government organisations that serve to keep kids safe.

**The Hon. COURTNEY HOUSSOS:** You said in your testimony in September that part of the problem was the transition from the Kids systems to the ChildStory system.

**Mr COUTTS-TROTTER:** Yes.

**The Hon. COURTNEY HOUSSOS:** And the need to ensure that the data is comparable over time. How much has now been spent on the ChildStory system?

**Mr COUTTS-TROTTER:** The interim budget for ChildStory some years ago was \$99 million over four years. The final budget, after a process of design within the organisation, with children with carers, with non-government organisations, was a bit over \$128 million for those four years ending 30 June 2018. In preparing our accounts for the 2017-18 financial year I have confirmed that the total four-year spend will be \$131 million over those four years. So a difference between a bit over \$128 and \$131 million.

**The Hon. COURTNEY HOUSSOS:** Do you consider that the ChildStory system is up and running? It has been completed. Is there any more expenditure on top of that \$131 million?

**Mr COUTTS-TROTTER:** The ChildStory system is so-called software as a service system. In other words, we are buying a service from a range of providers. We do not own boxes and applications and hire people. It is a different delivery model. There is an ongoing cost to ChildStory. There is an ongoing cost to a range of other ICT platforms that we get delivered in that way. The four-year budget for ChildStory for the coming four years is still being framed at a level of detail. So there are some things we know about licensing costs and standard

service fees. It is going to be below the four-year start-up budget because that contained a whole range of things that were unique to starting it up. But there is an ongoing cost to ICT and there is an ongoing cost to ChildStory.

**The Hon. COURTNEY HOUSSOS:** Why after spending \$131 million on a new ongoing system are you not able to compare the data with the previous system? Have taxpayers paid \$131 million for a new system that is actually giving them less information than before?

**Mr COUTTS-TROTTER:** In the 2017-18 year, that is true. It will not be true in the 2018-19 year and ongoing. In fact, the kind of information we will progressively be able to draw out of ChildStory and report, for taxpayers and critically for children, for families, for government and for non-government child protection workers, will be extraordinary. It facilitates a much better understanding of whether or not children are thriving and will enable us to be held to account for a much broader range of performance, both inside FACS and through the agencies we fund.

**The Hon. COURTNEY HOUSSOS:** I appreciate that that might be the way going forward, but the fact that we cannot compare across districts why there has been a 6 per cent increase and it is a one-off seems a little bit fishy.

**Mr COUTTS-TROTTER:** I acknowledge your terminology, but we have moved from one way of caseworkers recording and counting when they complete a face-to-face risk assessment to a slightly different and a slightly simpler way of doing that, which means that there is an unavoidable break in what is otherwise a longitudinal dataset. The way we count it changed, and ChildStory has enabled us to better ascribe to the Joint Investigation Response Team [JIRT], to Helpline and particularly to the crisis response team at Helpline more accurately the work that they do and the work that happens in the districts. ChildStory was introduced during the course of the year, so you have two factors that mean you cannot compare over that period. But prospectively we will be able to report children reported at risk of harm at a district level and children seen at a district level.

**The Hon. COURTNEY HOUSSOS:** Will you be able to give comparisons of years going forward with the previous longitudinal data, or would it be a totally new set of comparisons?

**Mr COUTTS-TROTTER:** It is not perfectly comparable, but the reason we drew the comparison between slightly more than 26,000 children seen in 2017-18 and slightly more than 27,000 seen the year before was because we think those figures can broadly be compared—they cannot be exactly compared, but we think they can be broadly compared. The Minister has asked for advice to explain that difference, and there are the things that we have just described plus we undertook the implementation of a brand-new child protection practice framework inside the agency in 2017-18, which is a brilliant thing. It is fundamentally improving the quality of our work, but it took 30,000 hours of face-to-face training. There are a range of factors.

**The Hon. COURTNEY HOUSSOS:** I have a question on the review you referred to earlier of the reduction in the number of children seen. Will this review require additional funding?

**Mr COUTTS-TROTTER:** No, I have asked one of our external contractors that provides audit services to the department to undertake that review. That would be funded within our existing audit and assurance budget.

**The Hon. COURTNEY HOUSSOS:** Will any external auditing be missed as a result of that?

**Mr COUTTS-TROTTER:** You could conceptually make that argument, but I am absolutely confident that there is nothing that is not being done in our internal audit program in 2018-19 that needs to be done. We have had a look at the 2018-19 risk and audit program, and I am entirely comfortable with that.

**The Hon. COURTNEY HOUSSOS:** Who will be undertaking the review?

**Mr COUTTS-TROTTER:** I would need to confirm that and come back to.

**The Hon. COURTNEY HOUSSOS:** The Minister also ordered an independent review of the drop in face-to-face assessments. Who will be paying for that consultation?

**Mr COUTTS-TROTTER:** This is the review we are describing. We want to make sure that it is managed and done by people who have no direct involvement in the history of designing for and implementing ChildStory inside the organisation, so that it has independence. The Minister also stressed that she wanted a review report before Christmas, and that is what we will deliver.

**The Hon. COURTNEY HOUSSOS:** There is one review, not an internal and an independent review. Is that right?

**Mr COUTTS-TROTTER:** This is provided to me by an organisation that is external and independent of the department.

**The Hon. COURTNEY HOUSSOS:** There was a reference to an internal review and to an external review, but you say there will be just one review. Is that correct?

**Mr COUTTS-TROTTER:** It is just one.

**The Hon. COURTNEY HOUSSOS:** Let me confirm this: There were 92,007 children reported at risk of significant harm, but only 26,196 children were seen by a caseworker. Is that correct?

**Mr COUTTS-TROTTER:** Yes, that is the data. That is correct.

**The Hon. COURTNEY HOUSSOS:** Do you have reflection upon that? A very, very small proportion of the number of children who are being reported are being seen by a caseworker.

**Mr COUTTS-TROTTER:** My reflection on it is that, firstly, the number of children seen by our caseworkers has increased by about 112 per cent over the last seven years. That is an extraordinary achievement by our frontline leadership.

**The Hon. COURTNEY HOUSSOS:** What was that figure?

**Mr COUTTS-TROTTER:** We have seen an increase of more than 112 per cent in the number of children seen in the last seven years. We have also been funded for more caseworkers, but our casework numbers have increased by about 13 or 14 per cent. The number of children seen has increased by nine times that number, which is an extraordinary achievement. It is also true that, on that measure of performance, some districts perform significantly stronger than others. It is really important for us to understand why that is and spread that good practice. But it is also true that the number of children reported at risk of significant harm in New South Wales has been rising inexorably year on year.

As David Tune found, and as anyone who has looked closely at the issues concludes, there are a range of opportunities to prevent and mitigate and divert children from the statutory child protection system that we have to pay attention to. It is really important that we provide a fantastic crisis response; but it is equally important that time, attention and investment are directed to those places, those opportunities, in the lives of children and families, where they can be helped to de-escalate from crisis.

**The Hon. COURTNEY HOUSSOS:** I very much appreciate that and obviously we are very concerned, particularly about children reported at risk of significance self-harm. However, there is a drop in the number of children who were seen from 32 per cent to 28 per cent—

**Mr COUTTS-TROTTER:** It was 28½ per cent.

**The Hon. COURTNEY HOUSSOS:** —28½ per cent, and that is very, very concerning. I have a final question before my time runs out. Will the review be made public before Christmas?

**Mr COUTTS-TROTTER:** The Minister has committed to making it public once she has considered it.

**The Hon. COURTNEY HOUSSOS:** Will it be received before Christmas? Do you have a specific deadline?

**Mr COUTTS-TROTTER:** She asked me to make sure it is provided to her before Christmas.

**The Hon. COURTNEY HOUSSOS:** Before 25 December it will be provided to the Minister?

**Mr COUTTS-TROTTER:** Yes.

**The CHAIR:** Circling back to preceding hearings and supplementary questions, in response to supplementary questions during the budget estimates, it was advised that the department had implemented additional security protocols for courier services responsible for documents. Could you supply us with details of those new protocols?

**Mr COUTTS-TROTTER:** The major remedial actions were to install four additional closed circuit television cameras at one of our major sites in Ashfield, provide a designated courier car space in that site and establish some predetermined times for mail collection. I can also report that we have moved the courier services related to ministerial functions to a new provider.

**The Hon. PAUL GREEN:** Mr Coutts-Trotter, do you have the statistics for the number of Aboriginal and Torres Strait Islander kids as part of the at-risk kids?

**Mr COUTTS-TROTTER:** I can get you a breakdown for the 2017-18 statistics for the number of children reported at risk of significant harm. I am more than happy to do that. I do not have those numbers to hand, unless my colleague does.

**The Hon. PAUL GREEN:** Given the pressures of the system, do you also have the statistics for how many of the children not being attended to are at risk of significant harm?

**Mr COUTTS-TROTTER:** The challenge for us, not only in Family and Community Services but also in a range of government agencies, is to better understand the points of contact that children and families have with a variety of community supports and funded or directly delivered government services. We talk a lot, as we should, about children reported at risk of significant harm who get a face-to-face response from us, but a further one-third of those children are referred by us to either other State Government services, particularly Health and Education, or funded non-government services, and they in turn get a response from those organisations. Then we fund a range of community organisations that a couple of years ago, for example, had contact with more than 85,000 families.

So getting a really clear picture of how children and families move through all of that and what responses they get at particular times is a major piece of work that is going on at the moment—a major piece of analysis to try to better understand that. In an ideal world, in the first 2,000 days of life everyone would get support. We all need it. Many of us are able to draw on family or community to get that support. Some people cannot; they need to have it provided by a service or by someone else in the community. Many people have elevated levels of risk and stress and they need an appropriate response. But we know for sure in New South Wales, and everywhere else in Australia, that not everybody gets it at the right time and that can escalate to crisis. That is terrible for kids and it is also a terrible waste of money.

**The Hon. PAUL GREEN:** How much funding is allocated for the employment and training of new caseworkers to ensure that the sector is not overstretched?

**Mr COUTTS-TROTTER:** I will get the dollar figure for you. The big trend in the past five years is to be accountable for our caseworker vacancy numbers.

**The Hon. PAUL GREEN:** Have they increased?

**Mr COUTTS-TROTTER:** No, they have continued to fall. The average caseworker vacancy rate over the past year was 3 per cent; in the last or June quarter it was actually zero. What we are seeing is a big increase in the number of Aboriginal applicants for child protection roles—it has gone from 15 a month to 90 a month on average. Indeed, in the last three months half of all the caseworkers and child protection staff we employed identified as Aboriginal, and the turnover rate among new starters—new caseworkers—has fallen from a pretty confronting 48 per cent attrition in the first year some four years ago to 13 per cent in the most recent year.

**The Hon. PAUL GREEN:** So what has changed to make those figures so promising because I do not think the level of stress in the job has reduced?

**Mr COUTTS-TROTTER:** A couple of things. I think our processes of assessment keep getting better. We are beginning to better understand not just what you need to know and be able to do it, but in a sense the psychological profile that is likely to enable you to succeed in the job. The new child protection practice framework emphasizes close, shared supervision as well as individual supervision. We now have so-called group supervision where child protection practitioners essentially bring the thing that worries them most to a group where they have more senior colleagues—they might have a clinical specialist or a child protection team—and they will talk through the issues and concerns. It enables people to share risk and decision-making with one another, and to get professional support and development. That is making a difference.

We are also beginning to roll out a range of wellbeing initiatives for people who are dealing with particularly confronting work, starting with our joint investigative response teams that work on matters of serious physical abuse and child sexual abuse with police and Health colleagues. I think all of that taken together is helping us find the right people for the work and better support them in that work.

**The Hon. PAUL GREEN:** Those statistics seem too good to be believed.

**Mr COUTTS-TROTTER:** I am happy to provide them on notice.

**The Hon. PAUL GREEN:** They are pretty incredible.

**Mr COUTTS-TROTTER:** They are accurate.



**The Hon. PAUL GREEN:** I am not doubting you in those terms. I am merely commenting on how impressive they are compared with 7½ years ago when I started as a member of Parliament.

**Mr COUTTS-TROTTER:** Yes.

**The Hon. PAUL GREEN:** Where are the increased number of Aboriginal and Torres Strait Islander caseworkers coming from? University or TAFE colleges?

**Mr COUTTS-TROTTER:** Two big things have happened, and in a sense it sounds too simple. Aboriginal people already working in the agency have started to talk about what that means and to do that on social media—Facebook. There is a place you can go if you are a bit curious about what working in the organisation might be like and you can hear from Aboriginal people talking about it. We have got a particular and distinct recruitment pathway for Aboriginal people that will connect them early with an authoritative Aboriginal figures outside the organisation, who will help them think and talk through what it might be like to come and work here. Then we have got a process of assessment that is distinct and better recognises some of the historical and cultural factors around Aboriginal people's experience with our organisation and, indeed, their experience generally.

So I think we have been a bit smarter about how we approach people, the supports we give them, what they hear about the truth of the work, and then the kind of support they get once they get here. I know from going out in the field that there will be plenty of Aboriginal colleagues who will say, "Yes, but what about this? There is more to be done." And that is absolutely true, but the numbers are the numbers. There has been a massive increase in the number of Aboriginal people who are prepared to give us a go as a place where they can contribute to the broader community, and indeed their own communities.

**The Hon. PAUL GREEN:** I have recently been talking to the Waminda women's centre about the National Disability Insurance Scheme [NDIS]. They do an amazing job in the Shoalhaven.

**Mr COUTTS-TROTTER:** Yes, they do.

**The Hon. PAUL GREEN:** They wrote to me about their key areas of concern and recommendations about the NDIS. They said, "The NDIS local area coordinators and early childhood intervention partners are not culturally safe or accessible for Aboriginal people." Would you like to comment on that?

**Mr COUTTS-TROTTER:** I could not pass comment on that position, suffice to say I have been to Waminda, and I have the highest regard for the people who work and lead there, so I would take very seriously any reflections they had on it. If there is something we can do to follow that up and feed it back to the National Disability Insurance Agency I would be more than happy to do so. We want the NDIS to work well for everybody, including Aboriginal families.

**The Hon. PAUL GREEN:** They also talked about the non-implementation of NDIS plans within Aboriginal communities. Has it been your experience across New South Wales that there has been less implementation for Aboriginal communities?

**Mr COUTTS-TROTTER:** We have known for a long time that the prevalence of disability in Aboriginal communities is higher than in the general population, but the proportion of Aboriginal people accessing disability services in the old world, the State-funded world, was low. We have known for a long time that getting people to understand and to access available services has been a challenge. So quite a lot of work was done to prepare Aboriginal organisations to provide disability services through the NDIS within New South Wales. There was also work done to try to equip Aboriginal communities and families to exercise choice and control in the new world, but the data that I see in the NDIS' actuary report, and its own reflections on it, tells us that there is much more work to do.

**The Hon. PAUL GREEN:** They also talk about the reducibility of incarcerated persons to access the NDIS. What is your comment on that?

**Mr COUTTS-TROTTER:** We have tried to work quite hard with colleagues in Justice.

**The Hon. PAUL GREEN:** Health?

**Mr COUTTS-TROTTER:** And Health, and Justice Health, to make sure that that is not the case and that planning processes and transition processes in and out of the justice system work well. But I read the submissions to the parliamentary inquiry. We know there is still work to do on that.

**The Hon. PAUL GREEN:** Would you be happy if I forward this email to you?

**Mr COUTTS-TROTTER:** No, of course.

**The Hon. PAUL GREEN:** Because it puts some recommendations with those questions that I think you might find very helpful.

**Mr COUTTS-TROTTER:** Thank you.

**The Hon. PAUL GREEN:** If you can get back to me on that, that would be fantastic.

**Mr COUTTS-TROTTER:** Yes.

**The Hon. PAUL GREEN:** I note that \$39.2 million has been allocated for evidence-based models for future matters of the child protection reforms. Could you outline the model reforms you intend to adopt for this purpose and how does your department ensure the effectiveness of these models?

**Mr COUTTS-TROTTER:** The major models being funded by the Their Futures Matter team are: Functional Family Therapy, which is an evidence-based set of programs, I think initiated in the United States [US] but now delivered in a range of places around the world, including New Zealand; the multisystemic therapy, child abuse and neglect, which is a more intense, more clinical intervention, again strongly based on evidence elsewhere in the world; and we are commissioning Treatment Foster Care Oregon, which is an alternative to what in the old world would be called residential care. It provides therapeutic response in a more home-like environment for very traumatised young people in care.

We have got trauma treatment; we have got a range of psychologists working with kids in care to try to reduce the risk of a pattern we see where, particularly when children move into adolescence and questions of identity arise for them, care placements are at risk of breaking down. It is to try to prevent that. The Their Futures Matter team is in the process of commissioning further intensive therapeutic resources for children under 15 living in statutory care or foster care who have had two or more placements in the last six months, in other words their placements are not stable; and there is also support for around 1,500 carers each year of different levels of intensity based on their needs, to try and help equip carers to deal with the behaviours that traumatised children and young people can exhibit.

**Mr DAVID SHOEBRIDGE:** As to the proposed amendments to the Children and Young Persons (Care and Protection) Amendment Bill, why was the decision made not to put out a draft exposure bill so that the sector could look at the changes before they were presented to Parliament?

**Mr COUTTS-TROTTER:** To be honest, I have not had a discussion with the Minister or her staff about that, so I do not know. The consultation process was initiated in 2017.

**Mr DAVID SHOEBRIDGE:** It is a very specific question about a draft exposure bill.

**Mr COUTTS-TROTTER:** I genuinely do not know.

**The Hon. Dr PETER PHELPS:** Point of order: The decision not to issue a draft bill for public exposure is something which would reside in the authority of the Minister.

**Mr COUTTS-TROTTER:** No. That is a good point. Sorry.

**The Hon. Dr PETER PHELPS:** It is inappropriate to ask the witnesses why it was not done. It is a question that should be directed to the Minister, surely.

**Mr DAVID SHOEBRIDGE:** I am asking in their capacity as secretary and senior officer if they had any role in determining not to have an exposure draft bill. You say it was a matter determined by the Minister, is that right?

**The CHAIR:** If you want to put the question in those terms, they can answer in those terms. On the point of order, the member is correct, it is ultimately the Minister's call.

**Mr COUTTS-TROTTER:** Perhaps we can take that question on notice and ask for a response from the Minister.

**Mr DAVID SHOEBRIDGE:** In putting a mandated period of 24 months as the maximum reasonable period for the purpose of these amendments, what consultation did you and the department take with Aboriginal organisations, such as AbSec, before putting that requirement on Aboriginal children?

**Mr COUTTS-TROTTER:** The consultation report I think provides at the back a reasonably detailed summary of the various mechanisms of consultation between October 2017 and the present.

**Ms MULKERIN:** That is right.

**Mr COUTTS-TROTTER:** I ask my colleague—

**Mr DAVID SHOEBRIDGE:** I ask that question noting the extremely strong opposition that pretty much every Aboriginal NGO, starting from the peak body AbSec and others, has had to those changes for Aboriginal children. That is the context in which I ask the question.

**Mr COUTTS-TROTTER:** Sure. I do not know if there is anything my colleague can add.

**Ms MULKERIN:** As the Secretary has said, there was consultation with a wide range of NGO partners and colleagues and other government agencies in the lead-up to the finalisation of the consultation report. As you would have read, there were a whole range of questions that were posed and asked in the consultation paper, and of course not all of those have gone as the amendments. The advice that went to the Minister and to the Government reflected the wide range of views that were expressed through the consultation process.

**Mr DAVID SHOEBRIDGE:** When I look at the consultation paper, the changes that have been proposed to dispensing with the parents' consent for adoption in circumstances where guardianship orders have previously been made, pretty much every submission opposed that but you still went ahead and did it. What was the rationale for ignoring the stakeholders in proceedings after that?

**Mr COUTTS-TROTTER:** Ultimately, this is the Government's policy, and I think, again, that is appropriately a question I take on notice and seek the Minister's response, should she provide it.

**Mr DAVID SHOEBRIDGE:** How many Aboriginal children who have been in out-of-home care have been adopted in the last 12 months?

**Mr COUTTS-TROTTER:** In the last five years ending 30 June 2017, 13 Aboriginal children in care have been adopted, and six of those adoptions happened in the 2017-18 financial year.

**Mr DAVID SHOEBRIDGE:** You gave me five years to the end of 30 June 2017?

**Mr COUTTS-TROTTER:** Yes. Thirteen children in the five years to 30 June 2018; six of those adoptions of Aboriginal children from care happened in the 2017-18 financial year.

**Mr DAVID SHOEBRIDGE:** In the five years to the end of 2017-18 there were 13?

**Mr COUTTS-TROTTER:** Yes.

**Mr DAVID SHOEBRIDGE:** And six of those were in the last financial year. Is that right?

**Mr COUTTS-TROTTER:** Yes.

**Mr DAVID SHOEBRIDGE:** Why the very significant increase, I would describe it as, in the number of Aboriginal children being adopted out?

**Mr COUTTS-TROTTER:** I would have to go to the detail of that, but every one of those, as you would know, Mr Shoebridge, before it goes to consideration in the Supreme Court needs to receive my endorsement. Many of those matters were seven, eight, nine years old. I need to get for you, if you like, of the six children adopted in 2017-18 I think you will find, and from my recollection, many of those were longstanding matters.

**Mr DAVID SHOEBRIDGE:** Are you planning for an increase in the number of Aboriginal children being adopted as a result of the proposed legislative changes?

**Mr COUTTS-TROTTER:** We have no estimates or target for Aboriginal adoptions. It is really important to make that clear.

**Mr DAVID SHOEBRIDGE:** That was not my question. My question was whether or not you are planning for an increase? Were you expecting an increase?

**Mr COUTTS-TROTTER:** On the 13 that were adopted in the past five years, genuinely I do not know. I think there are 14 Aboriginal children at inquiry stage for open adoption. But inquiry stage often does not lead to an adoption process.

**Mr DAVID SHOEBRIDGE:** Given the proposed removal of consent to the parents once a guardianship order has been made, do you expect that that pathway will be being used in relation to Aboriginal children, or is there a special protection you are proposing for Aboriginal children and their parents?

**Mr COUTTS-TROTTER:** The approach for Aboriginal children and parents is profoundly different, where open adoption is considered as the least preferred permanency option.

**Mr DAVID SHOEBRIDGE:** I am asking if there are any special protections for Aboriginal children from those facilitative changes to adoption?

**Mr COUTTS-TROTTER:** In relation to the care Act amendments, I think I should take that on notice and respond to you.

**The Hon. COURTNEY HOUSSOS:** I note the Hon. Dr Peter Phelps' point of order. There was a meeting that occurred in the Ombudsman's office on, I think, 23 August regarding the draft exposure bill. Did you give an undertaking to stakeholders that you would circulate an exposure bill?

**Mr COUTTS-TROTTER:** There was a discussion. I think you are probably referring to the regular so-called yarning circle where the ombo hosts Grandmas Against Removal and a range of other Aboriginal organisations and colleagues. I certainly have never given anyone a commitment about circulating an exposure draft. But I think that is the meeting you are referring to.

**Mr DAVID SHOEBRIDGE:** If you were not there, did anybody from the department give that undertaking?

**The Hon. COURTNEY HOUSSOS:** No, it was the Secretary who was there and the information that I am given is that it was a reference group and stakeholders were led to believe that they would see a draft of the bill before it was circulated, from your comments on the day. What do you say to that?

**Mr COUTTS-TROTTER:** I do not have that recollection, and if that was communicated in any way I can only apologise./

**The Hon. COURTNEY HOUSSOS:** It is your testimony today that you did not give an undertaking to provide a copy of the draft exposure bill. Is that right?

**Mr COUTTS-TROTTER:** It is not within my power to do that. I have been around long enough, I think, to not make commitments that I could not possibly deliver on.

**The Hon. COURTNEY HOUSSOS:** Are you able to give the number of children who are currently in out-of-home care in New South Wales?

**Mr COUTTS-TROTTER:** Yes. We have—and I think this was reported in the data we released a couple of weeks ago—a total of 17,387 children as at 30 June 2018, which is a reduction of around 400 children on the year before, and the data we released showed that there has been a 44 per cent reduction in the number of children assumed into care in the past two years ending 30 June 2018.

**The Hon. COURTNEY HOUSSOS:** What were the lengths of the placements?

**Mr COUTTS-TROTTER:** I do not have that information to hand, but generally what we have seen over the recent period is the average period of time in particularly foster care placements has risen steadily.

**The Hon. COURTNEY HOUSSOS:** If you can provide on notice the lengths of the placements and how many children have had one, two or three or more placements? How much money has been spent in the last 12 months across the State in each district to place children in motels, hotels, caravans and cabins?

**Mr COUTTS-TROTTER:** Really what you are asking is what has been the cost in the last year of so-called alternative care placements. I am happy to take that question on notice. Most of those placements—and they are an inadequate form of placement—80 per cent of them are now in rented accommodation or serviced apartments.

**Mr DAVID SHOEBRIDGE:** But I already asked this question on notice and you failed to answer it on notice before. I expressly asked the question and you expressly failed to answer it. Why do we expect you can answer it now?

**Mr COUTTS-TROTTER:** The questions on notice that are provided to the Committee are provided by Ministers.

**The Hon. COURTNEY HOUSSOS:** So you are telling me that 20 per cent of funding is that 80 per cent are in serviced accommodation or long-term rentals. You are saying that 20 per cent of the money that is spent is spent on motels, hotels, caravans and cabins for alternative accommodation?

**Mr COUTTS-TROTTER:** As at 15 October, 17 children were placed in hotels and motels, but the more important point here is this is an inadequate placement for these children.

**The Hon. COURTNEY HOUSSOS:** I would absolutely agree with you, Mr Coutts-Trotter.

**Mr COUTTS-TROTTER:** These children need and deserve—

**The Hon. COURTNEY HOUSSOS:** How many caseworker staff across the State are doing extra shift work to staff the motels, hotels, caravans and cabins after hours?

**Mr COUTTS-TROTTER:** Most of the care provided and support provided to children is provided by staff authorised by us but provided by other agencies. We retain case management responsibility for those children. Our caseworkers are visiting them at least once a week, but the often 24-hour care and support is provided by agency staff, who are authorised by us to perform that role.

**The Hon. COURTNEY HOUSSOS:** I think you misunderstood my question. My question is how many caseworkers are taking extra shift work to staff the motels as authorised persons?

**Mr COUTTS-TROTTER:** I would need to seek information on that. I do not know.

**The Hon. COURTNEY HOUSSOS:** So you are going to take that on notice as well?

**Mr COUTTS-TROTTER:** Yes.

**The Hon. COURTNEY HOUSSOS:** But you are aware of some caseworker staff doing this?

**Mr COUTTS-TROTTER:** Yes, but very rarely.

**The Hon. COURTNEY HOUSSOS:** Do they require your permission to do this?

**Mr COUTTS-TROTTER:** Any placement in an alternative care placement requires authorisation by one of our deputy secretaries. So the decision-making happens at a very high level because we are concerned about this care time.

**The Hon. COURTNEY HOUSSOS:** Is a caseworker considered to be taking on a secondary employment if they do, outside of their regular hours of work, staff these motels, hotels, caravans, cabins and serviced apartments?

**Mr COUTTS-TROTTER:** If they were employed by somebody else, yes, I think that would be considered secondary employment.

**The Hon. COURTNEY HOUSSOS:** In other departments the secretary is required to authorise that. Is that the case in—

**Mr COUTTS-TROTTER:** No, I authorise the policy that is then adhered to within the agency. I would authorise those kinds of decisions for my direct reports but not for reports to my reports.

**The Hon. COURTNEY HOUSSOS:** But you are aware that there are cases of staff who are doing this perhaps regularly?

**Mr COUTTS-TROTTER:** No. Your question was in two parts: one was is some of the support for these children being provided by FACS staff. I said yes, I think that happens but rarely and I will check on that. Two, you are asking are there FACS staff who are providing this support as a second job for another organisation. I have no knowledge of that whatsoever, but the scenario you put to me suggested that if that was the scenario, that would be secondary employment.

**The Hon. COURTNEY HOUSSOS:** Can you take on notice to see whether there are any caseworkers who are currently doing that?

**Mr COUTTS-TROTTER:** Yes.

**The Hon. COURTNEY HOUSSOS:** In the answers to supplementary questions Minister Goward referenced that there were 800 new claims received by FACS from persons seeking compensation for abuse in care. What is the time frame for dealing with them?

**Mr COUTTS-TROTTER:** To quantify it I can get that information to you. But averages obscure what we hope is a sympathetic and compassionate response. Where someone is seriously unwell, dying—and we have had people approach us in those circumstances—we have dealt with claims within four weeks.

**The Hon. COURTNEY HOUSSOS:** There were five new claims for the 2013-14 financial year. How many of those have been finalised?

**Mr COUTTS-TROTTER:** I am happy to find out for you. From memory, the policy's aim is that we finalise all these claims within two years. My experience of this process, and it is one of the things of which I am most proud inside our organisation, is that this happens sensitively and within the bounds of giving people time to consider and make decisions very quickly.

**The Hon. COURTNEY HOUSSOS:** Are you able to also then, of those five new claims, tell me how many of those claims the claimant was awarded compensation, how many were withdrawn and how many were not substantiated?

**Mr COUTTS-TROTTER:** Yes.

**The Hon. COURTNEY HOUSSOS:** Would you be able to provide the total compensation amount awarded for claims from persons seeking compensation for abuse for the period of 2013-14?

**Mr COUTTS-TROTTER:** That would be persons who made a claim in 2013-14 but not necessarily in respect of 2013-14, just to be clear?

**The Hon. COURTNEY HOUSSOS:** That is correct.

**Mr COUTTS-TROTTER:** Yes, I think we can provide that.

**The Hon. COURTNEY HOUSSOS:** Of the 78 new claims for the 2014-15 financial year, can you provide how many of those have been finalised?

**Mr COUTTS-TROTTER:** Yes, we track this very closely. We have that information.

**The Hon. COURTNEY HOUSSOS:** Sorry, you have the information or you will have to provide that on notice?

**Mr COUTTS-TROTTER:** I would have to provide it.

**The Hon. COURTNEY HOUSSOS:** Again, if you can tell me in those claims how many of the claimants were awarded compensation, how many were withdrawn, how many were not substantiated and what was the total compensation for 2014-15? Again, there are 179 new claims for the 2015-16 years, and if you can give me—

**Mr COUTTS-TROTTER:** Of course, the majority of these claims in recent years have been victims and survivors of Parramatta girls, and other historic and abhorrent care settings.

**Ms MULKERIN:** For Parramatta girls, as the Secretary said, we have around 200 claims and we have settled close to 160 or 170 of those. I know the numbers because I am the instructing officer for the whole set. All of those claims are managed through our legal services; they come to the instructing officer on behalf of the department who makes some determinations about settlements. But, as importantly, how the apologies will be delivered in concert with legal representatives, a senior executive from the department delivers the apologies in person to the claimants.

**The Hon. COURTNEY HOUSSOS:** Could you provide that on notice. I come back again to the question of caseworker staff providing supervision in motels, hotels, caravans, cabins and, as you mentioned, serviced apartments as well. Are you able to say whether any of those staff are doing overtime in order to provide that supervision?

**Mr COUTTS-TROTTER:** I would need to check for you.

**The Hon. COURTNEY HOUSSOS:** You will take that on notice?

**Mr COUTTS-TROTTER:** Yes.

**The Hon. COURTNEY HOUSSOS:** Are you able to provide the number of children currently on guardianship orders?

**Mr COUTTS-TROTTER:** Yes, I might be able to. I saw that. I have read an awful lot. It is around two and a half thousand children on guardianship orders. Of that number I think around 810 or 815 were Aboriginal children.

**The Hon. COURTNEY HOUSSOS:** Are you aware of any additional funding that has been allocated to accommodate the proposed amendments in the Children and Young Persons (Care and Protection) Amendment Bill 2018?

**Mr COUTTS-TROTTER:** No, I do not think so.

**The Hon. COURTNEY HOUSSOS:** There is no additional funding allocated at this point?

**Mr COUTTS-TROTTER:** No.

**Ms MULKERIN:** No. If I might, the most impact in terms of FACS impacts is the requirement to offer alternative dispute resolution [ADR] early in the process. Over the last couple of years FACS has been working hard to increase the number of family group conferences that are offered early on in the child protection process. Family group conferencing is a technique to get all of the key players and family around the table to help share some of the questions about how families can best be supported. In increasing the expectation about alternative dispute resolution, we did some modelling for the Minister about whether or not we had the capacity to respond to the volume within our current resources and the advice was that we did.

**The Hon. COURTNEY HOUSSOS:** This is a slightly different version of the question my colleague Mr Shoebridge asked: How do you intend to ensure that the restoration potential is not destroyed by placing a 24-month timeframe on adoption, particularly in circumstances where external variables impact the parents' ability to regain custody, such as housing wait lists?

**Mr DAVID SHOEBRIDGE:** Or rehab.

**Mr COUTTS-TROTTER:** Okay. I think the fact that the proposed changes allowed the court to consider a 24-month time frame rather than possibly a point in time frame about the possibility of restoration opens that up a little bit.

**Mr DAVID SHOEBRIDGE:** It is no more than 24 months. You are limiting it. The legislation limits it, it does not open it up.

**Mr COUTTS-TROTTER:** It says 24 months.

**Mr DAVID SHOEBRIDGE:** No more than.

**Mr COUTTS-TROTTER:** Yes.

**Mr DAVID SHOEBRIDGE:** No, it does not say 24 months, it says "no more than". It could be a week.

**Mr COUTTS-TROTTER:** It is clearly not point in time. It does allow for up to 24 months as a period of consideration as to whether restoration is feasible.

**Ms MULKERIN:** The intent of the amendment is clearly to put a sense of urgency about the work that needs to happen, predominantly from FACS, with families about what support they need in order to safely care for their children. The 24-month period, two years, is quite a long time in a child's life and it really is intended to flag that it is not okay for children to drift in care with no clear plan about where they will permanently belong. The focus is really about saying that we need to get in there early and work with families and help them access supports, which is also why the Government invested—

**The Hon. COURTNEY HOUSSOS:** Can I stop you there. You are saying that a sense of urgency needs to be injected, that FACS workers do not have that currently?

**Ms MULKERIN:** I am saying that the Act is clearly articulating that the policy intent from the Government is that the 24 months signals that two years is a long time in a child's life and families need support. The earlier that we can get in and offer them support the more likely it is they will be open to change.

**The Hon. COURTNEY HOUSSOS:** Surely then you will need more caseworkers if you are looking to shorten the time frame?

**Mr DAVID SHOEBRIDGE:** More housing and rehab. If you have a two-year wait list to get a house and the reason you have had your child taken is because you do not have stable housing, that is it, no discretion in the court, child gone.

**Mr COUTTS-TROTTER:** Number one, we recognise the importance of stable housing and I would challenge the criticism of co-location of housing and child protection staff. I think that embeds that understanding of how important stable housing is to facilitate family preservation or make possible family reunification. The



permanency support program that funded \$600 million to \$700 million a year, spent now through non-government organisations for the first time, contains 190 family preservation packages and around 900 family reunification packages. There is actually an increase in resources behind the objects of the legislation; preservation, reunification.

**The Hon. COURTNEY HOUSSOS:** How many additional caseworkers are going to be employed? How many additional resources for housing? How many other additional support services will be in place in order to meet the two-year timeframe? There is no judicial discretion. It is a two-year timeframe that is there in concrete. There is no ability to go beyond that.

**Mr COUTTS-TROTTER:** There is a requirement for the court to examine the quality of the work we do before we come before the court and there is the ability of the court to relist.

**Mr DAVID SHOEBRIDGE:** Up to two years.

**The Hon. COURTNEY HOUSSOS:** What is the average period that it takes for an adoption to occur now?

**Mr COUTTS-TROTTER:** The average period is longer than two years.

**The Hon. COURTNEY HOUSSOS:** You would acknowledge that there would need to be more resources in place to allow this to happen within an expedited time frame? Ms Mulkerin just said there needs to be a sense of urgency that clearly does not exist at the moment.

**Ms MULKERIN:** I am not sure that is exactly what I said.

**The Hon. COURTNEY HOUSSOS:** You said there is a need for a sense of urgency.

**Ms MULKERIN:** Definitely. I will not walk away from that. The focus of the work is not exclusively on the adoption work. Our work mostly is about working with families so they can safely care for their children and a focus on family preservation. As the Secretary outlined, there is considerable new funding in the family preservation area. The evidence based programs, 900 places. It is a significant investment. Most of our work is about family preservation and if that is not possible then focussing on what is the best possible long-term placement for a child with a focus on stability. All of the research available in this area says that one of the best ways for children to overcome the trauma they have experienced, which is the reason for their coming to care in the first place, is for there to be a sense of connectedness and belonging, which is about permanency and stability.

**The Hon. COURTNEY HOUSSOS:** Nobody on this Committee would dispute the need for stability for children in this particular instance, or in any instance. What we are concerned about is the lack of associated resources and that these timeframes will be expedited without the appropriate supports. Where are the caseworkers to provide the assessments? Where are the additional resources for housing? How are we going to ensure that this process is not just rushed as a result of this arbitrary timeframe? We want to see children taken care of, absolutely. We want to see them in a longer or permanent home because we know the benefits that come from that. Where are the additional resources to make sure this happens and previous mistakes are not repeated?

**Mr COUTTS-TROTTER:** We have been funded for, I think, 131 additional casework positions. We have got more casework support workers. We have got increased investment, both through the Permanency Support Program, through to Their Futures Matter and family preservation and reunification, and we have seen a 44 per cent reduction in the number of children coming into care, taking pressure off both the court system and the people around it. I would simply make those points.

**Mr DAVID SHOEBRIDGE:** As I understand from your evidence, there are between 810 and 815 Aboriginal children who are currently under guardianship orders, who, if the proposed legislative changes happen, will be able to be adopted without their parents' consent. Is that right?

**Ms MULKERIN:** The amendments allow for the court to dispense with the consent.

**Mr DAVID SHOEBRIDGE:** So the answer is yes?

**Ms MULKERIN:** Although the parents, if the Guardian—

**Mr DAVID SHOEBRIDGE:** If there are guardianship orders in place, adoptions can happen without parents' consent and there are between 810 and 815 Aboriginal children currently under guardianship orders. Is that right?



**Mr COUTTS-TROTTER:** Nearly all of them are placed with kin. You are asking a question of fact, but behind that question of fact is an assumption that—

**Mr DAVID SHOEBRIDGE:** So can I have a factual answer?

**Mr COUTTS-TROTTER:** I think my colleague Ms Mulkerin has provided the factual answer.

**Mr DAVID SHOEBRIDGE:** The answer is yes, is it not, that all of those 810 to 815 can be adopted without their parents' consent if the court chooses?

**Mr COUTTS-TROTTER:** The court can choose.

**Mr DAVID SHOEBRIDGE:** How many of those 810 to 815 Aboriginal children do you expect to be adopted as a result of the changes?

**Mr COUTTS-TROTTER:** I have no expectations about that at all.

**Mr DAVID SHOEBRIDGE:** What particular measures are you putting in place to ensure that we do not have a sweep of Aboriginal children picked up for adoption as a result of these changes?

**Mr COUTTS-TROTTER:** We have various frameworks: the Aboriginal placement principle, the view that adoption for Aboriginal children is the least preferred permanency option; the fact that it can only be considered for movement to the Supreme Court for its independent consideration if it is clearly the best legal alternative for the interests of the child; and the fact that that operates as you would expect it to, as evidenced by the tiny number of Aboriginal children who have been adopted from care.

**Mr DAVID SHOEBRIDGE:** Yes, but you are now changing the law to get rid of one of the key constraints—

**The Hon. Dr PETER PHELPS:** Point of order—

**The CHAIR:** A point of order has been taken.

**Mr DAVID SHOEBRIDGE:** —which was the parents' consent. If they get rid of the need for parents' consent, the history is—

**The Hon. Dr PETER PHELPS:** They are members of the public service; they are not changing the law. If Mr Shoebridge wants to direct his criticism towards someone, then he could direct it towards the Minister. He can even point towards the side of the table, seeing we voted for it. But it is unfair to badger public servants on a matter of, clearly, policy.

**Mr DAVID SHOEBRIDGE:** I will move on to the next question.

**The Hon. GREG DONNELLY:** I think the way it works is that we place the question and allow the question to be answered.

**Mr COUTTS-TROTTER:** Thank you very much.

**Mr DAVID SHOEBRIDGE:** I asked a very simple, factual question on notice: What proportion of FACS' \$2 billion budget was spent on early intervention? How much was spent on early intervention? I do not know what advice you gave the Minister but the answer I got did not answer the question. I got an answer that there is a 66 percent increase in our investment in child protection and out-of-home care since we came to government. I will ask it again. Given how crucial early intervention is, what proportion of the FACS budget and how many dollars of the FACS budget are spent on early intervention?

**Mr COUTTS-TROTTER:** Well, I do not have the figure to hand, but the last time I had a serious look at it, it was around one-sixth or one-seventh of our effort. But I think what we are starting to see, which confounds that a little bit, is the fact that now within so-called "care providers", we are funding organisations to provide family preservation or family reunification. We have seen a complete collapse from a so-called removal rate of about 30 per cent to a removal rate of 10 per cent among the statutory child protection work we do. So I think it is a—

**Mr DAVID SHOEBRIDGE:** Can you give me an answer—

**The CHAIR:** Just let the Secretary answer the question.

**Mr COUTTS-TROTTER:** It is a slightly confounded picture to determine what is meant by early intervention, but on strict and generally understood definitions, about one-sixth or one-seventh of our effort in FACS.

**Mr DAVID SHOEBRIDGE:** Could you, on notice, give me the answers and could you go back over the last three years so we get a sense of where that is going?

**Mr COUTTS-TROTTER:** Okay. It has definitely risen over the last three years.

**Mr DAVID SHOEBRIDGE:** Is it true that the Hunter district has failed its accreditation again?

**Mr COUTTS-TROTTER:** No, the Hunter district is accredited but it is being assessed at the moment by the Children's Guardian.

**Mr DAVID SHOEBRIDGE:** Is it still on interim accreditation and did it have its interim accreditation extended because it could not get permanent accreditation?

**Mr COUTTS-TROTTER:** It is accredited. I would need to double-check the definitional question, but the Office of the Children's Guardian is in the Hunter and indeed in New England at the moment.

**Mr DAVID SHOEBRIDGE:** Is that because they do not have permanent accreditation and they continue to fail to get permanent accreditation because of failures and inadequacies?

**Mr COUTTS-TROTTER:** Nobody has permanent accreditation; everybody has time-limited accreditation. They are accredited and they are currently under assessment.

**Mr DAVID SHOEBRIDGE:** Is it interim accreditation because they have not met the standards necessary?

**Mr COUTTS-TROTTER:** They are yet to achieve a five-year accreditation.

**Mr DAVID SHOEBRIDGE:** Given the process for accreditation has been going for, I think, over a decade, how possibly can it be that the Hunter district still cannot get its five-year accreditation? What is going so horribly wrong?

**Mr COUTTS-TROTTER:** You have framed that—

**Mr DAVID SHOEBRIDGE:** As I see it.

**Mr COUTTS-TROTTER:** —as you see it, okay. What I see in the Hunter is demonstrable improvements in quality of the work we do with children and their families, birth families and caring and kin. I am hoping that our independent regulator will see those improvements, too, but there is an absolute transformation in the way that my colleagues from the Hunter can and do talk about the work we do in that home care.

**Mr DAVID SHOEBRIDGE:** Could it be true that FACS does not have a set of standard criteria or standards for foster carers, which are applied across the board to the non-government sector? Could that possibly be true, that there is not a set of standard, accepted criteria standards that apply to all foster carers?

**Mr COUTTS-TROTTER:** In terms of their authorisation?

**Mr DAVID SHOEBRIDGE:** Correct.

**Mr COUTTS-TROTTER:** The expectations are laid out within the regulatory framework and it is the responsibility of each accredited provider to authorise carers.

**Mr DAVID SHOEBRIDGE:** So one carer may have one set of standards, another carer another set of standards, but there is no actual statewide minimum standard for foster carers that you apply?

**Mr COUTTS-TROTTER:** There are a range of ways of assessing the suitability of carers. Many of those are clear and mandated. For example, our Community Services Check would be conducted in relation to everybody, and then the judgements are made within clear minimum standards articulated by the Children's Guardian.

**Mr DAVID SHOEBRIDGE:** But do you check those standards? Are you checking? Is that part of the tender that they have minimum standards that you sign off on?

**Mr COUTTS-TROTTER:** The governance framework sees them being responsible to maintain accreditation by demonstrating the quality of their work, which includes the authorisation, support, training and development of carers and demonstrating that to an independent statutory regulator, the Children's Guardian.

**Mr DAVID SHOEBRIDGE:** How many different private organisations are providing out-of-home care in New South Wales and, in doing that, identifying and obtaining foster parents?

**Mr COUTTS-TROTTER:** I can get that question for you but it is available on the Children's Guardian website, of course. From the last time I looked, around 50 organisations were accredited.

**Mr DAVID SHOEBRIDGE:** So, as best as you can say, there are 50 different standards and 50 different sets of criteria being applied across New South Wales for foster carers?

**Mr COUTTS-TROTTER:** No, sorry, you are suggesting that there is some great inconsistency between this when, in fact, I would say that the Children's Guardian does a rigorous and very careful job of assuring itself that the organisations it accredits and quality assures on a regular and pretty continuous basis are satisfying the minimum standards.

**Ms MULKERIN:** Sorry, if I could just clarify, there are 46 foster care providers.

**Mr DAVID SHOEBRIDGE:** I said 50; make it 46.

**Ms MULKERIN:** Forty-six across the State.

**Mr DAVID SHOEBRIDGE:** Thanks for that. I asked on notice whether or not FACS was concerned about the reported levels of self-harm in New South Wales juvenile justice facilities and the figures were that there are a dozen children who had in the order of 150 incidents of self-harm. I thought it was a very real concern, but the answer I got on notice was: "I am advised that FACS is concerned about the welfare and safety of all children and young people". Can I ask you again? Is FACS concerned about the reported levels of self-harm in New South Wales juvenile justice centres?

**Mr COUTTS-TROTTER:** The Minister has provided a response.

**Mr DAVID SHOEBRIDGE:** St Patrick's Orphanage closed in 1983 in Armidale and your department had been sending children there for over a century. What, if any, checks were made between the end of the official stolen generations policy in the late 1960s and 1983 to ensure that children were not subjected to repeated physical and emotional abuse at that St Patrick's facility?

**Mr COUTTS-TROTTER:** Of course, I do not have an answer for that.

**Mr DAVID SHOEBRIDGE:** I thought you might want to take that on notice.

**Mr COUTTS-TROTTER:** Sure. We may well be dealing with the victims and survivors of that experience at the moment, so I need to take advice on that.

**Mr DAVID SHOEBRIDGE:** Given the compensation scheme for the stolen generation ends at the end of the official policy, which was, I think, 1968, there are 15 years of that institution operating, largely with Aboriginal children, in a brutal manner and those children are denied access to the compensation scheme. What is the department's position in relation to claims from that cohort?

**Mr COUTTS-TROTTER:** I will take that on advice and respond to you.

**Mr DAVID SHOEBRIDGE:** Acknowledging that is just one of many facilities that although the official stolen generation policy ended in the 1960s, the practical operation changed very little on the ground until, in many cases, the mid- to late-1970s. Is the department considering some kind of statewide policy that will provide redress for that—I will call them transitional generation?

**Mr COUTTS-TROTTER:** Can you help me understand why it is they would lack the opportunity for redress either by making a civil claim to us or indeed through the National Redress Scheme?

**Mr DAVID SHOEBRIDGE:** They are excluded from the stolen generations redress scheme because that closes at the end of the official policy, even though the practical difference in their lives was minimal. It is an arbitrary date and it is not having access to the statutory scheme that puts them at a very substantial disadvantage.

**Mr COUTTS-TROTTER:** I would need to take advice to understand the nature of the disadvantage.

**Mr DAVID SHOEBRIDGE:** It is a difficult issue. I am not expecting a glib answer from you, and I am glad I have not got one. It is a complicated policy issue.

**Mr COUTTS-TROTTER:** Yes.

**Mr DAVID SHOEBRIDGE:** If you talk to family members where their eldest brother was taken, he may have certain rights because it was prior to the end of the scheme. But then the rest of the family who were taken in identical circumstances do not have rights. The sense of injustice, and I think very real injustice, is what drives this question.

**Mr COUTTS-TROTTER:** Thank you.

**Mr DAVID SHOEBRIDGE:** I asked on notice: What accreditation do people caring for children in motels require? The answer I got was: I am advised FACS must meet relevant legislative requirements. Could I ask again what accreditation do people caring for children in motels require, that is, is children who are subject to out-of-home care?

**Mr COUTTS-TROTTER:** We have to authorise someone to do that, which would involve a Working With Children Check, a child protection data check, which of course is looking into our and other interstate records that may suggest someone while not being convicted of something was identified as someone who might be causing harm to a child. We would undertake a national criminal record check, a 100 point ID check, and then we would need to make a decision about whether they are a suitable carer, and they would need to sign a carer code of conduct.

**Mr DAVID SHOEBRIDGE:** All those determinations would be made by FACS?

**Ms MULKERIN:** Yes.

**Mr COUTTS-TROTTER:** Yes.

**Mr DAVID SHOEBRIDGE:** And none of that part of the process is being done by a non-government organisation at this point, is that right?

**Mr COUTTS-TROTTER:** In respect of the children we have been talking about, no, that is done by us.

**Mr DAVID SHOEBRIDGE:** The children in motels?

**Mr COUTTS-TROTTER:** In alternative care placements that are alternative care placements. So I think there are a small number of non-government providers who have children in alternative care placements, and I mean a handful, that they would be responsible in the same way we are as a provider for authorising those placements.

**Ms MULKERIN:** That is correct.

**Mr DAVID SHOEBRIDGE:** I did also ask: What is the average length of stay that children have in motels? I got a non-answer to that. I also asked: What was the longest stay in 2017-18? I am asking those questions again now because I got a non-answer to each.

**Mr COUTTS-TROTTER:** I think the average, and I turn to my colleague who is close to the alternative care task force work, but I think it was about 114 days.

**Ms MULKERIN:** The average is about five months.

**Mr DAVID SHOEBRIDGE:** Five months in a motel?

**Ms MULKERIN:** In a serviced apartment. As the Secretary said, most of these children are in serviced apartments. The average, of course, is skewed. We have a large number of children who are coming in and out of the arrangements relatively quickly. It is often between a planned placement breakdown and the next planned placement. Then we have a small group of children who have been in these arrangements for longer periods of time. The average skews both ends of the numbers.

**Mr DAVID SHOEBRIDGE:** Maybe I am not allowed to say this in budget estimates, but I find that deeply distressing that the average period is five months in motels and other supported care.

**Ms MULKERIN:** We do too.

**Mr COUTTS-TROTTER:** We find it deeply distressing too.

**Mr DAVID SHOEBRIDGE:** That a child is not in a family of any sorts for that period of time is obviously a failure.

**Mr COUTTS-TROTTER:** Yes.

**Mr DAVID SHOEBRIDGE:** Could you perhaps give me on notice the median, if you say the average is skewed by a small number?

**Ms MULKERIN:** Sure. Yes.

**Mr DAVID SHOEBRIDGE:** Can you also give me the longest?

**Ms MULKERIN:** Yes, we can give you that on notice.

**Mr DAVID SHOEBRIDGE:** The answers did say that there is work going on to try to end this. When will it end?

**Mr COUTTS-TROTTER:** It has reduced year on year for the last four years. The number of children who have moved through these types of placements has reduced year on year. The work is focusing on two or three key things. Number one are much more targeted carer recruitment programs because there are plenty of places where we have a funded placement but no carer who is able to take a child on. That is number one.

**Mr DAVID SHOEBRIDGE:** Stopping you there, is this a cohort of—I am trying to think of a way of describing unwanted children, children that are hard to place? I am not putting that pejorative on the children. I am putting it on how society looks upon them.

**Mr COUTTS-TROTTER:** The primary reason that children end up with this, for the present, as the only option is because other placements break down and we think that the primary cause of that is unrecognised and ineffectively responded to trauma. Hence the investments in trauma treatment and support both for children and for their carers. The single most important thing we need to do to eliminate this and prevent it reoccurring is to provide that immediate support and anticipate the likely points in a child's life where this kind of trauma can overwhelm them and prevent that happening.

**Mr DAVID SHOEBRIDGE:** Are all of these children getting the trauma counselling and treatment needed?

**Mr COUTTS-TROTTER:** We are prioritising the trauma treatment services for these children.

**Mr DAVID SHOEBRIDGE:** With due respect, that is not answering my question.

**Mr COUTTS-TROTTER:** I think the answer is there are a lot of traumatised children who do not have an adequate response, including some of these children, and we are trying to get it.

**Mr DAVID SHOEBRIDGE:** Again, I go back to that question about early intervention. If only between one-sixth and one-seventh of the funding is on early intervention, you are not getting there to deal with children in the first stages of trauma, are you? It is escalating and becoming more resource intensive and harder to deal with.

**Mr COUTTS-TROTTER:** Of course. But early intervention takes—

**Mr DAVID SHOEBRIDGE:** Hopefully between trauma.

**Mr COUTTS-TROTTER:** Between conception and the first two years.

**Mr DAVID SHOEBRIDGE:** I asked on notice of the 60 per cent of women in prison who have dependent children how many of those have children in care. The answer I got was: FACS does not collect data relating to entries into care as a result of parental incarceration, together with three lines of generalised non-answers. Given the very, very substantial increase in the number of women going into incarceration, and we know from Corrective Services that 60 per cent of them have dependent children, is there any policy or program that FACS is doing targeting that very vulnerable population?

**Mr COUTTS-TROTTER:** When we spoke about this at the previous estimates hearing my colleague Simone Walker outlined some of the things that we are involved with that do try to support mothers to either be diverted from the justice system or to remain attached to allow their children to maintain an emotional attachment to them while they are incarcerated and then try to re-establish those relationships when they leave.

**(Short Adjournment)**

**(The Committee proceeded to deliberate)**