

## PAGES 2-3 - CHILDREN AT RISK OF SIGNIFICANT HARM PER DISTRICT

**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.

### ANSWER:

I am advised that the September 2018 quarter caseworker dashboard due for release on 30 November 2018 will include workforce data for the September 2018 quarter and child protection performance data for the period 1 July 2017 to 30 June 2018. The dashboard will show the total number of children and young people at risk of significant harm (ROSH) and 'children seen' by district.

The information will be publicly available after 30 November 2018 on FACS Statistics at

[https://public.tableau.com/profile/facs.statistics#!/vizhome/FACS\\_Caseworker\\_Dashboard/FACSCaseworkers](https://public.tableau.com/profile/facs.statistics#!/vizhome/FACS_Caseworker_Dashboard/FACSCaseworkers)

## **PAGES 4-5 – EXTERNAL REVIEW OF THE REDUCTION IN THE NUMBER OF CHILDREN SEEN**

**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.

### **ANSWER:**

I am advised that PricewaterhouseCoopers (PwC Australia) have been engaged to undertake the review under the standing Audit and Audit Services Panel Contract.

**PAGES 5-6 - ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN  
REPORTED AT RISK OF SIGNIFICANT HARM**

**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.

**ANSWER:**

I am advised that in 2017-18, 92,007 children and young people were reported at risk of significant harm. Of these, 18,454 (20%) are Aboriginal and/or Torres Strait Islander children.

## **PAGE 6 – FUNDING FOR EMPLOYING AND TRAINING NEW CASEWORKERS**

**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.

### **ANSWER:**

In 2017-18 the Budget for caseworker and related community services roles learning was \$5.4 million. In 2017-18 learning programs included:

- District-based learning programs for caseworkers community services employees, e.g. respective workplace, bully and harassment training
- Delivery of Caseworker Development Program
- Plain English Training and Managing Workplace Violence delivery for community services operational employees.

The NSW Practice Framework and group supervision training is provided by the Office of the Senior Practitioner and the funding is part of the Office of the Senior Practitioner's operating costs.

## PAGE 6 –CASEWORKER ATTRITION RATES

**Mr COUTTS-TROTTER:** 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.

### ANSWER:

I am advised that the attrition rates for child protection caseworkers in the first 12 months of employment over the last four years were:

- 13.4% in 2017-18
- 25.2% in 2016-17
- 38.6% in 2015-16
- 47.3% in 2014-15.

## PAGES 7-8 – WAMINDA WOMEN'S CENTRE CORRESPONDENCE

**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.

### ANSWER:

I am advised the Secretary will provide a response directly to Mr Green upon receipt of the correspondence in question.

## **PAGES 8 - CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL – DRAFT EXPOSURE BILL**

**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.p

### **ANSWER:**

In October 2017, the NSW Government sought comments, feedback and ideas on the changes outlined within the *Shaping a Better Child Protection System* discussion paper.

FACS invited submissions from a diverse range of stakeholders through the NSW Government 'Have Your Say' website. Engagement with the discussion paper was strong. More than 100 written submissions were received from a range of government agencies and public offices, non-government agencies, peaks and other sector and industry groups, academics and members of the public.

FACS also held seven stakeholder workshops across NSW during November 2017, targeting key government agencies, regulatory and accountability bodies, legal and civil rights groups, adoption peak bodies and nominated member organisations, Aboriginal peak bodies and key Aboriginal organisations. The views of all participants were considered by the NSW Government in the development of the Children and Young Persons (Care and Protection) Amendment Bill.

## **PAGES 8-9 - CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL – RESPONSE TO CONSULTATION**

**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.

### **ANSWER:**

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**PAGES 9-10 - CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION)  
AMENDMENT BILL – SPECIAL PROTECTIONS FOR ABORIGINAL CHILDREN**

**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.

**ANSWER:**

I am advised that the protections that are already enshrined in the *Adoption Act 2000* (the Adoption Act) and the *Children and Young Persons (Care and Protection) Act 1998* (the Care Act) in relation to the adoption of Aboriginal and Torres Strait Islander children and young people have not been diminished in any way by the provisions contained in the Bill.

Alternatives to the adoption of Aboriginal children and young people must always be considered in accordance with section 36 of the Adoption Act.

The Aboriginal child placement principles enshrined in section 35 of the Adoption Act must be applied by decision makers, and the Court must be satisfied that these principles have been properly applied. Similar principles exist for Torres Strait Islander children.

An Aboriginal child or young person must not be placed for adoption unless the Secretary of the Department of Family and Community Services and the Supreme Court are satisfied that the making of the adoption order is clearly preferable in the best interests of the child to any other action that could be taken by law.

## PAGE 10 – OOHC PLACEMENTS

**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?

### ANSWER:

I am advised that statistics can be found on FACS Statistics at <https://www.facs.nsw.gov.au/resources/statistics>

I am advised that data breakdown by length of time in care and number of placements for 2017-18 will be released online on FACS Statistics in early 2019.

Data is based on the latest information available on FACS Statistics. Of the 18,755<sup>1</sup> children and young people in out-of-home care (OOHC) at 30 June 2017, 13,654 (72.8%) children and young people had been in OOHC for two years or more and 5,101 (27.2%) had been in OOHC for less than two years.

At 30 June 2017, 6,698 (35.7%) children and young people in OOHC had experienced one placement, 4,987 (26.6%) experienced two placements and 7,070 (37.7%) had three or more placements in the current care period.

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<sup>1</sup> This number excludes children and young people who had non-permanent placement for less than 7 days. The total number of children and young people in OOHC is 18,780 as at 30 June 2017 (published on FACS Statistics).

## PAGE 10 – ALTERNATIVE CARE EXPENDITURE

**The Hon. COURTNEY HOUSSOS:** 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.

### ANSWER:

I am advised the total estimated cost for the use of alternative care arrangements (serviced apartments, hotels, motels) for the 2017-18 financial year across the Department of Family and Community Services' districts is approximately \$43.4 million.

## **PAGES 11, 12 – CASEWORKER EXTRA SHIFTS FOR ALTERNATIVE CARE PLACEMENTS**

**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:** 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.

### **ANSWER:**

I am advised that there are times when caseworkers provide after-hours supervision to children overnight should they have no other carer available.

## **PAGES 11, 12 – CASEWORKER SECONDARY EMPLOYMENT FOR ALTERNATIVE CARE PLACEMENTS**

**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.

### **ANSWER:**

I am advised that there is no record of a caseworker seeking and receiving approval for secondary employment with other agencies, for the purpose of supervising children in alternative care arrangements.

## PAGE 11 – COMPENSATION CLAIMS TIMEFRAMES

**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.

### **ANSWER:**

The NSW Government Guiding Principles for Government Agencies Responding to Civil Claims for Child Sexual Abuse were implemented to make litigation a less traumatic experience for claimants and to ensure a compassionate and consistent approach across NSW Government when dealing with civil claims for child sexual abuse.

Principle 11 requires Agencies to resolve claims as quickly as possible, and to seek to resolve the majority of claims within 2 years, or for matters proceeding to hearing, have the matter set down for hearing within two years. Progress towards resolution of claims may depend on a range of issues such as the approach and timeframe adopted by a claimants' lawyer in the conduct of the claim, the need for expert reports where there are complex medical or liability issues, or where police investigations are involved.

Each year the Agencies are required to enter information into the Guiding Principles portal which analyses the compliance of each Agency against each Guiding Principle. Full compliance is considered to be 100%, high compliance between 96% and 99% and moderate compliance between 85% and 95%.

Given the two year timeframe from the commencement of the Guiding Principles, the first time that Agencies were able to measure performance against this Principle was in the two year period from 1 July 2015 to 30 June 2017.

In the 2016-17 two year financial period, the Department of Family and Community Services (FACS) had 407 active matters to report upon in the Guiding Principles portal. FACS had resolved 99% of claims within the two year timeframe, regarded as high compliance.

In the two year financial period covering 2017 and 2018, FACS had 509 active matters to report upon in the Guiding Principles portal. FACS had resolved 89% of claims within that two year timeframe, regarded as moderate compliance.

## PAGES 11-12 – COMPENSATION CLAIMS

**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.

### ANSWER:

I am advised that of the 5 new claims received for the financial year 2013-14:

- 5 claims were finalised.
- 4 claimants were awarded compensation.
- 1 claim was withdrawn.
- 0 claims were not substantiated.
- The total compensation paid in these claims totalled \$1,395,000.

Of the 78 new claims received for the financial year 2014-15

- 78 claims were finalised.
- 75 claimants were awarded compensation.
- 2 claims were withdrawn.
- 1 claim was not substantiated.
- The total compensation paid in these claims totalled \$14,675,295.

Of the 179 new claims received for the financial year 2015-16:

- 159 claims were finalised.
- 134 claimants were awarded compensation.
- 20 claims were withdrawn.
- 5 claims were not substantiated.
- The total compensation paid in these claims totalled \$23,527,200.



## PAGES 15-16 – EARLY INTERVENTION EXPENDITURE

**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.

### ANSWER:

I am advised that FACS investment in early intervention programs has increased to \$149.5 million in 2018-19.

FACS has focussed additional expenditure on early intervention in other programs. From 2016-17 the Government has invested \$90 million (over four years) in evidence-based family preservation programs (Multi-systemic Therapy for Child Abuse and Neglect and Functional Family Therapy Child Welfare) to provide additional support to families to safely care for their children. This investment builds upon the existing funding to programs such as Youth Hope, Brighter Futures and the many organisations funded through the Targeted Early Intervention programs.

## **PAGE 17 – ST PATRICKS ORPHANAGE ARMIDALE / EXCLUSIONS FROM THE STOLEN GENERATIONS REDRESS SCHEME**

**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.

### **ANSWER:**

I am advised that the St Patrick's Orphanage in Armidale was administered by the Bathurst Congregation of the Sisters of Mercy.

Any child who was sent to the Orphanage by the Department of Family and Community Services (FACS) and suffered serious physical and/or sexual abuse would be entitled to make a claim under the common law or, if sexually abused, under the Commonwealth Redress Scheme. If a claimant wishes to pursue a payment under the National Redress Scheme they have 10 years in which to make the claim. These timeframes are relevant to all claimants.

I am advised that Aboriginal Affairs, within the Department of Education, administers the Stolen Generations Reparations Scheme, which commenced on 1 July 2017 and is open until 30 June 2022.

The Stolen Generations Reparations Scheme provides ex gratia payments of \$75,000 to living Stolen Generations survivors who were removed from their families and committed to the care of the NSW Aborigines Protection or Welfare Boards. This payment is made in recognition of the harm that these removals caused and is intended to formally recognise the

damaging and enduring impact of removal on survivors and their families and support healing. This payment is not in recognition of any type of physical or sexual abuse.

## **PAGES 18-19 – LENGTH OF TIME IN ALTERNATIVE CARE PLACEMENTS**

**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.

### **ANSWER:**

As I have previously advised, a taskforce has been established to implement specific and targeted short, medium and long-term strategies to transition children and young people to more permanent homes and prevent children and young people entering these types of arrangements.

I am advised the median period of time that a child or young person accessed an alternative care placement in 2017-18 was 42 days.

I am advised the longest period of time that a child or young person accessed an alternative care placement in 2017-18 was 365 days.