

PORTFOLIO COMMITTEE NO. 5 - REGIONAL NSW AND STRONGER COMMUNITIES

Wednesday 2 March 2022

Examination of proposed expenditure for the portfolio area

FAMILIES AND COMMUNITIES, AND DISABILITY SERVICES

CORRECTED

The Committee met at 9:30.

MEMBERS

Mr David Shoebridge (Acting Chair)

The Hon. Scott Barrett
Ms Abigail Boyd
The Hon. Rose Jackson
The Hon. Taylor Martin
The Hon. Tara Moriarty
The Hon. Adam Searle

PRESENT

The Hon. Natasha Maclaren-Jones, *Minister for Families and Communities, and Minister for Disability Services*

[inaudible] is used when audio words cannot be deciphered
[audio malfunction] is used when words are lost due to a technical malfunction
[disorder] is used when members or witnesses speak over one another

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

The ACTING CHAIR: Welcome to the additional public hearing for the inquiry into budget estimates 2021-2022 for the Families and Communities, and Disability Services, cluster. Before I commence I would like to acknowledge the Gadigal people, who are the traditional custodians of this land, and pay our collective respects to those Elders past, present and emerging and extend those respects to those First Nations peoples present. I also welcome Minister Maclaren-Jones and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Families and Communities and the portfolio of Disability Services.

I would like to make some brief comments about the procedures for today's hearing. Today's proceedings are being broadcast live on Parliament's website. A transcript will be placed on the Committee's website as soon as it is available. In accordance with broadcasting guidelines, I remind media representatives to take responsibility for what they publish about today's proceedings. All witnesses in budget estimates have a right to procedural fairness according to the resolution of the House adopted in 2018. There may be some questions that a witness can only answer if they had more time or with certain documents to hand, in which case, you are entitled to take a question on notice and provide that written answer within 21 days. If witnesses wish to hand up documents, please do so through the Committee staff. Minister, I remind you and the officers accompanying you that you are free to pass notes between you and you are entitled to refer directly to your advisers seated at the table behind you if needed. Finally could I ask everybody to put their mobile phones to silent for the duration of the hearing.

All witnesses will be sworn prior to giving evidence. Minister Maclaren-Jones, I remind you that you do not need to be sworn, as you already have taken an oath to your office as a member of Parliament. I note that the following witnesses have been sworn in an earlier iteration of this hearing: Ms Czech, Mr Vevers, Ms Campbell, Mr O'Reilly and Mr Thomas.

Mr MICHAEL TIDBALL, Secretary, Department of Communities and Justice, sworn and examined

Ms SIMONE CZECH, Deputy Secretary, Permanency, District and Youth Justice Services, Department of Communities and Justice, on former affirmation

Mr PAUL VEVERS, Deputy Secretary, Housing, Disability and District Services, Department of Communities and Justice, on former oath

Ms ANNE CAMPBELL, Acting Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice, on former oath

Mr PAUL O'REILLY, Executive Director, Youth Justice, Department of Communities and Justice, on former affirmation

Mr BRENDAN THOMAS, Deputy Secretary, Transforming Aboriginal Outcomes, Department of Communities and Justice, on former oath

The ACTING CHAIR: Today's hearing will be conducted from 9.30 a.m. to 12.45 p.m., with a 15-minute break at 11.00 a.m. We are joined by the Minister in the morning. In the afternoon we will hear from departmental witnesses. That hearing will proceed from 2.00 p.m. to 5.15 p.m., again with a 15-minute break, at 3.30 p.m. During these sessions there will be questions from the Opposition and crossbench members. If required, an additional 15 minutes is allocated at the end of each session for Government questioning. Thank you all for your attendance today. I am grateful we all made it, given the weather. Given there is no space for an opening statement, I will hand over to my colleagues in the Opposition to commence questioning.

The Hon. ADAM SEARLE: Welcome, Minister. Congratulations on your appointment.

The Hon. NATASHA MACLAREN-JONES: Thank you very much.

The Hon. ADAM SEARLE: On the last occasion there was some discussion about the number of children seen each year by the department. It turned out that, of the 114,000 children who had been notified as being at risk of serious harm, 72 per cent of those were not seen by anyone in the department. That is about 90,000 children. There were some questions put on notice. But the previous Minister said—this is very important; this is page 24 of the transcript—that the term "not seen" is misleading because they are seen by somebody. If it is not DCJ, they are seen by non-government organisations. On notice, that was very carefully worded by the department—that only some of the 90,000 children not seen by your department were in fact seen by anyone. How many children are not seen by any agency, public or private?

The Hon. NATASHA MACLAREN-JONES: Thank you for your question. As it relates to correspondence and information provided by the department and also under the previous Minister, I will actually ask the department to clarify the statement they provided.

SIMONE CZECH: I am happy, Minister, to answer that question. The number of children at risk of significant harm has continued to increase over the last few years. Most recently, at 30 June 2021, that number was up to 126,000. Of that 126,000, we responded to 36,500 children—a caseworker completing a safety and risk assessment in respect of those children. A further 16,000 children have been in receipt of what we call a family preservation program. That is one of the funded programs that the department funds and delivers—sorry, NGOs deliver on the department's behalf; 16,000 there. What we are unable to quantify—it is somewhat challenging, although we are working on a number—is, actually, families that might be in receipt of support services, for example, from a family support service from another government department, including Department of Health or NSW Health, Department of Education. But, unfortunately, we cannot currently quantify that number, but we do know that some children of that remainder are actually seen and supported by, like I said, both other government agencies and other support services in the community and, indeed, family in a lot of cases wrap around supports around a child.

The Hon. ADAM SEARLE: Just so I am understanding, we know that there are these children who are notified of being at risk of serious harm. You know how many the department sees each year. You have quantified, both in the previous hearing and on notice—for your interest, it is pages 22 and 23 of the answers given on notice. You know 90,000 children are not seen by your department. The previous Minister said categorically—again, page 24 of the transcript—that all of those were seen by someone, but on notice it says some are seen by other agencies. Do the NGOs just simply not report back to you as to who they see?

SIMONE CZECH: No. NGOs, as mandatory reporters, will make a report to the Child Protection Helpline if they are concerned about a child that they are supporting in the community. In fact, non-government

organisations are our second highest reporter into the Child Protection Helpline after education reports. They are reporting. What we encourage is that support services continue where a service might be involved, particularly a non-government service might be involved with a family. Just because they report to the Child Protection Helpline should not mean they cease providing support on an ongoing basis to those children.

The Hon. ADAM SEARLE: But I am just struggling. You know who these children are. They have been notified as being at risk. You know your agency, Minister, has not seen them. Presumably, your agency farms those names out to NGOs to look after. Does no-one in your department do a reconciliation to try and see who is simply not seen? It seems quite extraordinary. You know that 72 per cent of people are not seen by your department. You know that some may be seen by someone else. That is 90,000 kids. That is really just not good enough. What are you doing to try and work out how many are seen during the course of a year and how many are just falling through the cracks?

The Hon. NATASHA MACLAREN-JONES: Do you want to comment further, Ms Czech?

SIMONE CZECH: We have a range of initiatives and pieces of work underway to increase the number of children that are seen at risk of significant harm. Last year we conducted what we called a caseworker study. That was a time and motion study where 700 caseworkers completed their daily time sheet, if you like—very activity- and line-by-line driven—to understand where their time goes. What that has enabled us to do is identify a number of areas where we can seek some efficiencies and increase productivity over time. That work is in train.

I will also, just back to the question, refer to—we have mentioned it in previous committees—the Collaborative Support Pathways program that operates in the south-western Sydney district. That does give us the ability to quantify the number of children that are seen not only by the funded non-government sector but by other support services in that district. We are in the process of expanding that project into central Sydney and looking for other opportunities, particularly in western New South Wales, which is a collaborative approach to making sure children have supports. But we can also monitor the number of supports and who is providing that support. But, as I said earlier, it is certainly a work in progress, capturing that.

The Hon. ADAM SEARLE: Minister, my very clear question to you is what steps will you and your agency take to at least identify how many of those 90,000 children are simply not being seen by anyone? They are some of the most vulnerable people in our society, and it seems not nearly good enough that your department and the Government are apparently simply wiping their hands of any responsibility here.

The Hon. NATASHA MACLAREN-JONES: Thank you very much for your question, Mr Searle. First and foremost, I want to ensure that every child has a safe and stable home. The priority is to keep a child in their home wherever possible, where it is safe to do so. I also have the concerns that you raised about ensuring that every child is seen. Yesterday I went and saw a number of our caseworkers in Redfern just to see how they are going, particularly in the past two years with COVID. I do want to acknowledge and thank all of the DCJ caseworkers across New South Wales for the tremendous job they do. I have asked the department to look at this and have this particular area as an area of focus and report back to me on where things can improve and what more can be done.

The Hon. ADAM SEARLE: Of the 90,000 children not seen by the department, please tell the Committee on notice how many were seen by somebody and how many just missed out.

The Hon. NATASHA MACLAREN-JONES: I am happy to take that on notice, unless Mr Tidball has anything else further to say.

MICHAEL TIDBALL: Thank you. It is probably appropriate for me, as I am new to my position, to receive that question and acknowledge that, notwithstanding the challenges of the increased number of reports which we are receiving and the increased number of children being seen by caseworkers, there is an ongoing challenge in ensuring that as many children as possible receive that casework attention and, in doing so, there is rigorous work done around risk assessment and case planning. I accept that this is an enormous challenge. I accept the importance of data as to the way we are responding, and I am looking forward to working with the senior team to ensure that our work continues to improve in this area.

The ACTING CHAIR: Minister and Secretary, the most obvious question that you would get asked today is: What about the 250 children every day who are reported as potentially at risk of serious harm but for whom nothing is done? The answer is simply, "We'll get an answer on notice". I do not think that is adequate. I believe the Opposition is entitled to an answer to this before the end of the day. Two hundred and fifty kids a day are reported at risk of serious harm, and yet you cannot say a single thing about what happens to them apart from a pilot project. I would hope that we get a proper answer before this hearing concludes today. I hand back to the Opposition.

The Hon. ADAM SEARLE: I move on to a slightly different topic: alternative care arrangements. During the last set of hearings, we learnt of one child who had been in alternative care arrangements for more than 300 days and a child who had been in a hotel for 833 days. In your department's reckoning, at what point do those accommodations cease to be short-term emergency arrangements and when do they become indefinite? What are your time frames?

The Hon. NATASHA MACLAREN-JONES: First of all, can I say that the alternative care arrangement is actually the last resort and is not ideal for any child in out-of-home care. The number of children in out-of-home care has actually dropped by 31 per cent; it is down from 102 as of 31 September 2021, recorded at 70 as of 31 December 2021. As you said, there are the short-term emergency placement models. But what I will point out, particularly in relation to identifying placements for children, is the amount of support that is provided to these children whilst in this care, which is quite therapeutic. Their cases are quite complex, but everything is done to ensure that these children are placed in permanent, stable accommodation.

The Hon. ADAM SEARLE: Last year we heard about a short-term emergency placement model. Has that been implemented in your agency?

The Hon. NATASHA MACLAREN-JONES: My understanding is yes, and I will ask Ms Campbell to comment further.

The Hon. ADAM SEARLE: When she does, perhaps she can tell us how that is different to what came before.

ANNE CAMPBELL: Okay. The STEP is an emergency placement model designed to meet the high and complex needs of children and young people in out-of-home care who are currently placed in or at risk of imminent entry into an alternative care agreement or an individual arrangement. It is obviously designed for children and young people who cannot be placed in a residential-type accommodation due to their high and complex needs. We went out for procurement last year, and we finalised the new providers in December. To date seven children have moved into those models. We have up to 50 placements across the State. What is different about this is it is not a hotel-type arrangement; it is headleasing in the community that is appropriate residential accommodation for children and young people. We have about nine or 10 providers who have been engaged to do that. In terms of being able to step it up, there have been some issues because of COVID around staff being furloughed and recruitment. But that is now back on track, so we are hoping that shortly we will have—it is actually 15 providers in place pretty soon.

The Hon. ADAM SEARLE: Okay, and is that the key difference? It is not in a hotel; it is in proper accommodation.

ANNE CAMPBELL: Accommodation. It also has therapeutic sorts of interventions for children and young people so that they can be stabilised and we can then look at permanency options, whether that is restoration—which is obviously preferred—back home, or in the event that they require guardianship then we would go down that path to ensure kids have a stable life.

The Hon. ADAM SEARLE: Are you transitioning to this new model?

ANNE CAMPBELL: Yes.

The Hon. ADAM SEARLE: At the moment, then, how many children are currently in alternative care arrangements under the pre-existing situation?

ANNE CAMPBELL: As the Minister said, 70.

MICHAEL TIDBALL: If I may add in response to Mr Searle's question, the distinguishing feature is also that the care is provided by accredited providers, which is a key difference.

The Hon. ADAM SEARLE: Minister, you are aware that there has been a review of the taxi industry licensing scheme. At the moment wheelchair accessible taxi licences are given for free, whereas conventional taxis have to pay for their licences. Under a possible new scheme, all licences will be free. The review found that the Government would have to create additional incentives for wheelchair accessible taxis if they want them to be available. The report stated:

... the recommendation to remove supply caps on taxi licences will have the effect of undermining the value of the current incentive of WAT licences being available free of charge.

What steps will you take to make sure that wheelchair accessible taxis are still available to persons with disabilities?

The Hon. NATASHA MACLAREN-JONES: My priority is ensuring that every person with a disability in New South Wales has access to the services and the resources that they need. In relation to the taxi industry and other forms of transport, the questions should be directed specifically to the Ministers responsible.

The Hon. ADAM SEARLE: Sure, but your own report has said there is a real risk that those services will not be provided under the possible new licensing regime. What concrete policies will you put forward as Minister or will the Government undertake to make sure that people with disabilities who need wheelchair accessible taxis can get them?

The Hon. NATASHA MACLAREN-JONES: I work with all departments across the Government to ensure that we are implementing the Disability Inclusion Action Plan. As I said, anything specifically relating to a particular department is a responsibility of that Minister.

The Hon. ADAM SEARLE: Can you give us an idea of the sort of things the Government will do to make sure that people with disabilities can still get taxis? I am just not hearing an answer here, Minister.

The Hon. NATASHA MACLAREN-JONES: As I said, I work with representatives from other departments. There is a council meeting that is held on a regular basis to look at implementation of the action plan, but if it is relating to a particular department, it is a responsibility of another Minister.

The Hon. ADAM SEARLE: Have you had discussions or meetings with the Minister for Transport, Mr David Elliott, about this issue?

The Hon. NATASHA MACLAREN-JONES: I have raised briefly with the Minister for Transport the need to ensure that all transport is accessible for people with disability, but nothing formally has been written.

The Hon. ADAM SEARLE: Can you give the Committee an estimated time frame within which you might hope to resolve this outstanding issue?

The Hon. NATASHA MACLAREN-JONES: As I said, all implementation of the Disability Inclusion Action Plan is a whole-of-government approach so a number of items are placed on the agenda. I could not give you a specific time frame but I am more than happy to come back with more details.

The Hon. ADAM SEARLE: Another aspect of the Government's reform proposals is to remove operating boundaries for regional taxis so that they can operate anywhere. For example, a taxi in Coffs Harbour could simply decamp to Tamworth during the Country Music Festival where they might get some more fares. How will you ensure that wheelchair accessible taxis will remain available in regional towns so that you do not have this great loss of service?

The Hon. NATASHA MACLAREN-JONES: As I said before, I have regular contact with all departments to ensure that we are implementing the disability action plan to ensure all people with disability in New South Wales not only have access to transport but also the services and resources they need.

The Hon. ADAM SEARLE: We do not seem to be getting very far on that issue. I will switch to another one. In relation to the out-of-home care insurance market failure, can you tell us about the Government's short-term indemnity scheme for out-of-home care providers? How long will the Government be providing that?

The Hon. NATASHA MACLAREN-JONES: I am aware that many of the out-of-home care and youth homelessness service providers are no longer able to obtain insurance cover for physical and sexual abuse claims. The Government has taken action on this critical issue to support the viability of out-of-home care and youth homelessness providers across New South Wales. To address the immediate risk to essential service delivery for vulnerable children and young people, the Government established the non-government organisations Short-term Indemnity Scheme to provide cover to out-of-home care and youth homelessness providers that are unable to obtain the physical and sexual abuse insurance cover in the commercial market. I understand that this is a temporary measure and it is also an issue that is affecting all jurisdictions. New South Wales is leading, along with Tasmania, an inter-jurisdictional committee to look at the long-term solution and I am advised that a solution will be available by the end of this year.

The Hon. ADAM SEARLE: In the Government-provided emergency scheme, why is cover provided only for events post-30 June 2017? Why was that date picked? Have you got certain modelling? Has it been chosen to minimise government liability?

The Hon. NATASHA MACLAREN-JONES: A decision was made before I became Minister. I might ask the department, if you are happy, to elaborate in more detail.

ANNE CAMPBELL: I think you are talking about the 30 June 2017 date—which is a retrospective date—which enables the indemnity to be provided by current contractual arrangements that we have with the

Permanency Support Program in place between the Department of Communities and Justice and providers and minimises administrative complexity of the scheme. The issue of potential exposure, which has been raised by the sector, to uninsured historical abuse claims is obviously of great concern to service providers, particularly those with a long history. Currently, as part of the work being done led by Tasmania and New South Wales, we are considering those issues being considered as part of the work going forward and, as the Minister indicated, we are hopeful to have that resolved by the end of this year.

The Hon. ADAM SEARLE: Why the date 30 June 2017?

ANNE CAMPBELL: It is when the contract started.

The ACTING CHAIR: Ms Campbell, you would be aware of the average time, the average delay between when abuse happened in care and when a claim is made? Are you aware of that?

ANNE CAMPBELL: Yes, I am.

The ACTING CHAIR: Do you want to tell me what the time is?

ANNE CAMPBELL: I think it is 20 years sometime, it could be longer.

The ACTING CHAIR: Because of reforms we have made it is now 12½ years. Minister, the average delay between abuse occurring and claims being made is 12½ years. Your Government's indemnity cover goes back five years. How do you square those two facts?

The Hon. NATASHA MACLAREN-JONES: As I said, this is an issue that is affecting all jurisdictions so there is a working committee to examine the long-term solution. What has been provided is short-term, but we are looking to address the issue by the end of the year.

The ACTING CHAIR: Minister, what has been provided is no solution at all. If you are providing insurance cover that goes back five years for claims and you know that the medium time for delay for claims is 12½ years, then you have not provided a solution.

The Hon. NATASHA MACLAREN-JONES: As I said, and it has been explained, that date was selected. It is a short-term measure and we are looking at the long-term solution. which will be decided by the end of the year.

The ACTING CHAIR: Minister, it is not a solution. You have got non-government organisations that have the care of children and they have zero insurance protection for the most likely claims that are going to come in against them for abuse of children in care. You know that, do you not?

The Hon. NATASHA MACLAREN-JONES: I have asked the department to give me regular updates in relation to this. There is a working group to find a long-term solution to this matter. Furthermore, I have also asked the department to prioritise any businesses that may be affected to work with those providers.

The ACTING CHAIR: Do know today's date? It is 2 March. We are just barely two months into the year and all you can say is you hope to have a solution in 10 months' time. That is your answer to the Committee: You hope to have something in 10 months' time. Is that seriously what you are saying to all of the non-government organisations out there caring for tens of thousands of kids who have no insurance cover? "Is your answer that we may have something in 10 months' time?"

The Hon. NATASHA MACLAREN-JONES: No, my answer is there is a working group that is working to finalise this by the end of the year.

The ACTING CHAIR: Secretary, what are you going to do when the first non-government organisation comes to you and says, "We've now had three claims. We haven't got insurance cover. We've looked at the numbers. We're likely to be insolvent." What will your response be to that non-government organisation in the next 10 months?

MICHAEL TIDBALL: Mr Shoebridge I will acknowledge that those non-government organisations struggle for viability, that their funding bases are tight and they act in the interests of children. I will be engaging with those non-government organisations and seeking to strike a solution which looks to the cover, deals with the timing issue that you have identified and advising the Committee of the outcome.

The ACTING CHAIR: I am sorry I did not understand that answer. What will you do when the first non-government organisation comes to you in the next 10 months and says, "We've been hit with three or four of these claims. Our insurers tell us it will be \$8 million to \$10 million and we're going to go insolvent. We can no longer care for the kids that you ask us to care for." What will you say to that non-government organisation? What will you say to the kids?

MICHAEL TIDBALL: We are, and we will work with the non-government organisations to strike the best solution that we can in terms of cover to give them the certainty that they are seeking.

The ACTING CHAIR: That is plainly wrong. All you have offered them so far is partial cover going back five years. If your department had been properly advising you, you would have known that the median delay is 12½ years and the insurance cover you have offered is not going to protect them for the most likely claims that will keep coming this year. Do you understand the problem about the appalling limits on the indemnity you have offered?

The Hon. NATASHA MACLAREN-JONES: Mr Shoebridge—

The ACTING CHAIR: Mr Tidball, do you understand the problem?

MICHAEL TIDBALL: Mr Shoebridge, I accept that this is a challenge for us, yes.

The ACTING CHAIR: What about the kids who potentially have all of their arrangements being upended because the non-government organisation that is dealing with their out-of-home care has gone insolvent? Is it a problem for them too?

MICHAEL TIDBALL: Of course it is, if that arises. That is why we need to work in lockstep with the sector, which we will be seeking to do.

The ACTING CHAIR: But the sector put the department on notice about this matter in correspondence in June 2021. This is not the first time it has been raised with you. It is now 2 March 2022 and all you have done to date is to produce a woefully inadequate bandaid, at best. You know you have been on notice since June 2021?

MICHAEL TIDBALL: I am well aware that this is a matter of concern to the sector and to organisations such as ACWA and that working through the best scheme that we can develop is going to be crucial.

The ACTING CHAIR: After you put up the NGO Short-term Indemnity Scheme, the non-indemnity scheme, ACWA wrote to you on 16 December last year, you and the Treasurer, and said, "It doesn't work. It's not protecting our members." Has the Government responded in writing to the peak bodies' concerns since they raised this in December of last year?

The Hon. NATASHA MACLAREN-JONES: That correspondence was sent prior to me becoming a Minister, so we would need to take it on notice.

The ACTING CHAIR: Ms Campbell, I assume you have been dealing with this in some detail. You seem to be the person who has some detail about this, is that right?

ANNE CAMPBELL: Yes.

The ACTING CHAIR: You are aware of the correspondence that ACWA sent in December.

ANNE CAMPBELL: Yes.

The ACTING CHAIR: Have you responded?

ANNE CAMPBELL: We have been talking with ACWA in terms of this issue and we have certainly fed it into the work that we are doing with other Commonwealth and State agencies, but I should note that not all agencies need the cover. Only some have signed up to the scheme and some, even if they no longer currently have cover are historically covered for the period pre-2017. I just thought that was important. To date we have had 31 non-government organisations that have applied to the scheme; seven have signed the indemnity clause, seven are awaiting provider signatories, and the remaining are currently being processed. Certainly no non-government operation has flagged with me a concern in terms of the historical abuse at this point. But certainly, as the Minister and the secretary have said, we do not want a provider to become insolvent; they are looking after children in out-of-home care and we would do whatever we need to do to prevent that occurrence happening.

The ACTING CHAIR: You know that some of the biggest providers of out-of-home care have what are called claims-made policies.

ANNE CAMPBELL: Yes.

The ACTING CHAIR: You are aware of these?

ANNE CAMPBELL: Yes.

The ACTING CHAIR: And those providers have zero historical cover, do they not, unless the indemnity is extended?

ANNE CAMPBELL: I would probably need to take that on notice.

The ACTING CHAIR: This is a pretty fundamental thing, Ms Campbell. If you are responsible for dealing with this issue and you do not know the difference between a claims-made policy and an annual policy that covers the events in a year, then we have got a problem. You know that a series of very large providers have claims-made policies, do you not?

ANNE CAMPBELL: I would need to take that on notice.

The ACTING CHAIR: Mr Tidball, do you understand the difference?

MICHAEL TIDBALL: I do understand the difference, Chair.

The ACTING CHAIR: Have you been briefed and are you aware that a whole series of the providers have claims-made policies?

MICHAEL TIDBALL: I have been briefed on this issue. I have been in the chair for a month. I totally own the fact that the buck stops with me in terms of dealing with this issue. What I will do is meet with the sector as the first step to hear more about the issues that you have raised.

The ACTING CHAIR: Ms Campbell, how is it that of the 31 NGOs that have reached out for cover, even for the partial cover that has been offered, only seven of them have actually had it finalised? When did this start?

ANNE CAMPBELL: It started in December and this is as of 21 February, so it is a relatively short time frame, but I am happy to take it on notice and get a further update.

The ACTING CHAIR: Sorry, are you telling me that two or more months is a reasonable time frame to have the sector heading on without any insurance cover for historical, sexual and physical child abuse claims? Are you saying two months is fine, it is perfectly acceptable?

ANNE CAMPBELL: No, I am saying that the non-government organisations that have reached out to apply for this scheme, there are 31 of them as at 21 February and we are still awaiting some of the signatories on those.

The ACTING CHAIR: No, you told me seven have signed.

ANNE CAMPBELL: Yes.

The ACTING CHAIR: You told me another seven are being processed.

ANNE CAMPBELL: Yes, and another—

The ACTING CHAIR: And you told me 17 are still being assessed.

ANNE CAMPBELL: Correct.

The ACTING CHAIR: That sounds like the delay is at your end, if it is assessed, Ms Campbell.

ANNE CAMPBELL: I would need to take that on notice and check, Mr Shoebridge.

The ACTING CHAIR: What did you mean by "assessed"?

ANNE CAMPBELL: It means they are going through the assessment process to see if they are eligible.

The ACTING CHAIR: So that delay is at your end. Mr Tidball, are you satisfied with this? The sector puts you on notice they had no insurance cover in June, we are now on 2 March the following year and you have so far managed to protect seven of the NGOs. Are you satisfied with that performance to date?

MICHAEL TIDBALL: I acknowledge that there is a priority to ensuring that there is the appropriate insurance in place, and I will certainly meet with the sector and seek to ensure that the number in process, that we work through that, but that a long-term solution to this is resolved in consultation with the sector and reported back to this Committee.

The ACTING CHAIR: How many NGOs have advised you that they do not have adequate insurance protection because they cannot obtain it in the private market?

ANNE CAMPBELL: In the time I have been in this role none have advised me of that. And I should just say in terms of the process, the insurance of some of those that have put in applications, their insurance ends at different time frames, and they also have to provide all their current claims, not just a specific claim, so that there is evidence, and it is then assessed.

The ACTING CHAIR: Are you seriously telling me that not a single NGO has advised you that they have not got adequate insurance cover and they do not have insurance cover for historic claims? Is that your evidence, Ms Campbell?

ANNE CAMPBELL: I have not received any letter or phone call or correspondence directly to me in relation to a specific NGO not feeling that they are adequately able to meet the costs.

The ACTING CHAIR: Mr Tidball, given the correspondence that has come from the peaks, co-signed by I cannot tell you how many different NGOs, are you satisfied with where the department is at the moment saying they are not aware of a single NGO that does not have insurance cover? I personally cannot believe that evidence. I do not know how you respond as secretary.

MICHAEL TIDBALL: I respond as secretary saying I am clearly owning that there is a high degree of concern and anxiety in the sector and that we need to engage with this, which the department has been doing. I accept that the sector is not satisfied with the response and I will seek to progress the matter.

The ACTING CHAIR: Alright. You see, Ms Campbell, I have correspondence that is co-signed by over 40 NGOs saying that in June of last year, that they are not going to get insurance cover. It is notorious and publicly reported that the insurance sector has pulled away all cover, apart from the Catholic insurance from the sector, and you are telling me today that you do not have a sufficiently mature relationship with any NGO that they have told you about their absence of insurance cover, and you are the person responsible for it. How do you square that, Ms Campbell?

The Hon. TAYLOR MARTIN: That is not her evidence, David.

The Hon. NATASHA MACLAREN-JONES: Mr Shoebridge, just to clarify, what Ms Campbell was saying is that no specific NGO has come forward. Obviously you have correspondence from non-government organisations expressing concern.

The ACTING CHAIR: You have it too, if you look.

The Hon. NATASHA MACLAREN-JONES: But this is in relation to specific cases. And, as I said before, I am committed to ensuring and supporting all children, particularly those in out-of-home care. The department will be looking at case-by-case matters and working with NGOs should the matter arise.

The ACTING CHAIR: How many children, Minister, are currently in the care of NGOs that have your NGO short-term indemnity scheme applying?

The Hon. NATASHA MACLAREN-JONES: I will have to ask Ms Campbell or take that on notice. I do not have that figure in front of me.

The ACTING CHAIR: And how many children are there with NGOs who do not have insurance cover at all as at today?

The Hon. NATASHA MACLAREN-JONES: Ms Campbell, do you have that figure?

ANNE CAMPBELL: I think we need to take that on notice.

The Hon. NATASHA MACLAREN-JONES: I will take it on notice.

The ACTING CHAIR: I suggest you talk to some NGOs, Minister, and you get your department to talk directly to NGOs, because this sort of hear no evil, see no evil, speak no evil and pretend there is not a major crisis here, if the sector is watching this I imagine there will be a collective groan of disappointment with how your department has responded. Will you undertake to speak directly to the NGOs?

The Hon. NATASHA MACLAREN-JONES: There are two questions in that. First of all I want to say that the department does speak to NGOs and, as I said before, if any NGO comes forward with a specific concern, that will be dealt with case by case. But in relation to me meeting with NGOs, I am more than happy to meet with NGOs and also, moving forward, endeavour to visit and also meet with our caseworkers and children as well.

The ACTING CHAIR: Minister, it is good news that there were, as at 31 December, less children in alternative care—some 70. Do you have a more current figure than 31 December? The previous Ministers got weekly updates on this matter.

The Hon. NATASHA MACLAREN-JONES: I will ask the department if they have a more up-to-date figure.

SIMONE CZECH: The numbers fluctuate week on week—sometimes on a day-by-day basis—and we need to apply some aging and checking of data. So 31 December is the most recent data that we have the utmost confidence in providing to this Committee. But, like I said, the numbers do fluctuate.

The ACTING CHAIR: I would just like the data you have, the most recent data.

SIMONE CZECH: The most recent data is the 70, which is, as the Minister mentioned earlier, at 31 December 2021.

The ACTING CHAIR: I know that prior Ministers required a weekly update on the number of children in alternative care. Has that practice now ceased since we have the new Minister? Ms Czech?

SIMONE CZECH: I might let the Minister answer that.

The Hon. NATASHA MACLAREN-JONES: I am able to ask for any updates and, if you would like an up-to-date figure as of today, I can take that on notice and come back to you.

The Hon. ADAM SEARLE: The answer is yes.

The ACTING CHAIR: No, Minister. This matter was of such concern to not just previous Ministers but people in New South Wales who see kids in long-term so-called care being housed and warehoused in motels that previous Ministers got weekly updates on the numbers. Are you sitting there telling me now that you are no longer doing that?

The Hon. NATASHA MACLAREN-JONES: I am updated on a range of matters but, as I said, there is work being undertaken to ensure that children who are in alternative care accommodation—and it is the last resort for placement, but the department works tirelessly to ensure that these children are placed in permanent, stable accommodation.

The ACTING CHAIR: You say the department works tirelessly. When did you become Minister?

The Hon. NATASHA MACLAREN-JONES: December last year.

The ACTING CHAIR: What date in December?

The Hon. NATASHA MACLAREN-JONES: The twenty-third.

The ACTING CHAIR: Since that time you have got one data point on 31 December for a week after you became Minister, but then you have not got a single update on alternative care arrangements in the two months that followed. How do you know if you do not get an update on it? How do you know that the department is doing its utmost? You say it, but how do you know it if you do not ask?

The Hon. NATASHA MACLAREN-JONES: As Ms Czech said, the actual daily figures do fluctuate and I am happy for her to explain in more detail why that is the case.

The ACTING CHAIR: How do you know the daily figures fluctuate if you do not ask, Minister? You say that, but the only figure you have got is from seven days after you became Minister. In the last two months you have not asked, it appears. Is it true you have not asked in the last two months?

The Hon. NATASHA MACLAREN-JONES: One thing that I can say, Mr Shoebridge, is that I have asked the department to continue with the strict approvals of alternative care arrangement and that is initially only for two weeks and then for 28 days at a time, with regular monitoring of exit plans at the most senior operational levels. This is also monitored by the Children's Guardian.

The ACTING CHAIR: What is the longest that a child, who is there now today, has been in alternative care?

The Hon. NATASHA MACLAREN-JONES: I will ask Ms Czech to respond on that.

SIMONE CZECH: The child or young person who is the longest stay in an alternative care arrangement currently is a young woman who is 17 years of age. She is non-Aboriginal. We are trying to locate her a housing property to move into semi-independent living in preparation for her leaving care later this year. One of the challenges—and I will get to the number of days—has been the housing market in her particular location. I am not going to say where she is because I do not want to breach her privacy, but she has been in that arrangement—

The ACTING CHAIR: I am sure you can say the region without breaching her privacy.

SIMONE CZECH: Southern New South Wales. She has been in that arrangement for just over 300 days.

The ACTING CHAIR: So there is a young woman who was probably 16—

SIMONE CZECH: Seventeen—16 when she went in, correct.

The ACTING CHAIR: Probably 16 when she went into being housed in motels?

SIMONE CZECH: She is in a serviced apartment.

The ACTING CHAIR: She is in a serviced apartment on the South Coast somewhere, and 300 days later you have not been able to find her a home and you are blaming the housing market?

SIMONE CZECH: No, I am not blaming the housing market at all. The team that is involved with her have been working tirelessly to locate suitable accommodation for her.

The ACTING CHAIR: What is the average time, and the median time, for children in alternative care?

SIMONE CZECH: The median length of stay is 32 days and, again, these figures are at 31 December 2021. That is a decrease from the quarter before—the end of September quarter—which was 42 days. In terms of other lengths of stay: 75.9 per cent of children exit within three months; 15.5 per cent exit within three to six months; 8.3 per cent exit within six to 12 months; and 0.2 per cent, more than 12 months. I do have the number of children in each of those categories.

The ACTING CHAIR: Could you table that document, Ms Czech?

SIMONE CZECH: Absolutely.

The ACTING CHAIR: Minister, what do you say to that 17-year-old young woman on the South Coast who is in your care and, for the last 300 days, has been warehoused in a serviced apartment because you have been unable—as we understand it, you tell us—to find her a home? What do you say to her?

The Hon. NATASHA MACLAREN-JONES: Alternative care arrangement is the last resort, as I said. Everything is being done to ensure every child that is in that situation is housed in a safe and stable environment.

The Hon. TARA MORIARTY: Good morning, Minister. I know you have been congratulated this morning, but congratulations on your promotion. It is a really serious area of government and I wish you success in doing better with it. It is really important. I am going to focus today on some questions about juvenile justice. The first thing I want to ask about—and sensitively, of course—is Youth Justice officer Brad Turney. First of all, my condolences to his friends and family. He died on the job a couple of weeks ago. Can you give us some information on the circumstances around that?

The Hon. NATASHA MACLAREN-JONES: I will actually ask the department to go into specific details in relation to it, because obviously there are several parts to it. One is in relation to the support that is given to staff and the work that is done in the centres, but there is also the investigation that is going on.

PAUL O'REILLY: Mr Turney tragically died at work a few weeks ago. He was an assistant manager at the centre and was supporting the team responding to an incident in one of the units in the centre. All of the information arising from that incident and following the incident has been provided to the police, who are preparing a report for the Coroner and it has been provided to SafeWork NSW. We will begin our investigation once those processes are complete, in consultation with those agencies. But that is all we can say in terms of what happened because we need to wait for those investigations to run their course.

The Hon. TARA MORIARTY: So you have not started investigating yet? You are waiting for the police?

PAUL O'REILLY: Police and SafeWork. Those two authorities really need to do their work and there is always a risk that, if they are involved in an investigation and if we undertake investigation activities, that could really damage their investigation.

The Hon. TARA MORIARTY: I accept that that is the situation. Can you give us some information around the incident that occurred that led to his death?

PAUL O'REILLY: I do not want to mislead the Committee. I have seen the video. I am aware of the incident. But, again, that is central to the information provided to the authorities for the investigation. Making a public comment about that now, I think, would be irresponsible and risky for me to do. It was a use of force in response to some young people who were not following an instruction, and the use of force was carried out in accordance with the policy. That is the incident. But I do not want to describe it any further than that because, again, it would undermine the work being done by other authorities at the moment. It will all become very clear in the fullness of time but not today, unfortunately.

The Hon. TARA MORIARTY: I accept that these processes have to take place. I will ask this—I am not sure you will be able to answer it. Was there force used against the officer or was it the officer and others using it to break up the incident?

PAUL O'REILLY: I understand why you are asking but, again, that information has gone to the authorities who have to ask that exact same question in their investigation. They have to work that through. So I think it would be inappropriate for me to give that information today.

The Hon. TARA MORIARTY: Do you have a time line for where the police are at or where SafeWork is at?

PAUL O'REILLY: No. With the police, they are working with the Coroner and their primary responsibility is to deal with the family and provide information to the family and then to us. So we are behind the family in the order of priority there. They are working as fast as they can, but I do not have a date from them.

The Hon. TARA MORIARTY: And SafeWork?

PAUL O'REILLY: We have our own work health and safety staff in our department who are liaising with SafeWork and we do not have a time line for that one yet either.

The Hon. TARA MORIARTY: I accept that these investigations are happening, but I note the comments that you have given about waiting for those to happen before your organisation investigates this. I understand that. Can you at least give us some information to reassure staff and the community that something like this cannot happen again while we are waiting for these investigations to take place?

PAUL O'REILLY: I cannot say that something will not happen again if the police and the Coroner have not determined the cause of the incident. I understand the desperate need people have for assurance, and I have the same feeling. I would love that assurance too. It is tempting to provide that assurance as soon as possible, but I do not think I can without the right information. I cannot give people an assurance that things will not happen again. We really have to wait until the cause of the incident is established by the authorities, and that is the only process in front of us.

The Hon. TARA MORIARTY: Does that mean that staff are at risk now?

PAUL O'REILLY: I do not think that there is any change to the level of risk to staff before and after that incident. I do not think there is any evidence that is available to us that says the risk profile has changed for staff. The investigation and the findings of those authorities might give us information that changes that but, at the moment, there is nothing to say that the risk profile has changed for anybody.

The Hon. NATASHA MACLAREN-JONES: Ms Moriarty, may I interrupt to say that when this incident did occur, I spoke directly with Mr O'Reilly, who was also speaking directly with the staff at the centre as well. If possible, he may want to outline some of the work that is being done with the staff at the centre to give you reassurance that there has been direct engagement.

PAUL O'REILLY: We have a whole range of support services in place for staff. On the night of the incident, our psychological services team were on site at nine o'clock supporting staff. As is often the case in a crisis like that, staff need that support at different stages following the event, so there has been follow-up visits from psychologists to support staff. Staff were supported to attend the funeral, if they wished to do so. Staff have been given leave if they need leave. The leadership team at the centre has done an outstanding job just being around, being available and making sure that everybody involved in that incident, or anybody who knew Mr Turney—and I knew him myself—had the support they needed. We absolutely accept that this is a long-term process for everybody, and our job in supporting people will go on for some time.

The Hon. TARA MORIARTY: I recognise that emotional and psychological support will be provided. That is great. Obviously, my original and immediate questions are for the physical safety of officers. How many other incidents like this—obviously not as extreme as resulting in someone's death, but assaults on officers. How many other incidents like this that have resulted in injuries to officers have happened in the last six months?

PAUL O'REILLY: I would not characterise this incident as an assault on an officer. We have to wait for the investigation to run its course.

The Hon. TARA MORIARTY: Sorry, I am not either.

PAUL O'REILLY: Certainly, assaults are a lot lower than they used to be. If you bear with me, I can give you some numbers on staff assaults. Staff assaults over the last three years have changed significantly. Across all of our centres, in 2018-19 we had 189 staff assaults recorded in our system. In the year following that, 2019-20, we had 105, so that is a significant drop from 189 to 105. In the most recent financial year, 2020-21, 113, which

is fairly stable following that second change. The trend for assaults has reduced, the severity of assaults has reduced, the volume of injury claims has reduced and the cost of injury claims has reduced. People are returning to work faster.

The Hon. TARA MORIARTY: In mid-December, roughly, the previous Minister actually announced an \$8 million boost in security to protect staff. The press release literally says that staff need to be better protected, so the \$8 million was for a program of works to protect staff and enhance rehabilitation efforts. Where is that at? That work is supposed to be finishing in a couple of months. Where are we up to with that?

The Hon. NATASHA MACLAREN-JONES: What I can say is that there have been a number of controls and safeguards put across Youth Justice to support the safety and security of our frontline staff, including screening of young people on admissions and the classification of their risk level, which then allows for further tailored support or assistance, if required. In addition to that, there is enhanced CCTV surveillance and the introduction of body-worn cameras for incident response teams. In addition to that, there is also \$3 million that is being spent on staff training and wellness initiatives.

The Hon. TARA MORIARTY: Is that \$8 million plus \$3 million or is the \$3 million a part of the \$8 million that was announced in December?

The Hon. NATASHA MACLAREN-JONES: I will get the department to clarify.

PAUL O'REILLY: They are separate. The \$8 million that was announced is part of our ongoing maintenance program focused specifically on security and safety. Since late 2019 there has been much more than that spent on safety and security, along with our policy changes and the way that we deal with high-risk young people in custody to reduce violence. All of those things come together, and the \$8 million announced in December is the current raft of infrastructure upgrades to make the place safer. That includes things like changes to fencing and changes to window frames and door frames to make them more robust. Sometimes it is in relation to security access and the way we control the way young people move through a centre. All of those things require changes. The Shearer report from 2019 made a heap of recommendations, which are almost complete, but we had to prioritise those. The latest round is finishing off a lot of that work.

The Hon. TARA MORIARTY: It is supposed to be finished in a couple of months. Will it be completed?

PAUL O'REILLY: That \$8 million will be finished by the end of June because it was for this financial year.

The Hon. TARA MORIARTY: The release from the Government and the Minister at the time referred to this money also including enhancing rehabilitation efforts for people in detention. What allocation of that money has been spent on enhancing rehabilitation efforts?

PAUL O'REILLY: I could not give you the breakdown specifically right now. That is certainly part of the mix because it is making sure that the therapeutic interventions we have for those young people are always changing in response to the evidence base. We have certainly spent a lot of money training our psychologists and Justice Health colleagues on particular techniques to reduce violence and reduce self-harm.

The Hon. TARA MORIARTY: I will turn to COVID. Where are you guys at, first of all, in terms of vaccination rates for both detainees and staff? Can you give me a breakdown for each, as well as boosters?

PAUL O'REILLY: It is our policy now that staff must be vaccinated. That was put in place late last year. That process is now complete. Eighteen staff out of all of our staff, which represents about 1 per cent, did not comply with that policy. Out of those 18, four resigned, and the other 14, their employment was ceased. The rest of the staff are fully vaccinated and compliant.

The Hon. TARA MORIARTY: Including booster shots?

PAUL O'REILLY: Booster shots are underway, but they are compliant with the regulation, which is in relation to two shots. The staff are vaccinated and safe. In custody, Justice Health leads our vaccination policy. They have been working hard since the vaccination was approved and vaccinating young people as they come into custody. The data from Justice Health yesterday tells us that 79 per cent of young people in custody have one dose, 68 per cent have two doses and 30 per cent have three doses.

The Hon. TARA MORIARTY: Those figures actually are not great compared to the rest of the community. Why is it so low?

PAUL O'REILLY: There is a really good reason for that. I provided some evidence at the last hearing along those lines. I do not expect that we will ever have the same rate as the community because our custody

population changes so dramatically every day. That figure yesterday of 79 per cent varies day to day between 75 and 90. It varies day to day. We might have 10 people come in and 15 people leave. We might have 15 people who are fully vaccinated and then they get bail—they are gone. Of the 10 people who come in, half will be vaccinated and half will not. When your population in custody is at record lows—when our population has record lows—those changes really skew the percentages. Because of those changes in population, and because we do not know where people are coming from or when they are coming, and we have no control over the health status when they arrive, the most important thing to do is to have a really effective quarantine system and an early health assessment from Justice Health.

The Hon. TARA MORIARTY: How many COVID cases have there been to date?

PAUL O'REILLY: In custody, since our first one on 5 August last year, we have had 85 young people in custody with COVID-19. Today there are zero but, over that period, there have been 85.

MICHAEL TIDBALL: Can I just amplify that and say that the crucial point about the churn that I think Mr O'Reilly is making is that the number of control orders is at a very low level, but the number on remand, proportionately, is far greater than those who are on control orders, which means that the churn is quite rapid. It does impact on the figure.

The Hon. TARA MORIARTY: I accept that. I understand that, but that is the same in the prison system proper and they did not have control of it. We will need to keep an eye on this with vulnerable people in custody. In terms of any arrangements that would have been in place protecting those people in custody, is everything back to normal or are things still in a variation of lockdown? Are all the programs in operation?

PAUL O'REILLY: We are close to normal. We reopened visits again in early December but they closed again around Christmas. We plan to open visits again on 7 March, which will be fantastic for some of those families who want to do that. That control has been really important in terms of reducing the impact of the Omicron variant and I applaud our frontline staff for managing that because we have no kids in custody with COVID today. That could change this afternoon, of course, but I think it demonstrates the value of those temporary restrictions. Skills are running as normal. The programs are generally running as normal. There will be moments where programs are challenging if the program provider does not want to come into the centre because of their views on COVID risk, but generally speaking we have managed to keep program providers coming into the centres.

The Hon. TARA MORIARTY: Visits were closed pre-Christmas until 7 March. I am glad to hear they are reopening but what arrangements have been in place so that all of these young people can see their families, or whoever they want to see if that is not appropriate?

PAUL O'REILLY: The access to phone calls every day has never changed and the provision of video visits has just increased as more tablets became available. That has been running for two years now—the tablets.

The Hon. TARA MORIARTY: As of today how many young people are in custody or detention?

PAUL O'REILLY: There are 176.

The Hon. TARA MORIARTY: Do you have a breakdown of the ages?

PAUL O'REILLY: I have some breakdown of the ages. Of that 176 we have two who are under 14; we have none under 12; and we have 41 who are 18 and over. That is the age breakdown. Would you like further breakdowns?

The Hon. TARA MORIARTY: Just give me the gender breakdown.

PAUL O'REILLY: The gender breakdown is: We have eight girls in custody out of 176.

The Hon. TARA MORIARTY: I am glad to hear that the numbers are down from last year but did COVID have any impact on keeping young people out of detention? Were other arrangements put in place so that they were not necessarily coming into facilities?

The Hon. NATASHA MACLAREN-JONES: A number of initiative programs were implemented to divert children away from detention centres. Part of that is through Youth on Track, A Place to Go, also the Youth Justice Conferencing and the Bail Assistance Line, which helps with accommodation. The focus has been, and will continue to be, to divert a child away from having, first of all, any interaction with the youth justice system but, more importantly, going into detention.

The Hon. TARA MORIARTY: Was a particular focus put on that to avoid them being in detention during the COVID period of the last two years?

The Hon. NATASHA MACLAREN-JONES: It has been the focus of the Government for a long time to ensure that children are diverted away from going into custody. I can ask the department to comment further in relation to COVID.

PAUL O'REILLY: The risk of contracting COVID in custody in the youth justice system was not particularly high because it is a very small system with space. Young people have their own room, their own bathroom, so it is a little different. Obviously we do not control the decisions about who comes into custody but we did notice an increase in remand, even though there was a drop in the overall numbers. I think the drop in overall numbers was just a continuation of the trend of the reduction in youth custody prior to COVID, the trend just continued naturally. I do not think there was a change in trajectory in the overall numbers because of COVID.

The Hon. TARA MORIARTY: I accept the department does not make decisions about who is in custody but I am interested in that trend because I want that to be maintained after this period.

PAUL O'REILLY: Absolutely.

The Hon. TARA MORIARTY: If things were happening during this COVID period that kept people out of detention, I am asking because I want to know if there will be focus put on that going forward?

The Hon. NATASHA MACLAREN-JONES: The focus is, as I said, to limit a child having interaction with Youth Justice. If we can work, particularly through conferencing, to have means of early intervention to prevent that but, more importantly other programs, we are working with the child or the family to keep them out of the system and keep them out of detention. That is one of my priorities and something I am working towards.

The Hon. TARA MORIARTY: I note that you said there were two people under the age of 14 who are currently in detention or custody. I accept that this is the work of the Attorney General but is there any work being done by you, Minister, or the department in relation to the age of criminal responsibility?

The Hon. NATASHA MACLAREN-JONES: As you said, it is specifically the responsibility of the Attorney General. But as I said to you, some of the key things, particularly youth conferencing where a child is identified as I suppose you could say at risk or having interaction with the police, they are working with the community, with the family, to put in place the support to ensure that we can limit and prevent them going into the system. Evidence shows once a person goes into the system their life trajectory is impacted. Anything we can do to prevent that now must be done.

The Hon. ROSE JACKSON: Are those two young people on remand or are they serving sentences?

PAUL O'REILLY: On remand.

The Hon. ROSE JACKSON: Was the reason that they are in Youth Justice on remand because they were unable to access bail because they had no fixed address or more than one fixed address? Was that the reason that they are in Youth Justice on remand?

PAUL O'REILLY: No. The section 28 bail, which is mostly about not having accommodation, is fairly rare. Some 3.8 per cent of admissions are for section 28, and in custody now there is nobody on section 28. Again, the totals are down.

The Hon. TARA MORIARTY: I ask about the Shearer report. I know a number of recommendations have been completed, but there are some that have not. Where are we up to with implementing the recommendations of the Shearer report?

The Hon. NATASHA MACLAREN-JONES: It is 97 per cent, but I will clarify.

PAUL O'REILLY: There are four recommendations we are still working on out of the 63. Recommendation 32, which is about focusing on developing minimum standards for our daily programming, that work is underway but not complete. We have done some piloting at the Riverina centre. Recommendation 33 is focusing on the same issue but with an extra initial focus on cultural awareness. That work is underway but not complete. Recommendation 37 made a proposal that WHS reporting should be paperless and completely online. We are working towards that. That is a big process. The new safety suite system that DCJ uses for WHS is very helpful but we have to connect that to our own case management system, which is work underway. The final one not yet complete is recommendation 41, which is the review of Aboriginal programs to assess their effectiveness to evaluate those programs. That work is underway but not complete.

The Hon. TARA MORIARTY: Thank you. What about recommendation 12, which is about changing the funding model to recognise extra staff? That was not done the last time we asked about that. Has that been dealt with?

PAUL O'REILLY: Yes. One of the most important elements of the Shearer report's recommendations was changing the model for managing high-risk young people. We have implemented two high-risk units and an enhanced support unit with different staffing ratios. Instead of having a unit with 15 young people and three staff, those units have a cap of six young people and four staff, and the funding model has been permanently changed to accommodate that.

The Hon. ADAM SEARLE: Ms Moriarty, noting Mr Shoebridge's overrun, did you have one last question?

The Hon. TARA MORIARTY: Just tell me how many staff you have got?

PAUL O'REILLY: We have 1,700 staff across our custody and community area.

The Hon. TARA MORIARTY: How many of them are directly front-facing officers? Is there a breakdown on that? You can take that on notice.

PAUL O'REILLY: Out of the 1,700?

The Hon. TARA MORIARTY: Yes.

PAUL O'REILLY: There are 1,400 and that is again across community and custody.

Ms ABIGAIL BOYD: Good morning to you, Minister, and congratulations again on your promotion.

The Hon. NATASHA MACLAREN-JONES: Thank you very much.

Ms ABIGAIL BOYD: Good morning to the other witnesses as well. I will start by asking some questions about people with disability. As you know, people with disability unfortunately are often a group of people who are considered at the last minute in a lot of circumstances by all levels of government. We are seeing now during the floods in the north that there are a number of people with disability who are doing it incredibly tough and they have not really been considered in a lot of the disaster planning so far. The Physical Disability Council of NSW is calling for urgent funding to allow advocacy organisations to locate people with a disability, to help rehouse them and get equipment back for them. Will you be heeding those calls?

The Hon. NATASHA MACLAREN-JONES: There are a couple of things. One is that there are two parts to the response in relation to the floods. First of all, I would like to extend my heartfelt sympathy to those particularly impacted in the north and also acknowledge the numerous volunteers who are out there on the ground and the work of the department in relation to that. The first part is our initial engagement, which is under the responsibility of Minister Cooke. However, in relation to housing and the long term, that does come under my area, but I will ask Mr Vevers to comment because he has been instrumental from the very beginning and will be carrying it through. So he might be able to comment further in relation to the matters you have raised.

Ms ABIGAIL BOYD: That would be good. Before we do that, I clarify that I have two questions. The first one is in relation to this emergency funding right now and, if that is not within your responsibilities, whether you will be advocating for it with Minister Cooke. The second one is about what we do with the clean-up and rehousing.

The Hon. NATASHA MACLAREN-JONES: In relation to funding, definitely, you will need to raise that with Minister Cooke, and I am happy to talk to her as well.

Ms ABIGAIL BOYD: Thank you. As I say, it is often the forgotten group of people, unfortunately. Mr Vevers?

PAUL VEVERS: Firstly, in relation to evacuation centres, we have progressively, outside of emergencies, been working with local emergency management committees to make sure that evacuation centres are accessible for people with physical disabilities. That is work in progress. There are 24 evacuation centres currently running in northern New South Wales. I think that is the case, certainly, for all of the bigger ones. Clearly, there is going to be a big need for follow-up for people with housing, and so in the past 24 hours I have started to set up an arrangement that we did following the bushfires where we had a housing response team. We will set up a dedicated team of housing staff to work with anybody who is displaced, not just public housing tenants—with anybody who is in fact homeless as a result of those floods. We will in the short term make sure that they have some temporary accommodation—less than desirable and less than perfect—while we look at longer term solutions for them. I am not going to minimise the challenges. The private rental market in those areas was already under extreme pressure before this happened. It will be under even more pressure there now. But we absolutely will give individual case management to people who are vulnerable.

Ms ABIGAIL BOYD: A number of people within the disability community will suffer disproportionately because of the reduced number of accessible homes and flats and things that they can rent

afterwards. But also, a considerable number of homes have had modifications and improvements—hoists, beds and other sort of mobility devices—that will have been destroyed. From past experience in disasters, we know that the NDIS can take quite a long time to reassess and re-provide equipment of that kind. Will the New South Wales Government be stepping in to make sure that the immediate funding is provided to allow those people to get that mobility equipment back as soon as possible?

PAUL VEVERS: I think the way that we best step in is to try to make sure that the NDIS does respond quickly, and absolutely we will be doing that. It is not going to work for us to try to set up a whole structure that actually sits with the NDIS. Then, also, we do have programs within social housing—ourselves and community housing providers—where in the past 12 months, I think in recognition that our own response has often been too slow for people with disabilities, I set up a task force, and we have made a number of changes to seek to improve particularly the timeliness of our response. In a very practical sense, we have taken on occupational therapists right across the State because so many of our tenants and applicants were waiting months to get an occupational therapy assessment. That has helped speed up the process greatly. We have a long way to go. It is a challenge for us, but I think we have had a renewed recognition that we need to act quicker, in a more timely way.

Ms ABIGAIL BOYD: Minister, will you be making representations to your Federal counterpart to try to get that funding as quickly as possible?

The Hon. NATASHA MACLAREN-JONES: We have a ministerial council, which is made up of all Ministers from each State and Territory, that does meet on a regular basis. We cover a range of issues and topics, and we have the ability to put things on the agenda as well. One of the key things I say is that I will always be a strong advocate to ensure that New South Wales gets its fair share and that people with disability in New South Wales are well supported.

Ms ABIGAIL BOYD: But will you be raising, as a matter of urgency, the need for a quicker assessment process and additional funding to go to people in northern New South Wales in particular who have been impacted by the floods?

The Hon. NATASHA MACLAREN-JONES: As I said, what is raised at those meetings and what I will continue to do is advocate across the board for people with disability to ensure that they get the services and support that they need.

Ms ABIGAIL BOYD: Thank you. I do understand that process, and I understand it has worked quite well in the past. It is one of the cross-State and Federal groups that has worked quite well in relation to disability. But this is clearly an unusual circumstance, which falls outside the ordinary cycle of those meetings. Will you be calling on the Federal Minister to do what they can to plug the hole here before people with a disability suffer in northern New South Wales?

The Hon. NATASHA MACLAREN-JONES: I think you touched on it. This is a huge disaster in the area, which is quite broad, which means it is more of a whole-of-government approach in providing support, whether it is for people with disability, whether it is housing, whether it is clearance, so it is a broader approach than just one Minister.

Ms ABIGAIL BOYD: Understood, but people with disability are facing particular challenges. We know from experience that that funding does not get to where it is needed in time. Are we going to do things differently this time?

The Hon. NATASHA MACLAREN-JONES: I have a meeting coming up with the disability Ministers, and I am more than happy to raise it as an agenda item.

Ms ABIGAIL BOYD: Thank you. What will you do to ensure that people with a disability are included in future disaster planning?

The Hon. NATASHA MACLAREN-JONES: Obviously, we have the NSW Disability Inclusion Plan and, like with all plans and action plans, there are opportunities to review things. So I am more than happy to look at that further and take it on notice to see where there are opportunities for us to expand and provide more support.

Ms ABIGAIL BOYD: Thank you. That would be very useful. In his answer in response to my earlier question, Mr Vevers raised the lack of general housing and the issues that we have with housing stock, particularly in northern New South Wales, and obviously in other areas. Again, this is particularly acute for people with disability who are looking for particular accessible housing. Does this not highlight again the need for New South Wales to sign up to the minimum accessibility standards as most of the rest of the country has?

The Hon. NATASHA MACLAREN-JONES: In relation to the standard, that is a question best directed to the Minister for Fair Trading.

Ms ABIGAIL BOYD: Will you be advocating for the Minister for Fair Trading to change position in relation to the minimum accessibility standards?

The Hon. NATASHA MACLAREN-JONES: What I can say is that, currently, all new housing is built at a high standard but the minimum standard is a matter that you will need to raise with Minister Petinos.

Ms ABIGAIL BOYD: Okay, I will. I look forward to that. Under former Minister Ward—two disability Ministers ago—the department was undertaking a consultation process into a bill in relation to restrictive practices. I understand that was at quite an advanced stage; there had been consultation already. But to the best of my knowledge there have been no public announcements in relation to that since. Can you provide an update on where that is at, and will you be carrying it forward?

The Hon. NATASHA MACLAREN-JONES: Mr Vevers will comment.

PAUL VEVERS: I can say we did undertake a very extensive consultation process, and we did actually get a great deal of feedback. I chaired a meeting with probably I think about 50 organisations, and it was quite clear that there was not a consensus of views. So where we are at now is we actually went back and have redrafted the exposure bill, and we think we have addressed the main concerns. The main concerns were around the selection of the trusted person, which was part of the first bill. We think that we have addressed that, but we need to have a further consultation with those groups on a revised bill. I am afraid there has been something of a delay during COVID, but we are not far away from a revised exposure bill, and we will consult again. We really do not want to progress with this till we have got a greater sense that people with disabilities and their representative organisations have confidence in the way that we are approaching it.

Ms ABIGAIL BOYD: I appreciate that and commend it. I just also want to make sure that it is still progressing in some form.

PAUL VEVERS: Yes, totally. I share the frustration of the time that this is taking.

Ms ABIGAIL BOYD: Perhaps we can turn to the definition of "older people" and how it is used, particularly in homelessness. For example, in the homelessness strategy we define "older women" as women over 55 years. In the social and affordable housing fund we define it as over 55 for older women but then over 45 years for people that identify as First Nations. Then, in Ageing Well in NSW 2031—that strategy does not define the cohort at all. Do we have some consensus or some intention, perhaps, to have a clearer definition of what constitutes an older person for the purposes of your department?

The Hon. NATASHA MACLAREN-JONES: I think the Minister for Seniors probably is the best person to raise specifically the issue of a broader definition, although I do understand that a lot of this is also directed from definitions set by the Federal Government.

Ms ABIGAIL BOYD: Thank you. It does get very confusing because, when we talk just within your department, there are the examples I gave there. The Housing 2041 strategy talks about people aged 65. It gets incredibly confusing. In previous budget estimates, the Government indicated that you do not use a single definition because age-related needs manifest in different ways. But then the seniors card is available for residents over 60. Is there a need for standardisation?

The Hon. NATASHA MACLAREN-JONES: I might ask the department to comment further in relation to the varying definitions.

PAUL VEVERS: I think we can probably between us address some of that. There are, of course, some planning regulations which define an age threshold. Seniors housing, for example, has those thresholds set in the State environmental planning instrument, to which we also are subject. Within public housing there is a threshold at 80 years old, which gives people greater priority. But I am not sure how much we would ever be helped by having a single threshold, because our aim is to do an individual assessment of someone's needs, which we do for people who are eligible for priority housing. So, whatever their age, we want to look at their individual needs and seek, within the resources that we have got, to provide for those as best we can. So I am not convinced a single threshold for all services would actually go with a process of trying to individualise the response. But Anne may—

ANNE CAMPBELL: No, I think you have covered it.

Ms ABIGAIL BOYD: I think I agree with you, so long as there is actual evidence and science behind the age that we have chosen for certain things. Does not appear to me—for example, the seniors card seems to just be plucked out of the air at 60. Is there evidence and science behind the way that each of these definitions is made or is it just a product of history?

PAUL VEVERS: If I am being honest, I suspect it is a product of history to some degree. But I think also there are links between Federal Government benefits, for example, and the ages that are set there. But there

undoubtedly is a historical element there. I think the best thing that we can do, as I say, is to try to individualise our assessments. You cannot do that for a seniors card. It is obviously not practical. But, for people with more complex needs, I think that is where we should go.

Ms ABIGAIL BOYD: Did you want to add anything, Ms Campbell?

ANNE CAMPBELL: You talked about the homelessness services and the social and affordable housing. They do have the same criteria in terms of Aboriginal people accessing those services. It is 45. That is because of some of the health issues that that cohort has. It is consistent within DCJ across those two programs.

Ms ABIGAIL BOYD: How many minutes do I have left?

The Hon. ADAM SEARLE: Three and a half.

Ms ABIGAIL BOYD: Three and a half minutes. That is plenty. If we could just talk a little bit about the crisis support for domestic violence victim-survivors in rural areas. What crisis support options are available for women and children fleeing domestic violence in rural areas when the local shelters are at capacity? As we know, they often are. Do you have some sort of update on that that you can give us?

The Hon. NATASHA MACLAREN-JONES: These are actually questions for Minister Ward. However, if Ms Campbell would like to comment further—

Ms ABIGAIL BOYD: Just on that, because I know that we got bounced around when we first had the machinery-of-government changes and we were told that anything that was housing related would be in this portfolio, especially crisis accommodation, whereas anything in the domestic and family violence portfolio was mainly legislative. Has that changed? Can we just have some clarification on—

The Hon. NATASHA MACLAREN-JONES: That is about right.

ANNE CAMPBELL: In terms of regional areas, if there is not social housing available, there is obviously Start Safely in terms of women and children escaping domestic and family violence. That is a rental product which subsidises women and children for up to three years with wraparound supports. In addition, we have a thing called the community housing industry fund. We have just done a procurement last year. That is about creating additional social and affordable housing. Some of that is in regional areas. That is in the pipeline. In terms of—I am just trying to think—the Social and Affordable Housing Fund you talked about, 30 per cent of those new homes are for older people. I have not got the stats quite in front of me, but there is a percentage of those for older women, particularly over 55, in those locations.

Ms ABIGAIL BOYD: We know that the lack of crisis accommodation for domestic and family violence is widespread across the State. That is one of the reasons that we have the commitment to increase that with the Core and Cluster. That is great, but women in particular in rural areas face very significant challenges when it comes to fleeing domestic and family violence. Do you have any figures, I guess, around what the capacity is within particular areas and where the hotspots are?

ANNE CAMPBELL: Yes, we do have that data. So I am happy to take that on notice and provide that.

Ms ABIGAIL BOYD: That would be very useful.

The Hon. NATASHA MACLAREN-JONES: Just in relation to the Core and Cluster, obviously, those decisions will be made based on need, but there will also be a focus on rural and regional as well as metropolitan.

Ms ABIGAIL BOYD: Thank you. One final question then in this round. Yesterday, when I asked this question of Minister Ward—I think that was yesterday; this week is getting very long—we were talking about the funding for the sexual assault helpline that is currently run by Full Stop Australia. We were told that all of that was funded by Health and not through DCJ. Are there any sexual assault counselling or any of those sorts of services provided through DCJ, or is it all entirely Health?

The Hon. NATASHA MACLAREN-JONES: Again they are questions for Minister Ward. But I might ask Ms Campbell to comment, just to facilitate.

ANNE CAMPBELL: Most of the funding does go to NSW Health. Obviously, in terms of some of our specialist homelessness services, who might be working with women or children or anyone who is sexually assaulted, there would be a referral. They would make an assessment depending on what the disclosure was to them and ensure there are good linkages to those sexual assault services.

The Hon. ADAM SEARLE: I note the time. We have a short break. If everyone could be back at their places by 11.15, that would be appreciated.

(Short adjournment)

The Hon. ADAM SEARLE: This hearing of Portfolio Committee No. 5 budget estimates into Families and Communities, and Disability Services will resume.

The Hon. NATASHA MACLAREN-JONES: Could I just make a clarifying comment in response to a question I was asked by Mr Shoebridge in relation to alternative care accommodation?

The Hon. ADAM SEARLE: Yes.

The Hon. NATASHA MACLAREN-JONES: Just to advise that I have spoken to my office and a certain member of my staff is actually given weekly updates in relation to numbers because, as Ms Czech said before, the numbers do fluctuate. But if those numbers vary significantly then I would expect a full briefing in relation to it.

The Hon. ADAM SEARLE: Thank you, Minister. We now proceed to questions from the Opposition. Ms Jackson.

The Hon. ROSE JACKSON: Thanks, Minister. Welcome. I want to quickly follow up on a comment that Mr Vevers made in response to questions from Ms Boyd about the emergency accommodation arrangements for the floods. Her questions were important, but I am interested more broadly in the preparatory work that has occurred for the fact that there are now thousands of people who are homeless to the extent that they cannot live in their inundated homes. That is a region in which there are not thousands of spare accommodation premises, so what is the planning that DCJ is doing to ensure those people have somewhere to stay?

The Hon. NATASHA MACLAREN-JONES: Before I ask Mr Vevers to comment further, I wanted to say that a lot of work has been occurring in the past few days. I have been in contact, particularly, with the local members and as of Monday night with Tamara Smith, when she reached out. There were a number of Aboriginal families that had been displaced from Cabbage Tree Island; they were in an evacuation centre. I spoke to Mr Vevers in relation to finding crisis accommodation for them. We were able to partner with an organisation there that runs a youth camp—or a campsite, I should say—that has accommodation, and that evening transferred around 70 individuals with children into accommodation. As I said, it is crisis accommodation, and it is about the long-term sustainability and ensuring that people are housed moving forward. I will ask Mr Vevers to outline the process in relation to what is done in these disasters.

PAUL VEVERS: There are several arms of the strategy that we have in place. Firstly, I should say that the vast majority of people who are flood affected will have insurance which provides for temporary accommodation while their accommodation is unusable. That does not address the question of where they go to. In many cases, the only solution for them will be short-term accommodation like serviced apartments or holiday apartments. It is a coincidence but, fortunately, we are over the peak tourist period in that region. It is not great for many of those families, but I think it is the only alternative that is close, and most people want to be close.

Then there will be people who are not insured, and Resilience NSW has programs of assistance for people who are not insured. At this stage, I do not know what the clean-up arrangements will be. But when this happened before, after the fires, Public Works undertook clean-ups. I cannot speak for them now. But then we will have a group of people who really, really struggle to get housing. We certainly had that after the bushfires. Our immediate response will be temporary accommodation. I have already got a team of people seeking to look at what serviced apartments we can get for those people because I am anticipating it will be probably quite a few weeks while we then look to resolve their need. We learned from the last set of floods in that region that we have to encourage people to look further afield than that immediate region, and I say that—

The Hon. ROSE JACKSON: Do you mean in the short term or in the longer term?

PAUL VEVERS: Probably not in the short term, no, because I am hoping that we will be able to get some short-term accommodation. But if they need private rental or social housing, there are so few options in that region. I totally do not mean to sound insensitive to the fact that some of those people may have lived a long time in that region, so we will work with people. But we did find before that to get long-term accommodation we had to look further inland to places like Casino and in some cases further south, even down as far south as Newcastle. It is not ideal, but the private rental market gives us very few options there.

The Hon. ROSE JACKSON: Can you understand how heartbreaking that is, Minister? Mr Vevers mentioned the private rental market, but he also mentioned the limited availability of social housing. There are people who have now been through the 2017 floods and these floods, and the department's response to them is, "You have to move away from the place that you've called home, where you have friends, potentially family, employment and kids going to school. You have to move to Casino or Lismore if you want to find long-term housing". Do you understand how heartbreaking that would be for people?

The Hon. NATASHA MACLAREN-JONES: This is a devastating situation that is occurring, and my heart goes out to every family and individual that is affected. As the situation is still unfolding, it is difficult to outline particularly the number of properties that would be available. But I am happy to take it on notice and come back to the Committee once we know a little bit more information in the coming days and weeks.

The Hon. ROSE JACKSON: We might follow up this afternoon on some details, Mr Vevers.

PAUL VEVERS: I should have added: After the bushfires, we set up a dedicated team of housing staff who kind of case-managed everybody, and they were based down south. I am literally, yesterday and today, in the process of establishing a team which will be a flood recovery housing team, who will be based up north.

The Hon. ROSE JACKSON: And they will be offering the individual case management that you mentioned earlier?

PAUL VEVERS: Yes.

The Hon. ROSE JACKSON: That is good. Thank you, Mr Vevers. I wanted to ask about Together Home, Minister. How many packages are currently available?

The Hon. NATASHA MACLAREN-JONES: The exact number of packages I will have to take on notice. But what I can say is that through the \$122 million investment in the Together Home program, over 1,000 people have been supported who have been sleeping rough.

PAUL VEVERS: There are over 1,000 places and 649 households, which would probably equate to about—similar to that number of people have taken up those places, so we still have a considerable number of places available under that program. As people come into temporary accommodation, so we seek to move them into that program.

The Hon. ROSE JACKSON: It has been quite a successful program, Minister. But as you would know, the \$122 million in funding runs out in September this year. What arrangement will be put in place to continue that support?

The Hon. NATASHA MACLAREN-JONES: I will always endeavour—it is important that you look at all programs, whether it is this program or any other program, to evaluate them and ensure that they are reaching the target. As you said, it has been a very successful program. It is one of a number of programs that we have to support people sleeping rough and transitioning into permanent, stable housing. The commitment I make is that I will always ensure that we have that support there to ensure people are able to transition into safe housing.

The Hon. ROSE JACKSON: That commitment has not always been there, and we can get into some of the details. But specifically on this program, the funding is running out in mere months. Is there any plan to have an additional tranche or to continue the program in any way? The Expenditure Review Committee [ERC] process is on foot at the moment, is it not? What will happen with Together Home?

The Hon. NATASHA MACLAREN-JONES: As you know, as with all budget submissions to the ERC process, I cannot pre-empt the specifics of it or make any announcements in relation to the budget process.

ANNE CAMPBELL: If I can just add to the Minister's comment, we have been working with the community housing providers who have been providing the headleasing and obviously the specialist homelessness services—and particularly for the first tranche, because that program, as you know, was announced in different stages. But there is a cohort shortly, as you indicated, that we need to make sure have long-term accommodation. We are working with the community housing providers to look at vacancies that come up. Some of the particular issues obviously are in some of the regional areas, so we are working really closely to ensure that no person who is in the Together Home program returns to homelessness.

The Hon. ROSE JACKSON: Minister, it is good that that work is happening, but we know that there is incredible pressure on the availability of community housing and other social and public housing. If the plan is to transition those people who are currently being supported by Together Home into accommodation when it becomes available, what will that mean for other people on the priority social housing waiting list, who maybe do not have Together Home packages and have not been rough sleepers but are in desperate need of community housing or other social housing? Will they have to wait longer?

The Hon. NATASHA MACLAREN-JONES: One thing I will say in relation to waiting lists is that we have actually had quite a good record, particularly over the last 12 months. We have seen the register falling, so we currently have around 49,928 applicants on the register and that has fallen from 51,395 12 months ago. In the last 12 months, 9,354 households have been moved from the waiting list, which is an 8.3 per cent drop from previous years, which is actually our best result in relation to waiting times in the last decade.

The Hon. ROSE JACKSON: It was closer, I think, to 46,000 the year before that. The peak, I think, was actually 53,000 in October 2021, so it is good to hear that there has been a slight drop from that. But you are still quite a bit above where you were in 2020. Are there any plans to address that? There are still almost 50,000 people waiting for social housing.

The Hon. NATASHA MACLAREN-JONES: One thing in relation to, particularly, priority housing and waitlists is the length of time. I think it is around two months for priority housing, which is substantially different to where it was 10 years ago, which was sitting around the 4.8-month waiting time. There is always more that can be done, but a lot has been happening.

The Hon. ROSE JACKSON: We might get back on to public housing in a minute. I just want to finish up on Together Home. The plan is to use properties that become available in community housing and, I suppose, other social housing to transition those people over to that accommodation. At this stage, there is no additional funding for the program beyond September this year. That is the reality where we stand today.

The Hon. NATASHA MACLAREN-JONES: I will ask Ms Campbell to comment on the transition.

ANNE CAMPBELL: Thanks, Minister. The other thing that was announced as part of the economic stimulus last year for this program was \$35.5 million dollars for new capital supplies, so we are currently looking at that. Obviously there is a bit of a lag in terms of how long it takes to create new social housing, but there was also additional funding—I think it was \$183 million—through stimulus economic recovery for the Land and Housing Corporation. There was \$50 million for redeveloping a number of the housing estates, as well as spot purchasing new products. We are working really closely with Land and Housing Corp to align the exit points of when people actually move out of the program technically in November of this year to make sure there is supply in those locations.

The Hon. ROSE JACKSON: I had assumed that I would need to ask Minister Roberts and Land and Housing about the capital build, so I am not going to ask you more detail about that.

ANNE CAMPBELL: No, I think it is probably best to—

The Hon. ROSE JACKSON: Yes, that's fine. I wanted to ask about the Productivity Commission report that was released in late January. Have you read that report on government services, housing and homelessness?

The Hon. NATASHA MACLAREN-JONES: No, I have not.

The Hon. ROSE JACKSON: It is pretty sobering reading. Half of all people who seek help for homelessness from a specialist homelessness provider in New South Wales are unable to access it—48.2 per cent. Half of the people who seek assistance are unable to access it. Is that acceptable to you?

The Hon. NATASHA MACLAREN-JONES: No.

The Hon. ROSE JACKSON: One of the reasons that that is happening, Minister, is that New South Wales spends \$36.96 per client per day on support. In Victoria, that figure is closer to \$50. The Australian average, I think, is around \$48. It is not acceptable because your Government is not funding the services that people need. What are you going to do about it?

The Hon. NATASHA MACLAREN-JONES: There are a range of services and support to help people, whether from homelessness or needing assistance in the private market. I might—

The Hon. ROSE JACKSON: Fifty per cent of people cannot access that, though, and you have just accepted that that is not good enough.

The Hon. NATASHA MACLAREN-JONES: As I said, there are a range of services that are available to support people, whether it is in relation to homelessness or transitioning to more permanent accommodation, as well.

The Hon. ROSE JACKSON: Yes, there are some services that exist, and people are then reaching out for assistance. Even that, as you would probably be aware, for some people is a really difficult first step to take. They are actually reaching out for accommodation support from a specialist homelessness provider, and 48.2 per cent of those people who actually reached out and sought accommodation assistance from those programs—their needs were not met. That is 50 per cent.

PAUL VEVERS: Can I say I actually do not think it is correct to say that their needs are not met.

The Hon. ROSE JACKSON: I did not say it. It is from the Productivity Commission, Mr Vevers.

PAUL VEVERS: Okay. What the Productivity Commission is saying is that they were not given a service by that specialist homelessness service. That does not take into account a very large program of temporary

accommodation that we run. I would be desperately disappointed if someone came to a homelessness service and ended up not getting accommodation, because it is an absolute requirement on those homelessness services to either refer them to another homelessness service or to us so that we can provide temporary accommodation, and that is a really important safeguard. Temporary accommodation, as you know, is available 24/7 through our Link2home line.

The Hon. ROSE JACKSON: I appreciate that the temporary accommodation program exists, and we can talk about that later, but the specialist homelessness services are a very important part of providing assistance, particularly to vulnerable groups—for example, women leaving domestic violence with children who might get particular care, particular assistance at a specialist homelessness service. Temporary accommodation, which is a couple of nights in a motel, is better than sleeping on the street, obviously. But that is a different form of support. Do you accept that currently what is happening with the SHS programs is not acceptable when 50 per cent of people who reach out to them are being turned away?

The Hon. NATASHA MACLAREN-JONES: What I can say is that we are in the process of responding to the productivity report that has come out in January, and I would prefer to take on notice specific details of—

The Hon. ROSE JACKSON: I am sure you would, because they are not very good figures, but you have to answer the questions here today.

The Hon. NATASHA MACLAREN-JONES: Mr Vevers has commented that he disputes some of those figures, so I think it is important that the report is looked at in detail and responded to correctly.

The Hon. ROSE JACKSON: Another element in that report was the quite substantial increase in the number of people who are living in severely overcrowded dwellings. In 2011, the rate was 14 in 100,000. That is now up over 22. Do you accept that we have an overcrowding crisis in New South Wales?

The Hon. NATASHA MACLAREN-JONES: As I said, the facts and figures that have been presented by the Productivity Commission need to be looked at for us to provide a detailed response.

The Hon. ROSE JACKSON: They do not just make up those figures, Minister. You actually provide them with information, and so do all of the other States, and then they put that together on their report on government services. So it is not as though these figures are new to you. They have come from DCJ. They have come from the work that your Government is doing. It is not new information to you; you just have not done anything about it.

The Hon. NATASHA MACLAREN-JONES: I will actually ask Mr Vevers to comment in relation to those figures.

PAUL VEVERS: Can I just clarify? Are those figures in relation to public housing?

The Hon. ROSE JACKSON: Which ones, Mr Vevers?

PAUL VEVERS: The overcrowding.

The Hon. ROSE JACKSON: No. That is in relation to homelessness generally. It is not in relation to public housing, no.

PAUL VEVERS: So it is in relation to the entire rental housing stock? I do not have knowledge of what may have caused that in the private rental market.

The Hon. ROSE JACKSON: Yes. We possibly could discuss what has caused that. I accept what you are saying, which is that it is not strictly your responsibility because it is not in relation to people living in public housing. Is that what you are saying?

PAUL VEVERS: I guess any form of housing stress is something that we should be interested in and seeking to do something about, not least in a preventive way. I am simply saying I am not familiar with those numbers.

The Hon. ROSE JACKSON: Minister, I wanted to ask briefly about the Federal Government's recent announcement that it will not be developing a national homelessness strategy, despite the fact that that was recommended by the recent parliamentary inquiry. Was that a disappointment to you?

The Hon. NATASHA MACLAREN-JONES: The decision by the Federal Government to have a national housing strategy is a matter for the Federal Government.

The Hon. ROSE JACKSON: Yes. But presumably, I would hope, you talk to your Federal counterpart. Have you made any representations, perhaps with Ministers from other States, in relation to the need for a national homelessness strategy?

The Hon. NATASHA MACLAREN-JONES: My focus is in New South Wales. We have a strategy here in New South Wales. What the Federal Government chooses to do and to oversee in other jurisdictions is a matter for the Federal Government. I am focused on New South Wales and delivering for the people of New South Wales.

The ACTING CHAIR: Have you finished, Ms Jackson? You do you want to press on that particularly enlightening answer any further?

The Hon. ROSE JACKSON: No. She has not done anything and she is not going to.

The ACTING CHAIR: Minister, in your speech in the Legislative Council last week in relation to the Family is Culture bill you said:

It is fair to say that the system needs reform. We cannot keep doing the same things and expecting different outcomes for Aboriginal children. But this bill is not the answer.

When it comes to statutory reform, what is the answer?

The Hon. NATASHA MACLAREN-JONES: As I have spoken previously, I am committed to seeing Closing the Gap, but more importantly reform, in supporting Aboriginal children in out-of-home care. There are a number of recommendations from that report—over 3,000 individual ones—and we are sitting at about 97 per cent that have been implemented. In relation to the legislative recommendations, as I said in that speech, and I have said to you as well, my commitment is ensuring that the implementation of additional reforms must be done in consultation with the sector, with key stakeholders, and that includes particularly the Children's Court. I have raised concerns about your legislation in relation to the Children's Court. I have a meeting scheduled with the Knowledge Circle, which is the body that was formed, I think, in 2019 to look at those recommendations, and with them I will be going through a number of potential recommendations. As I have said to you previously, I have a commitment to bringing something forward as soon as possible. But I might ask Mr Thomas to comment further, as he has done a lot of work in this space.

BRENDAN THOMAS: As you know there were 25 recommendations from the *Family is Culture* report that had a legislative component to them—either legislative or some kind of regulatory reform. The process that the Minister has talked about with the meeting with the Knowledge Circle later this week is to talk about a process for consulting on those recommendations with a broad range of stakeholders

The ACTING CHAIR: Mr Thomas, you will have to speak more closely to the microphone. I cannot hear you.

BRENDAN THOMAS: My apologies for that. The process the Minister spoke about with the meeting with the Knowledge Circle later this week is to finalise a process of consultation on all of those 25 legislative recommendations. That involves detailed consultations with legal stakeholders such as the president of the Children's Court, the Aboriginal Legal Service and the Legal Aid Commission who do the bulk of the work in this jurisdiction, as well as important Aboriginal community stakeholders. It is not just on those recommendations, but on the nature of legislation that can be brought forward to implement the intent of those recommendations, with a particular focus on looking at which of those recommendations can be brought forward the quickest, and which might then be subject to further consultation following that consultation process. So the idea is following that round of consultation report on immediate next steps to be brought to the Minister for her consideration.

The ACTING CHAIR: I wrote down what you said "finalise a process of consultation" on reform. That sounds to me like some of the most bureaucratic jargon I have ever heard to finalise a process of consultation on reform. That is word-for-word what you said. Is that really what you are doing?

BRENDAN THOMAS: No, it is a process of consulting on those 25 legislative recommendations. As you know, they are quite specific recommendations—ranging from changes to the care and protection legislation to recommendations around the establishment of statutory authorities, for example. The process we are finalising this week is the process to go and consult on those 25 recommendations.

The ACTING CHAIR: Were you part of producing the formal Government response in November 2020 on the *Family is Culture* report, Mr Thomas?

BRENDAN THOMAS: I was not. That was completed before I commenced in the role.

The ACTING CHAIR: Do you know that until the Minister's response in the House, and what you just said then, the official position of the Government was—and it is detailed in black and white, with heaven knows

how many hours gone into producing it—that a review of the care and protection legislation would commence by 2024. Has that position now been overturned?

BRENDAN THOMAS: Yes, it has. Sorry, Minister.

The Hon. NATASHA MACLAREN-JONES: I was just going to say, they are questions or comments for previous Ministers. I have said to you, and what I am saying to this Committee is, I am determined to continue to drive down the number of Aboriginal children in out-of-home care and also to look at what legislative changes can be made as soon as possible. As I said, that requires consultation with the sector, as well as key stakeholders to ensure we are putting in changes that both the community want and have asked for, but are also practical.

The ACTING CHAIR: Up until now it has just been rudderless, in terms of the statutory review? Until your statements in the last week, that had all been kicked down the road to not even commence until 2024. Is that your understanding?

The Hon. NATASHA MACLAREN-JONES: I cannot comment on previous decisions of previous Ministers. All I can say is what I am committing to you.

The ACTING CHAIR: When you became Minister, did you get a briefing on what had been done to implement the *Family is Culture* report?

The Hon. NATASHA MACLAREN-JONES: I asked for one, yes. I met with Mr Thomas.

The ACTING CHAIR: What had been done to implement any of the statutory reforms recommended?

The Hon. NATASHA MACLAREN-JONES: As I said, as Mr Thomas said, there were the 25 that are being looked at. I understand there had been meetings with the Knowledge Circle, not to discuss the actual specific recommendations but I might ask Mr Thomas who may be aware of more details about what occurred previously.

BRENDAN THOMAS: Yes, there is a planned statutory review of the care and protection legislation, the entire Act, as part of its general process of review—

The ACTING CHAIR: They kicked the can down the road for that. That is what they did. Did they not?

BRENDAN THOMAS: Until this recent announcement, the review of those recommendations had been planned to be incorporated in that general legislative review that was planned for 2024, which will still occur as part of the regular process of review. What the Government has now determined is to bring forward specifically consultation on those 25 recommendations from the *Family is Culture* report to expedite the implementation of those.

The ACTING CHAIR: The decision to establish the Aboriginal Knowledge Circle happened before September 2020. Do you know when it first met?

The Hon. NATASHA MACLAREN-JONES: I was not the Minister at the time, so I would not be able to comment.

The ACTING CHAIR: Does anybody know? What about when it last met?

The Hon. NATASHA MACLAREN-JONES: Again, I understand it met late last year. Because these occurred before I became Minister, I would have to take it on notice as to the details.

The ACTING CHAIR: Minister, repeatedly in your contribution in the House, and then in your response to this issue, you said that you and the department want to prioritise the Aboriginal Knowledge Circle. I am asking you the most basic information about when it last met and you cannot tell me. So how do I square your statement about prioritising the Aboriginal Knowledge Circle with you not being able to tell me when it last met?

The Hon. NATASHA MACLAREN-JONES: As I said, I understand that it met last year but I might ask Mr Thomas if he wants to—

The ACTING CHAIR: But last year was long—I checked. There were at least 365 days last year. When did it meet?

The Hon. NATASHA MACLAREN-JONES: As I just said, I understand it met late last year. I will clarify the date, if we have that at hand.

BRENDAN THOMAS: I can provide you the date on notice. It met three times last year. There was a meeting scheduled for it in December last year, but that meeting was postponed with the ministerial changes that occurred and the next meeting set is for this Friday.

The ACTING CHAIR: As soon as you find out when it last met, will you tell the Committee, Mr Thomas? Surely that has got to be able to be found.

BRENDAN THOMAS: Absolutely.

ANNE CAMPBELL: I could just add to that. It was 21 September last year.

The ACTING CHAIR: Minister, five months ago was the last time it met?

ANNE CAMPBELL: The last time was 21 September.

The ACTING CHAIR: Has it ever been asked for its opinion on the Government's decision up until now to not even start reviewing the legislation until 2024? Was the Aboriginal Knowledge Circle ever consulted about that decision?

The Hon. NATASHA MACLAREN-JONES: Obviously I was not privy as the Minister at that time. It was a matter for the previous Minister. I will ask if the department has anything to comment on in relation to the agenda.

BRENDAN THOMAS: My understanding was the Government's position was published prior to the establishment of the Knowledge Circle so I do not believe the Knowledge Circle was asked subsequent to that on that particular government position.

The ACTING CHAIR: Will you provide on notice the minutes of all the meetings of the Knowledge Circle?

The Hon. NATASHA MACLAREN-JONES: I would have to take that on notice.

The ACTING CHAIR: You will take it on notice?

The Hon. NATASHA MACLAREN-JONES: First of all I would have take it on notice as to whether or not the minutes are actually taken and whether or not they are available.

The ACTING CHAIR: Surely minutes are taken, are they not?

BRENDAN THOMAS: Yes, they are.

The Hon. NATASHA MACLAREN-JONES: Yes, we can take that on notice then.

The ACTING CHAIR: Minister, who is on the Aboriginal Knowledge Circle?

The Hon. NATASHA MACLAREN-JONES: Mr Thomas on the full list?

BRENDAN THOMAS: The Deputy Children's Guardian; John Leha, chief executive officer of AbSec; Dea Delaney-Thiele, a community member; Ngaire Brown, a community member; and Shane Phillips, chief executive officer of the Tribal Warriors Association.

The ACTING CHAIR: Is the Aboriginal Legal Service invited to the Knowledge Circle?

BRENDAN THOMAS: They are not members of the Knowledge Circle, no.

The ACTING CHAIR: Do you not think that would be sensible?

The Hon. NATASHA MACLAREN-JONES: What I will say is that in consultation—and as I have said to you before, it is about the Knowledge Circle but also speaking to key stakeholders, and that includes the legal profession, particularly the Children's Court—I think it is very important that any decisions or any legislation that we bring forward, whether it is government or crossbench or opposition, they are consulted.

The ACTING CHAIR: So your primary consultation about how and when you proceed with legislative changes to implement the Family is Culture review you have said repeatedly was the Knowledge Circle, and it does not even include the Aboriginal Legal Service. How do you not have the Aboriginal Legal Service at the table?

The Hon. NATASHA MACLAREN-JONES: I said to you that for any legislation and any changes, broad consultation is required and that included the Knowledge Circle as well as key stakeholders and I mentioned many times the Children's Court. But it is about consulting broadly to ensure that the decisions that we make have been thoroughly reviewed by those that will be implementing them but also those in the community.

The ACTING CHAIR: Minister, will you invite the Aboriginal Legal Service to the Knowledge Circle?

The Hon. NATASHA MACLAREN-JONES: As I have said, the committee membership is already established and—

The ACTING CHAIR: I am not asking you in the capacity of committee membership.

The Hon. NATASHA MACLAREN-JONES: —I am happy to consult with them more broadly, but at this stage the committee membership is established.

The ACTING CHAIR: The answer is no. I get it.

The Hon. TAYLOR MARTIN: No, the Minister has not finished her answer and you have just rudely interrupted her.

The ACTING CHAIR: Will you invite the Aboriginal Legal Service to the Knowledge Circle?

The Hon. NATASHA MACLAREN-JONES: I have already said to you that the committee membership is established but I am more than happy to meet with them, along with all stakeholders, to discuss the recommendations

The ACTING CHAIR: It is a simple question, Minister, and I did not understand your answer to address the question I put to you. Will you invite the Aboriginal Legal Service to be a part of the Aboriginal Knowledge Circle?

The Hon. NATASHA MACLAREN-JONES: I have said that I will meet with them along with all stakeholders that are interested in these recommendations.

The ACTING CHAIR: I am going to take that as a no because it is the only way to take your answer. Why will you not invite the Aboriginal Legal Service to—

The Hon. NATASHA MACLAREN-JONES: As I said to you, the committee membership is already established and any stakeholder that is interested—

The ACTING CHAIR: Okay, the computer says no. I get it.

The Hon. NATASHA MACLAREN-JONES: —and there is also the Children's Court, which is extremely important—

The ACTING CHAIR: Computer says no.

The Hon. NATASHA MACLAREN-JONES: —in relation to any legislative reform that we make.

The ACTING CHAIR: Minister, how many children are currently in out-of-home care?

The Hon. NATASHA MACLAREN-JONES: I think it is 15,895, which is actually the lowest number in over a decade.

The ACTING CHAIR: When was that?

The Hon. NATASHA MACLAREN-JONES: On 30 June 2021.

The ACTING CHAIR: No, but this is March 2022. I am asking you now, not about what it was like seven months ago. I am asking you now: How many children are in out-of-home care?

The Hon. NATASHA MACLAREN-JONES: The figures I have in front of me are for 30 June 2021.

The ACTING CHAIR: You seriously came to budget estimates as the Minister responsible for out-of-home care and the data you have on out-of-home care is seven months old? Is that what you are telling me, Minister?

The Hon. NATASHA MACLAREN-JONES: The information provided to me, it looks at it from an annual perspective, so the information I have is, as I said, June 2021. But I can ask the department if they have a more accurate figure up to this month or late last month.

SIMONE CZECH: Mr Shoebridge, I am just trying to find the most recent DCJ caseworker dashboard for the September quarter. I might need to take it on notice. I can quickly find it, just not to waste the time of the Committee, and provide it, but I understand it is very stable. It has not changed a lot from the figure the Minister quoted, but I will quickly get it for you and let you know.

The ACTING CHAIR: You are looking for data that is now five months old, is that right, Ms Czech?

SIMONE CZECH: Yes, that is correct. There is an aging process that goes through the data and that is about entry of documentation onto our ChildStory system as kids enter and exit care and we need to be really careful with the data, that we are not using what you would probably term live data because it may not be accurate and I have some reservations about doing that.

The ACTING CHAIR: What is the most recent data that you have, and by all means read onto the record the reservations you have, Ms Czech? What is the most recent data you have about the number of children in out-of-home care? And if you tell me it is September or June of last year I will not believe you.

SIMONE CZECH: Can you give me a couple of minutes to get that and I will let you know?

The ACTING CHAIR: I can. But while I am asking you that and while you are looking at data, it is obvious that I will be asking for the breakdown between Aboriginal and non-Aboriginal and length of stay in out-of-home care and we will come back to that. Minister, when your department last provided answers about the proportion of child protection money allocated to child protection that went into Family Preservation programs the answer was 16 per cent. What proportion of child protection money is now being directed into Family Preservation programs?

The Hon. NATASHA MACLAREN-JONES: I do not have that exact figure in front of me, but if the department has that at hand? Otherwise we will take it on notice.

The ACTING CHAIR: Does anybody know?

ANNE CAMPBELL: I have not got the percentage but I have got the figures. But I am happy to take that on notice.

The ACTING CHAIR: If you give me the figures I will do the percentage. How about that?

ANNE CAMPBELL: Okay. It is \$13.4 million for Family Preservation services, and that includes \$2.8 million for MST-CAN and FSP casework; \$2.6 million for Brighter Futures; \$3.3 million to Waminda - South Coast Women's Health & Welfare Aboriginal Corporation for the Nabu pilot program; \$129.4 million for the Permanency Support Program, and in that 14 Aboriginal community-controlled organisations plus four Aboriginal partnerships, and all those organisations also deliver the PSP Family Preservation packages; and there is obviously \$2.41 million to NSW Child, Family and Community Peak Aboriginal Corporation. That is as of June last year.¹

The ACTING CHAIR: Is that what is budgeted for this year?

ANNE CAMPBELL: I would need to take that on notice. Obviously there is quite a bit of work happening, particularly in the Family Preservation program and we are about to do the recommissioning of the Permanency Support Program to increase the number of Aboriginal-controlled community organisations.

The ACTING CHAIR: Ms Campbell, my question is: Is that what had been spent in the 12 months up to June of last year or is it what has been budgeted to be spent in the 12 months from 1 July?

ANNE CAMPBELL: Spent until June 2021.

The ACTING CHAIR: We are here for budget estimates, so I am asking you how much money is budgeted in the current year's budget to support families in the child protection space and you cannot answer it. Is that right? No-one can answer it?

ANNE CAMPBELL: I could say at a minimum it is the same as last year, but I am happy to take that on notice, Mr Shoebridge.

The ACTING CHAIR: Minister, have you read the Tune review?

The Hon. NATASHA MACLAREN-JONES: Not in detail, no.

The ACTING CHAIR: Have you read the Family is Culture review?

The Hon. NATASHA MACLAREN-JONES: Parts of it, yes.

The ACTING CHAIR: Are you aware that in both of those reviews one of the core critiques about your department's expenditure is that the overwhelming bulk of the expenditure is on child removal rather than on supporting families and preventing families from failing and therefore preventing child removal in the first place? Are you aware that that is the underpinning thrust of both the Tune review and Family is Culture review report?

The Hon. NATASHA MACLAREN-JONES: Mr Shoebridge, the priority of our Government and also of me is to limit the number of children that enter out-of-home care, and that means providing support to families for children to stay where it is safe to do so. As I mentioned before, I was out yesterday meeting with caseworkers

¹ In [correspondence](#) to the committee, received 29 March 2022, Ms Anne Campbell, A/Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice provided a clarification to her evidence.

at Redfern to talk about the work that they are actually doing, and their commitment is to support families in every way they possibly can to ensure—

The ACTING CHAIR: Minister, I am asking you about the money and it seems nobody sitting around the table has the first idea about how much is budgeted this year on that, which I have got to say in a budget estimates hearing I find extraordinary. I have never seen this before in any department, to have nobody sitting around the table who can talk about the budget allocation for this year on a key program, in this case preventing families from falling into dysfunction and kids being removed. I have never seen this before. Can you explain it?

The Hon. NATASHA MACLAREN-JONES: As I said, it has been said that the \$828 million that is going into the Family Support Program, that will be taken on notice.

The ACTING CHAIR: Ms Campbell, you told me how much was being spent on some form of family support and how much was then spent on the removals—out-of-home care, caseworkers and the removals?

ANNE CAMPBELL: I would need to take that on notice, Mr Shoebridge.

The ACTING CHAIR: You had detailed numbers for the other half of it, as at 30 June. Are you saying you do not come with any numbers on that?

ANNE CAMPBELL: Could you be a bit more specific about what you are after?

The ACTING CHAIR: I asked you how much was spent on preserving families and trying to keep them together, and you gave me a list of programs as at 30 June. Now I am asking you how much is spent on removing children—on caseworkers, out-of-home care and the removals?

ANNE CAMPBELL: In 2021 it was around \$800 million. I can give you more exact numbers.

The ACTING CHAIR: Just so as I am comparing apples with apples, does the \$800 million include the figures that you have previously put?

ANNE CAMPBELL: No, it is specifically for out-of-home care.

The ACTING CHAIR: Can you give me a more precise figure?

SIMONE CZECH: I have got it in front of me if it is helpful to add on to Ms Campbell's comments. The first question about child protection that does include the budget for statutory child protection caseworkers as well as some of our programs, including multisystemic therapy and other programs, was \$756.5 million. Your second question about out-of-home care, the out-of-home care and Permanency Support Program, which also includes some leaving and aftercare budget, was \$1.4 billion.

The ACTING CHAIR: So \$756.5 million on the caseworkers, \$1.4 billion on the out-of-home care space and something in the order of \$150 million on actually trying to keep families together. Are they the numbers?

The Hon. NATASHA MACLAREN-JONES: My understanding is it is \$164.2 million on the targeted early intervention.

The Hon. ROSE JACKSON: What is the progress on the Premier's priority in relation to homelessness?

The Hon. NATASHA MACLAREN-JONES: As I have said before, the Government is committed to reducing homelessness and there are a number of initiatives that we implement from early engagement, whether it is the outreach initiatives or looking at crisis accommodation, through to permanent accommodation. In relation to the assertive outreach activities, I can say that 9,505 engagements have occurred, which has allowed for housing of 1,280 people. That is from April to December last year. I actually had an opportunity to go out with the outreach team a couple of weeks ago and one of the guys who is part of what they call the host team has been doing that work for over eight years. One of the key things he said, and one of the challenges they have in engaging with people who are sleeping rough, is that quite often it can take up to 90 or 100 engagements to be able to encourage them into crisis accommodation. From there, there are a number of initiatives and programs that have been put in place to support them to be able to get them into permanent accommodation.

The Hon. ROSE JACKSON: That is good. I asked, though, about the Premier's priority. Do you know what that is? What is the Premier's priority in relation to homelessness?

The Hon. NATASHA MACLAREN-JONES: To reduce street sleeping by 50 per cent by 2025.

The Hon. ROSE JACKSON: It is quite specific for a reason, which is to try and get around the kind of guff that can sometimes be in this space. Are we on track? What is the progress in relation to that specific Premier's priority?

The Hon. NATASHA MACLAREN-JONES: Sorry, I should have been clearer. Yes, my understanding is we are on track to reach that target because of the initiatives we have been putting in place, which are, first of all, the assertive outreach to engage with people sleeping rough, but also to then transition them into more stable and permanent housing.

The Hon. ROSE JACKSON: Obviously, that is good. Is that still, though, a Premier's priority? We have had a change of Premier since the Premier's Priorities were released. Is that still a Premier's priority in relation to homelessness? Is there a new one? Has that one changed?

The Hon. NATASHA MACLAREN-JONES: I am working towards that priority.

The Hon. ROSE JACKSON: Has the Premier spoken to you ever about that priority?

The Hon. NATASHA MACLAREN-JONES: The Premier talks to me about a range of things but he has also been on the record talking about the need to reduce homelessness.

The Hon. ROSE JACKSON: Has he ever actually said, "How are you going, new Minister, as the new Premier in relation to what is now my priority in relation to homelessness?" Has that conversation ever occurred?

The Hon. NATASHA MACLAREN-JONES: I also proactively engage with the Premier, updating him across a range of things in relation to the portfolio. Over the coming 12 months there will be multiple opportunities to ensure that we are tracking but also, across all portfolio areas, to raise concerns if I feel that we are not and what needs to be done.

The Hon. ROSE JACKSON: So you have raised with him the Premier's priority in relation to homelessness?

The Hon. NATASHA MACLAREN-JONES: Not directly, no. Because, as I said, we are tracking at this stage so I see no need to raise anything because I have not identified any concerns. We seem to be tracking.

PAUL VEVERS: Could I add the specifics to those numbers? The February 2020 street count was 1,314 across the State of New South Wales and the February 2021 count was 1,141, which last year was actually conducted between February and March because of floods. Likewise, this year we were due to do the street count in northern New South Wales last week and for obvious reasons have not. So we are just waiting for floods to subside to complete the street count for this year. It is a 13 per cent reduction so multiply by four, which, if we carried on on that trajectory, means we would meet the Premier's priority. But obviously it depends on this year's count.

The Hon. ROSE JACKSON: So the grading of the priority as on track was based on the reduction between the February 2020 and February 2021 numbers on the street count. Is that right?

PAUL VEVERS: That, if I may say, is the headline. There are a range of specific initiatives within the Premier's priority which we carry out. If I give you an example of that, it is common knowledge that people who have had recent contact with the correctional system are at greater risk of sleeping rough. So in six locations across the State last year we have taken on two workers in each of those six locations to work with people as they leave corrective facilities to try to prevent them sleeping rough. These are people who are recruited through the Community Restorative Centre. That is an example of a number of initiatives where we are actually trying to get ahead and trying to get into a more preventative space with rough sleeping. But most certainly, from where I sit, there is a great deal of attention on this priority and I report in very regularly to the Premier's Implementation Unit who oversight all of the Premier's Priorities.

The Hon. ROSE JACKSON: I think we will talk about that program with Corrective Services this afternoon, but thanks, Mr Vevers. Minister, I wanted to ask about the supported accommodation and homeless services in Shoalhaven-Illawarra. I wonder if you have had any engagement with this service. This is a service that, it was publicly reported, almost lost their premises late last year and now have only secured a 12-month extension on their lease. Are you aware of this issue?

The Hon. NATASHA MACLAREN-JONES: To my knowledge they have not written to me but, because it was a matter that did arise under the previous Minister, I might ask if the department has anything specific they would like to raise in relation to this and what happened historically.

ANNE CAMPBELL: I am not exactly sure which service you are talking about but I do understand there was a service that needed to relocate down there, and I think the issue was to do with Land and Housing Corp and a particular need to redevelop that particular house. But I would need to take it on notice—the specifics.

The Hon. ROSE JACKSON: I think we are talking about different services. They definitely have written to you, Minister, although I accept you would receive lot of correspondence. This is a service that is in

fact in the Shoalhaven—the only provider of the homeless hub housing support that people who access temporary accommodation are required to access support from. Are you familiar with how—

The Hon. NATASHA MACLAREN-JONES: As I said, I have not seen that correspondence but I am happy to take it on notice and look into it.

The Hon. ROSE JACKSON: As we have heard in relation to other questions, the South Coast and southern New South Wales experience pretty serious housing stress. This is the only service that is providing temporary accommodation housing support in the Shoalhaven. They have got a 12-month extension on their lease, although that is going to end this year. They are actually only available four days a week. They are not even open on Monday. Do you take on to meet with them and talk to them about the limited services that they are able to provide?

The Hon. NATASHA MACLAREN-JONES: As I said to you, I have not seen that correspondence. I will look at the correspondence, take it on notice and, whatever they are requesting, I will certainly look at. If they are looking to have a meeting, I am more than happy to do that. As I said, I have not seen the correspondence. If you have got a copy, I am happy to take that now. Otherwise, I assume it has been emailed through to my—

The Hon. ROSE JACKSON: I have a copy electronically, but I will see if I can get that printed out for you. This is one example of a range of the more limited services that are available in regional New South Wales. In particular areas, we are seeing a real explosion in the number of people who need housing support. I am sure you are familiar with the stories about people who have never experienced homelessness before—these are not long-term homeless people—who are now sleeping in cars, sleeping in tents and sleeping in caravans, all of which constitute forms of homelessness even if they are not rough sleeping. Is what is happening in those regional areas something that is of concern to you?

The Hon. NATASHA MACLAREN-JONES: There is a lot of support that is provided across the board to help people who are sleeping rough. As I said, we have got the—

The Hon. ROSE JACKSON: I am not talking about people who are sleeping rough. I am talking about people who often have jobs, but the housing market is so stressed that they cannot find private rental or access social housing because the list is phenomenally long. In an area like Coffs Harbour, there is a 10-year wait. That is not a lot of use to people, so they are sleeping in cars and tents. I am talking about that cohort of people.

The Hon. NATASHA MACLAREN-JONES: As I was saying, there is a range of services and support to assist people who are sleeping rough. When you say people sleeping in their cars and in tents, I count that as sleeping rough. Through our assertive outreach, which is an opportunity to engage directly with them—and we have 58 teams across New South Wales, which cover our regional areas as well—they go out on a regular basis. I want to acknowledge their great work because a lot of them are volunteers. They will engage with them, speak to them, ask them what support is needed and link them directly to crisis accommodation, with the long-term aim of ensuring that there is stable housing. That is provided across a range of ages, whether it is families or people escaping violence. There are also targeted programs for young people and students, so it is quite broad, but it starts with being able to engage. That is what is being done, particularly through our outreach programs.

The Hon. ADAM SEARLE: Minister, I would like to return to the line of questioning I was pursuing with you earlier about the proposed taxi licensing reforms. I want to be very clear about this. You indicated you had general discussions with the Minister for Transport, Mr Elliott, but have you had specific discussions with him about the impact of these proposed licensing changes on people with disabilities?

The Hon. NATASHA MACLAREN-JONES: No. Sorry, I should have clarified. I had flagged in relation to people with disability accessing transport. It was not in relation to this specific matter.

The Hon. ADAM SEARLE: Prior to today, have you been briefed by your department or any other agency specifically about this issue and its impact on persons with disabilities?

The Hon. NATASHA MACLAREN-JONES: No, I have not.

The Hon. ADAM SEARLE: Before this morning, were you aware of this being an issue in your portfolio?

The Hon. NATASHA MACLAREN-JONES: No, I was not.

The Hon. ADAM SEARLE: Now that you are aware, is it something that you will be taking up with Minister Elliott and his department?

The Hon. NATASHA MACLAREN-JONES: As I said before, I have regular meetings with representatives from all the departments to ensure that we are focused on the disability action plan. That is across a range of areas, whether it is transport or workforce or other things.

The Hon. ADAM SEARLE: But you would be concerned, wouldn't you, as the relevant Minister, if the Government made changes to taxi licensing and the consequence of that was that people lost access to wheelchair-accessible taxis? You would be concerned about that?

The Hon. NATASHA MACLAREN-JONES: These are probably questions more directed at the Minister for Transport because they actually do have a Transport for NSW Disability Inclusion Action Plan. In relation to the taxi service, I suggest that is probably best directed to Minister Elliott.

The Hon. ADAM SEARLE: For people who have transitioned from large residential centres to non-government disability support services, is the New South Wales Government keeping track of those residents and the level of care that they are now receiving?

The Hon. NATASHA MACLAREN-JONES: I would need to take that on notice as to what is being tracked.

The Hon. ADAM SEARLE: Are any of the departmental officials here able to shed light on that?

ANNE CAMPBELL: I could add to that. In terms of the transition of what the Government used to provide in terms of supported independent living, that obviously was completed in 2018—the transfer to the NDIS as part of the NDIS transition. Obviously, there is now the national Quality and Safeguards Commission that is actually responsible for ensuring that things are operating as they should be. Within New South Wales, we also have the Ageing and Disability Commissioner as well. He may receive particular complaints from participants but, generally, that is managed through the national Quality and Safeguards Commission.

The Hon. ADAM SEARLE: Who specifically in the New South Wales Government is charged with the responsibility of monitoring the level of care and support these people are receiving? Is it the New South Wales commissioner?

ANNE CAMPBELL: No. It is really the national—within New South Wales, the specific complaint functions that the Ageing and Disability Commissioner would have. But it is now a Commonwealth responsibility, and they monitor those services through the national Quality and Safeguards Commission.

The Hon. ADAM SEARLE: So the New South Wales Government effectively no longer has any responsibilities?

ANNE CAMPBELL: That is correct. We transferred, I think, \$3.6 billion across to support the National Disability Insurance Scheme.

The Hon. ADAM SEARLE: When were the last residents moved from the Stockton Centre?

The Hon. NATASHA MACLAREN-JONES: This was before my time, so I will need to ask the department.

The Hon. ADAM SEARLE: Of course. This is why the departmental officials are here.

The Hon. NATASHA MACLAREN-JONES: I believe it might be a matter for the housing Minister.

PAUL VEVERS: Approximately 18 months ago.

The Hon. ADAM SEARLE: In 2013, when all of this reform was underway, the former Minister, John Ajaka, said, "We won't simply turn our back and say it's not our responsibility anymore." He gave the distinct impression that the New South Wales Government would continue to have a role in at least monitoring the care provided to people who were transitioning out of State agencies into the NDIS. Minister, I think, from what Ms Campbell said, that is no longer the case. The New South Wales Government has simply opted out of any monitoring role. Is that correct?

The Hon. NATASHA MACLAREN-JONES: I cannot comment on what a previous Minister said.

PAUL VEVERS: The process of transition was incredibly carefully managed. I can say that because I did it personally, with a senior team of people, for every single resident of Stockton. The process of ongoing care—the oversight of that—is the Quality and Safeguards Commission of the NDIS.

The Hon. ADAM SEARLE: What does the New South Wales commissioner who Ms Campbell mentioned do?

ANNE CAMPBELL: That is around individual complaints that people may have across aging and disability. Within New South Wales, we have funded the Disability Advocacy program to support people and for them to have someone to go to if they do need systemic advocacy in terms of issues. We do not have access to any of the details around individual NDIS participants that are New South Wales participants. Particularly through the pandemic, we have worked really closely at an officer level and at a Minister level to ensure that the NDIA and the Commonwealth Department of Social Services have the right supports in place for people with disability living in those group homes, which included regular fortnightly meetings, particularly during the COVID outbreak in the first round, to ensure access to vaccinations and PPE. We had issues in a number of the disability group homes operated through the NDIA, where staff and clients became COVID positive and a number of staff had to be furloughed. NSW Health and the local health districts stepped in and helped provide the support to residents in those group homes. It is a very cooperative relationship between the NDIA, New South Wales and the Commonwealth Government about New South Wales NDIS participants.

The Hon. ADAM SEARLE: Who is responsible for the commissioner? Does that fall within your department?

ANNE CAMPBELL: Yes.

The Hon. ADAM SEARLE: How many complaints has the commissioner received?

The Hon. NATASHA MACLAREN-JONES: I would have to take that on notice. Could you also specify the time frame you are looking at?

The Hon. ADAM SEARLE: In the last year. Minister, the land on which the Hunter's large residential centres once operated, is it still under the control and ownership of your department? That means the Stockton Centre, Tomaree Lodge and Kanangarra, Morisset?

MICHAEL TIDBALL: Yes, they are.

PAUL VEVERS: Some are. Kanangarra actually belonged to NSW Health and has been handed back to NSW Health. Tomaree—

MICHAEL TIDBALL: And Stockton.

PAUL VEVERS: Tomaree and Stockton—

MICHAEL TIDBALL: Are vacant and maintained by DCJ.

PAUL VEVERS: Yes.

The Hon. ADAM SEARLE: What is the plan for the sites that you have control of?

MICHAEL TIDBALL: My understanding is no decision has been made about their future.

PAUL VEVERS: A decision in relation to Tomaree was made that it would be made available for public and community use. And Stockton, we have engaged Property NSW—I should double check that it is Property NSW—to look at the future use of that site.

The Hon. ROSE JACKSON: I wanted to ask about funding for frontline services. As you would be aware, the one-off COVID funding boosts are about to expire or in fact have expired.

The Hon. NATASHA MACLAREN-JONES: Could you clarify if you are talking about housing or homelessness, because my portfolio covers a range of things from Youth Justice through?

The Hon. ROSE JACKSON: Specifically homelessness services, although I understand other DCJ-funded services also received funding boosts during COVID. My understanding is that the grants were required to be expended either by the end of last year or I think in some of the regional areas it is February this year. The requirements are that the funding that was provided through the COVID one-off funding grants is about to expire. Services are incredibly stressed and stretched. They have seen considerable increases in a number of areas, particularly regional areas, as we were discussing, in relation to presentations. Has any consideration been given to continuing some of that boosted funding, at least for 2022?

The Hon. NATASHA MACLAREN-JONES: I might ask the department to comment in relation to the funding ending.

ANNE CAMPBELL: So far the New South Wales Government has committed more than \$950 million as part of the COVID-19 response and also the economic recovery strategy, with \$40 million for private rental subsidies, and they are continuing; \$64 million for temporary accommodation; \$3 million for emergency accommodation is continuing; and more than \$62 million as part of the joint Commonwealth and State funding

for domestic and family violence services. Mr Vevers talked about the \$122.1 million, which was a stimulus response, and that operates until, I think the next tranche starts this year, so that will be over a two-year period. There has also been some brokerage dollars for the Homelessness Youth Assistance Program, about \$1.45 million, and I do not think that is all expended at this point. They are the key things. Some of those are still operating but I can take on notice how much is remaining this financial year.

The Hon. ROSE JACKSON: Thank you, Ms Campbell. I do not like to interrupt but it was not a question about the programs that had been announced. I appreciate that there were programs announced as part of COVID management and the economic stimulus. The question is a number of them are about to or have already expired. The partnership agreements have required the expenditure of those funds by NGOs to have already occurred and there is no additional funding available for a range of those organisations. Is that something that is under consideration by you and the Government?

The Hon. NATASHA MACLAREN-JONES: As you said, and as has been explained, additional funds were provided because of the unique situation of the COVID pandemic. Across the board a range of support measures have been put in place that operate outside the pandemic period.

The Hon. ROSE JACKSON: We know that a number of non-government organisations, for example Homelessness Services, see a considerable number of additional clients than they are funded for. Homelessness Services report that they see over 25 per cent more clients than they are funded for. The funding model is not sustainable as it is. How are you going to ensure that there is not a massive cliff in terms of what services are available from the non-government sector? They are already stretched and their COVID boost funding is about to expire or has expired.

The Hon. NATASHA MACLAREN-JONES: As I said, we are investing significantly to prevent homelessness and breaking the cycle of disadvantage. We are investing over \$1 billion towards a range of services, whether it is Link2home or enhancement of youth refuges, and we have covered off domestic and family violence. Current figures show that we have supported over 70,000 people who have been at risk of homelessness or are homeless, which is an increase over the last five years.

The Hon. ROSE JACKSON: Money has been committed, whether through other programs or Together Home. There is demand, as you have said; there is considerable demand. The problem is Together Home finishes this year, a number of those programs have either already finished or are about to finish and there are no future funding commitments. How can you have any assurance that the level of service that has been provided—and we can argue about whether that has been adequate or not—is going to continue to be provided?

The Hon. NATASHA MACLAREN-JONES: As we mentioned before, we are in the process of ERCs so I will not announce or comment on budgetary process.

ANNE CAMPBELL: Can I just add, Minister?

The Hon. NATASHA MACLAREN-JONES: Yes.

ANNE CAMPBELL: The Together Home program does not finish this year; it is in tranches. From memory, it goes up until June 2024. I take on board the issue that you are flagging, but Together Home does not end this year.

The Hon. ROSE JACKSON: Funding for the people who received packages in tranche one finishes.

ANNE CAMPBELL: Correct.

The Hon. ROSE JACKSON: As we have heard, there are over 600—we can get the exact figures but hundreds of people—

ANNE CAMPBELL: Correct.

The Hon. ROSE JACKSON: —who are on supported packages who will have their funding expire.

ANNE CAMPBELL: Yes, in November of this year.

The Hon. ROSE JACKSON: Minister, Together Home was a program specifically targeting rough sleepers, people who have had a very difficult time securing housing. I would say there is quite a high risk that without a lot of support once that funding finishes they will end up back on the street. What assurances can you give us that there will not be potentially hundreds of people who are now receiving supported accommodation by Together Home left high and dry once that funding is removed later this year?

The Hon. NATASHA MACLAREN-JONES: As I said, our Government is committed to breaking the cycle of disadvantage, but particularly addressing homelessness. I have talked about Assertive Outreach, but more importantly that is to identify people and get them into the system so they can be supported.

The Hon. ROSE JACKSON: You do that and give them support but you are literally about to take it away. It is nice that Ms Campbell and her team are trying to talk to community housing providers. That is fine. But these people have experienced long-term homelessness. You have given them a support package and you are just going to take it away and say good luck in the CHP market?

The Hon. NATASHA MACLAREN-JONES: No. As I have said, I cannot comment on ERC process or what may or may not be in the budget.

ANNE CAMPBELL: If I can add to that? We certainly will not be exiting anyone who is in the Together Home program onto the streets.

The Hon. ROSE JACKSON: But if additional funding is not forthcoming?

ANNE CAMPBELL: We will find ways to make sure that does not happen.

The Hon. NATASHA MACLAREN-JONES: It is a government policy that no-one exits the service into homelessness.

The Hon. ROSE JACKSON: I wanted to ask about temporary accommodation and COVID. Through the 2020 lockdown and the Delta lockdown that we had last year hotel accommodation was provided for rough sleepers. There was nothing even close to that provided for the recent outbreak, albeit we did not officially go into lockdown. But I think we can all accept that the Omicron outbreak was pretty substantial. Was any consideration given to providing specific support for people over December and January?

The Hon. NATASHA MACLAREN-JONES: As I said, as it was not a lockdown, we had our suite of outreach teams out on a regular basis engaging with people sleeping rough, and identifying and supporting those who wanted to go into crisis accommodation or temporary accommodation and then into housing.

The Hon. ROSE JACKSON: So there was a specific, assertive outreach program associated with the outbreak or was it just the kind of general—

The Hon. NATASHA MACLAREN-JONES: No, as I said, it was different under COVID when we were in lockdown, as you said. The last outbreak, we were not in lockdown, so it was effectively business as usual, but Mr Vevers may like to comment further.

The Hon. ROSE JACKSON: Was there anything different to business as usual that happened in relation to the recent outbreak?

PAUL VEVERS: Actually, since the first outbreak, we significantly ramped up our outreach, which previously was done in three coastal areas. Since March/April 2020 we have covered the whole State, or known hotspots across the State, and we have not stopped. We are still doing that now, in terms of outreach. In terms of temporary accommodation, the basic approach has not changed. What has changed is instead of giving people one month straight off, rough sleepers always get accommodated and we work with them. If they continue to work with us, we continue to provide temporary accommodation. That has not changed, and it remains our absolute commitment.

What do I mean by "if they work with us"? If we find a place for them in a specialist homelessness service, we would expect them to take it. If we get a property, we would expect them to view it. We would expect them to go and have a medical assessment. If they engage with us, we will not put them on the streets. Why would we? Because then we will go around and pick them up again off the streets. So that has not changed, and we have actually housed a very large number of rough sleepers since COVID. There are not many upsides to COVID, but that is one of them—that it has changed the mindset of some people who sleep rough and, yes, given us extra resources in the form of Together Home. I cannot predict what will happen in the Sydney street count, but we have housed a lot of people who were sleeping rough, particularly in Sydney.

The Hon. ADAM SEARLE: Minister, I want to go back to the issue of the closure of the large residential centres. Mr Vevers said it was very carefully planned and the transition occurred over a long time. But I want to be clear: You are not monitoring the outcomes any longer. That is correct, is it not?

The Hon. NATASHA MACLAREN-JONES: That is my understanding.

PAUL VEVERS: The outcomes are being monitored.

The Hon. ADAM SEARLE: Okay, but not by the State Government.

PAUL VEVERS: Yes.

The Hon. ADAM SEARLE: But the point is that there have been a number of reports of former residents dying after they have been transferred into new care, if you like. People who had worked in the sector had reported to the previous Minister, Minister Ward, that a number of those residents were dying at a higher rate than you would normally expect. Is that something that the department has looked at on receipt of those complaints from those workers?

PAUL VEVERS: I can tell you that we have seen no evidence that mortality is higher than would have been expected. The residents of those large residential centres are incredibly vulnerable people. That is why we were so careful in the transition process. We had every single member of staff who knew them around a table for half a day to work with the new providers to make sure that medical treatment continued and that support continued for them. It is tragically true that some residents passed away after the move, but I have seen absolutely no evidence that that was at a greater rate than existed before.

The Hon. ADAM SEARLE: Okay. I am not reflecting on that, but nurses who had worked in the sector raised these issues in late June 2019 with Minister Ward. Minister, I know it was before your time, but what investigations did your department make of those complaints to satisfy itself that the concerns were baseless? I note Mr Vevers' evidence, but given the State Government is no longer monitoring this, how can Mr Vevers or your department be so sure about these matters?

The Hon. NATASHA MACLAREN-JONES: As I said, it goes back to the previous Minister of 2019. I think it would be best to take it on notice to actually look at it because it is historical.

The Hon. ADAM SEARLE: Okay. Is anyone from the department able to shed any light on that matter?

MICHAEL TIDBALL: Clearly, this preceded my tenure but my understanding is there has been liaison with the Public Guardian and the Official Community Visitors regarding the transition process before, during and after the move. So there has been communication—I am told, briefed here—that is positive feedback but that is all I am able to advise.

PAUL VEVERS: Any concerns raised by nurses during the transition—there was a forum for every single person that involved the very nurses, right down to the care assistants, who were working with that person. This was not something that happened at a management level. It happened with the carers who knew those individuals best. That was precisely the forum that we had for every single resident of Stockton to allow those staff to raise very detailed issues right down to the level of the sort of chair that someone wanted to sit in so that we made sure that we could transfer the chair. There was ample opportunity, and we wanted to hear those concerns. They had a forum, and either I or the executive director chaired every one of these meetings.

The Hon. ADAM SEARLE: Sure, but we are talking about things that happened after the transfer. So, for example, the NSW Ombudsman found significant problems with the care of at least two former Stockton Centre residents who died within two weeks of moving into a nearby group home. Is that something that you were aware of?

PAUL VEVERS: Every death was reported to us. I do not know the individual cases.

The Hon. ADAM SEARLE: Given that you are not monitoring the situation—they have been transferred out of State care—what information is the State department getting to have visibility of these issues, or has the State just washed its hands of these people?

ANNE CAMPBELL: No, it has not. As part of the transition, the deaths and critical incidents have to be reported to the NDIS Quality and Safeguards Commission. I think—and we can take it on notice, as Mr Vevers said—that Ombudsman report happened at the time when the Ombudsman had those particular powers in New South Wales.

The Hon. ADAM SEARLE: Yes.

ANNE CAMPBELL: And it happened before the full transition to the NDIS scheme, is my understanding.

The Hon. ADAM SEARLE: Are you getting feedback from the NDIS Quality and Safeguards Commission about what is happening in New South Wales so that at least you can still be apprised of what is happening in practice?

ANNE CAMPBELL: Not on individual things, but we would obviously see any of the reports that the NDIS commission put out.

The Hon. ADAM SEARLE: Minister, one of the Premier's Priorities was to increase public sector employment of persons with disabilities to 5.6 per cent. Does that remain in place?

The Hon. NATASHA MACLAREN-JONES: Yes. As I said previously, I do have a regular meeting with representatives from the department to look at implementation of the disability action plans.

The Hon. ADAM SEARLE: Last year when I asked the former Minister about this, he said, "I have a plan in my head. It is not a written plan." Is there a written plan now to tackle this issue, given that in 2014 it was 3 per cent in the public sector, it has gone back to 2.5 per cent and your target is 5.6 per cent? You are moving in entirely the wrong direction. Do you have a written plan?

The Hon. NATASHA MACLAREN-JONES: As I said, I have a regular meeting. It was raised at the last meeting, and I will continue to focus on it—unless the department has something specific to comment on.

ANNE CAMPBELL: I am happy to comment on that. Obviously that priority is led by the Public Service Commission. In 2017 the Government launched the plan, Jobs for people with disability: A plan for the NSW public sector, which, as you indicated, aims to ensure that 5.6 per cent of government sector roles are held by people with disability. From April 2019 to September 2020, the Public Service Commission led the work to deliver the jobs for people with disability program to meet one of the Premier's Priorities. I will not go through all those, but I am happy to provide more detail. There is, obviously, the New South Wales Disability Inclusion Act, which aims to promote independence and social and economic inclusion of people with disability. There is, obviously, a plan in place in relation to that. Obviously, within the Department of Communities and Justice, we are looking at the employment participation for people with a disability as a priority. I could go through a list of the initiatives—

The Hon. ADAM SEARLE: No, if you could table those. I am just interested as to what, Minister, you are going to do at a practical level to actually change the direction. A lot of activity has gone into this over a long time. As I said, since 2014, public sector employment for people with disabilities has gone into reverse. All of this activity and all of these plans and all of these initiatives have not changed that momentum. What will you do that is new that will change this?

The Hon. NATASHA MACLAREN-JONES: I will be raising it directly at our next meeting. As I said, I did raise it and flagged that it is an area that I want to get regular updates on.

The Hon. ADAM SEARLE: What is the percentage of persons with disabilities working in DCJ?

The Hon. NATASHA MACLAREN-JONES: I would have to take that on notice.

SIMONE CZECH: I have that information available, Mr Searle. In 2021—2021 is the second year we have actually compiled workforce data including disability—3.2 per cent of staff had a disability. It was a 0.1 per cent decrease from 2019-20.

The Hon. ADAM SEARLE: Again a decrease but perhaps less than elsewhere. Mr Shoebridge, I think it is your time.

The Hon. NATASHA MACLAREN-JONES: Sorry to interrupt, Chair. Ms Czech has an update in relation to the figures you asked about.

The ACTING CHAIR: You have predicted my first question, Ms Czech. Thank you.

SIMONE CZECH: Excellent. Thank you, Mr Shoebridge. The most recent data we have is 31 December 2021. On that date there were 15,515 children in out-of-home care. Of that 15,515, there were 6,783 Aboriginal children, which equates to 44 per cent. That is 380 less children overall, as compared to the end of September 2021. They were those earlier figures we provided, which I think from memory was 15,895. There has been a small reduction in the number of Aboriginal children in out-of-home care. I say "small" because it was 46 children less. In September it was 6,829. At 31 December it is 6,783. You also asked a question about the length of time children are in care. This is information we do collate annually. We collate it at the point of exit. We can absolutely provide the Committee with a full breakdown. But just briefly, we had in 2021—that is the most recent annual capture—2,557 children exit out-of-home care. Of that 2,557, 1,273—50 per cent—had been in care for five years or more. Then an Aboriginal breakdown—similar, but 51 per cent, 1,520, more than five

years for Aboriginal children. But we can provide a much more detailed breakdown for you, Mr Shoebridge, if that is helpful.²

The ACTING CHAIR: That would be helpful. Ms Czech, do you know how many of the 2,557 who exited care aged out of care? How many of them turned 18?

SIMONE CZECH: My understanding is that does not include those children that aged out. Sorry. Can I take that on notice just to double-check that?

The ACTING CHAIR: All right. I will in a second ask you questions about children aging out of care and a series of questions that follow from that. But I will come back to that in a second, Ms Czech.

SIMONE CZECH: Yes. I will clarify that point for you, just to make sure I am not telling you something I should not.

The ACTING CHAIR: Thanks for those numbers. They are helpful. Mr O'Reilly, how many children aged 10 to 13 were held in detention last year?

PAUL O'REILLY: In 2021 there were 138 young people under 14 in custody. They were all on remand.

The ACTING CHAIR: All on remand?

PAUL O'REILLY: Yes.

The ACTING CHAIR: How many young people aged 14 to 17?

PAUL O'REILLY: I do not know exactly, but 24 per cent of our people in custody are over 18 or 18 and over. That is very consistent, that rate.

The ACTING CHAIR: Can you provide me on notice that breakdown, if you can, by year, for last year?

PAUL O'REILLY: Yes.

The ACTING CHAIR: Do you know how many children were aged 10 that were held in detention last year?

PAUL O'REILLY: Aged 10? Zero. If I could just correct that. The figure I have is children aged under 12 for the whole year was six.

The ACTING CHAIR: Six 10- and/or 11-year-olds?

PAUL O'REILLY: Yes.

The ACTING CHAIR: Do you know what proportion of those 138 children aged 10, 11, 12 and 13 in detention were Aboriginal?

PAUL O'REILLY: No.

The ACTING CHAIR: Can you provide that on notice?

PAUL O'REILLY: We can certainly provide that.

The ACTING CHAIR: Can you tell me what was the average length of stay—"detention", I suppose, is the proper word. What was the average length of detention for those very young children? I am talking about the same—10, 11, 12 or 13.

PAUL O'REILLY: The breakdown by each year, 10, 11 and 12?

The ACTING CHAIR: If you could.

PAUL O'REILLY: Yes, I can do that.

² In [correspondence](#) to the committee dated 29 March 2022, Ms Pamela Brunner, A/Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services (Northern), Department of Communities and Justice, on behalf of Ms Simone Czech, Secretary, Child Protection and Permanency, District and Youth Justice Services (Northern), Department of Communities and Justice.

The ACTING CHAIR: Mr O'Reilly, if not raising the age of criminal responsibility, how else are you going to meet the Closing the Gap target to reduce the number of those Aboriginal children in detention by 30 per cent?

PAUL O'REILLY: The number of children in detention overall has reduced, and the number of Aboriginal children in detention has reduced, and we are currently at the target. So the challenge is to maintain and improve further.

The ACTING CHAIR: Are you saying New South Wales agreed to Closing the Gap targets last year that had no stretch in them—that they had already met them for youth detention?

PAUL O'REILLY: Youth Justice. It was close. It was close, yes. But there is significant momentum amongst police Youth Command, Children's Court, Youth Justice, Education to prioritise this work.

The ACTING CHAIR: How many children are in detention from the most recent numbers? You have probably got some figures as at last night or this morning. How many children are in detention?

PAUL O'REILLY: The numbers last night were 176.

The ACTING CHAIR: Of those 176, how many were First Nations?

PAUL O'REILLY: It was 74.

The ACTING CHAIR: Had you worked out the percentage?

PAUL O'REILLY: The percentage is 43, I believe, or 44.

The ACTING CHAIR: Are you saying that having 43 or 44 per cent of the kids in detention being First Nations meets the Closing the Gap target?

PAUL O'REILLY: No. The Closing the Gap target is a numerical target, not a percentage target. We are completely dissatisfied with a percentage of 43 or 44 per cent, absolutely.

The ACTING CHAIR: Mr O'Reilly, I want to be clear for the record. The work that has been done over the last few years, particularly on bail and reducing the number of children in custody, has been very successful in New South Wales. But what has not been successful is the continuing rise or stubborn maintenance of the proportion of kids who are First Nations. What are your strategies to reduce that figure?

PAUL O'REILLY: There are two parts to the strategies. Part of it is what is the part of this work that is our mandate and our control, where we have the levers. I can talk about that at length. Then there are parts—

The ACTING CHAIR: We might do that this afternoon.

PAUL O'REILLY: Okay. The other part is the bit that is a shared responsibility across the community and government. Youth Justice is a responder. Our mandate is determined in the legislation, and our controls are determined by the decisions of police and courts. That is where our mandate lies. Inside that mandate, we have a number of strategies, but we need to work with those other parties. It is not adequate for us to say it is up to them. We need to work with them, so we do.

The ACTING CHAIR: I get it. We might come back this afternoon and talk about some of the programs on recidivism and the like.

PAUL O'REILLY: Great.

The ACTING CHAIR: Ms Czech, did you get those numbers?

SIMONE CZECH: I did. Your question was whether the 2,557 included exits from care as well as other permanency exits?

The ACTING CHAIR: Aging out of care, yes.

SIMONE CZECH: Yes, that is right. The answer is, yes, they do.

The ACTING CHAIR: How many children aged out of care last year?

SIMONE CZECH: Last year—they have not given me those numbers, but we can work it out, actually, because—it is around the 800 mark, from memory. I can get that figure as well.

The ACTING CHAIR: We might come back to the precise figure this afternoon.

SIMONE CZECH: Sure. We can do that.

The ACTING CHAIR: Minister, are you aware that the previous MOU with Legal Aid, where there was the appointment of guardians ad litem, has basically been torn up and not operating for children who are exiting care since DCJ was put in place? Are you aware of that?

The Hon. NATASHA MACLAREN-JONES: Yes. We met and we spoke about that briefly.

The ACTING CHAIR: Yes, I told you, but have you spoken with your department about it and worked out how you are going to live up to the statutory responsibility to provide kids leaving care, young adults leaving care, with the legal support they need?

The Hon. NATASHA MACLAREN-JONES: First I just want to go through the process. This afternoon, I am sure, the department will be able to elaborate further. Obviously, as soon as a child reaches the age of 15, they are looking at the exit plan. In relation to that, every child is referred to the legal service within the department, where it is identified if there are any claims that may need to be made. I am advised that last year 44 children were identified as having possible claims. If there is a claim identified, then the child is referred to the Law Society of New South Wales to obtain legal advice. So every child that exits out-of-home care is provided legal support by the department.

The ACTING CHAIR: We will come back and ask for some more data about that. But 44 out of more than 800 kids got referred off to the Law Society once they exited care?

The Hon. NATASHA MACLAREN-JONES: They were identified. They needed to. Otherwise, every child is given legal advice on exiting. It is part of their plan. Then, if it is required to take further, it goes to the Law Society.

The ACTING CHAIR: Minister, thank you for your time this morning.

The Hon. NATASHA MACLAREN-JONES: Thank you.

The ACTING CHAIR: I think the balance of the witnesses we will see again this afternoon, at two o'clock. Have a great lunch.

(The Minister withdrew.)

(Luncheon adjournment)

The ACTING CHAIR: Welcome to the afternoon hearing of the budget estimates inquiry into the Families and Communities, and Disability Services cluster. To start the afternoon session, I hand over to the Opposition. Ms Moriarty.

The Hon. TARA MORIARTY: I will follow up on some questions that were asked by my colleague before the lunchbreak about the work that is being done on the Closing the Gap targets. You indicated you would expand on that, and I invite you to do that now. What kind of work are you doing?

PAUL O'REILLY: The work that we are doing in Youth Justice is focusing on our Aboriginal strategic plan. One of the cornerstones of that is staffing: making sure that we have Aboriginal staff who are empowered to do the work the way they need to do it. Last year we undertook a review of our casework model. That casework review has validated the work of Aboriginal caseworkers and given them the proper authority to do culturally led casework, which is really important in preventing reoffending and making sure that young people under supervision can work through those adolescent issues around identity, get cultural support to do that and then access the interventions in relation to offending in an appropriate way. That is good for those young people but it also is great for staff, because those staff come to work with us because they want to work in a particular way and they need support and authority to do that. That is one of the key things. We also have particular programs that have been designed over the years drawing on the evidence base that put culture at the centre of intervention, so they are used in custody and in our community setting as well. Sometimes in those programs we draw on the resources of the community as well, but they are led by Aboriginal staff and focussed on Aboriginal young people.

The Hon. TARA MORIARTY: What is the current percentage? I think you said this morning there were 176, if I am remembering correctly.

PAUL O'REILLY: Yes, 74 young people in custody are Aboriginal.

The Hon. TARA MORIARTY: What percentage is that?

PAUL O'REILLY: It is 44 per cent.

The Hon. TARA MORIARTY: Since you have been doing those programs, how has that worked or how is that affecting those figures?

PAUL O'REILLY: It has some impact on the figures but one of the points I would make is that the numbers have dropped significantly, to the point where the number of people in the system now is small. It is difficult to have an ongoing big impact on those numbers in a short period of time on a percentage basis when the number is that small, so it is quite challenging. The reoffending rates are improving gradually as well, so that means that most of those young people will not come back into custody. But as I said before the break, a percentage of forty-something per cent, whether it is 44 per cent or 43 per cent, is completely unsatisfactory. Even though the numbers are down, and that is fantastic and that is exactly what we would seek to achieve, nobody in our system is happy or satisfied with those percentages.

We recognise also that we need to work with other agencies who have other levers to impact on those percentages. We work very closely with police, with the Children's Court and with Education to work out where there are opportunities to change decision points before they come to us. We are at the response end of a situation, but it is not about saying that is their problem; it is really about working alongside them and working out how we can collaborate on that. One good example would be high schools, where schools put in place behaviour support plans for young people so they do not get excluded from school. There are some situations where we should be part of those conversations because we can provide support for those plans to make them more robust.

The ACTING CHAIR: But Mr O'Reilly, you said that there was no stretch target for reducing the number of Aboriginal kids in detention. That seems to me a big missing point.

PAUL O'REILLY: That was not my expression, but I certainly accept that the target has been reached from a numerical perspective. But we are absolutely committed to—the percentage of young people in custody who are Aboriginal should be reflective of the population. That is where it should be, that is what we are aiming for and everybody working in the system is aiming for that.

BRENDAN THOMAS: Can I just clarify the target? The target was set nationally through that Closing the Gap process on a national baseline that was set from the year 2019. It is expressed as a rate per 10,000, so the Closing the Gap target as published, as signed up to by governments, is a reduction in that rate by 30 per cent. The rate as it equates to the numbers in New South Wales is about 90 kids in detention. As Mr O'Reilly said, that number is actually lower than that now. It was higher than that when the rate was set, but it was not much higher than that. The progressive decline of kids in Youth Justice over probably the past seven years has seen a massive drop in both Aboriginal and non-Aboriginal kids. The proportion has slightly changed—it was 51 per cent a while ago; it is 40 per cent now. But as Paul said, it is just way too high. You kind of have a concentrated number of more serious young people in detention that is making it harder to shift that, but we still need to throw everything but the kitchen sink at getting that number down further.

The Hon. TARA MORIARTY: Just following up on one of the comments that you just made, what is the most common reason, now or over the past 12 months, that young people are in detention?

BRENDAN THOMAS: Do you mean in terms of the crimes that they have committed?

The Hon. TARA MORIARTY: Yes. It can be in general terms, as in violent crimes, robberies et cetera.

PAUL O'REILLY: I can respond to that, certainly. There are over a million teenagers in New South Wales. There are 176 of them in custody, and only 40 or so of them are sentenced to be in custody. I think that tells us a lot about who is in custody and why they are in custody: They are in custody because of the level of seriousness of their offending and the court's view that that is where they need to be for a while.

The Hon. TARA MORIARTY: I am not testing that. I am just interested to know what are the statistics and what are the reasons that people are in detention.

PAUL O'REILLY: It is about violent crime, it is about repeated violent crime and it is about the level of complexity in addressing that. We have significant interventions. But the other thing I would say is that that level of crime comes with lifelong trauma and being victims of crime as well, and it is very complex to unravel that. I think the change in the population shows that the system has become quite effective at diverting young people. I can give you some data on diversions if you like, but the diversion rate has increased dramatically so that the ones that we are left with are more complex. A graph we often use to describe this has the numbers going down and the complexity, which is measured scientifically, going up at the same time. That tells us who we have got.

BRENDAN THOMAS: It is not so much a single crime type, with the exception of homicide and those kinds of offences. It is not so much the single offence that is sending kids into detention; it is the accumulation of a criminal history and a longer term involvement in all aspects of the criminal justice system.

PAUL O'REILLY: That is true.

The Hon. TARA MORIARTY: Yes, which is the reason I am asking the question. The follow-up question to that is: For young people who are under the age of 14, not specifically for the ones who are in there but more generally, what would be a reason that people would be in detention at that point?

PAUL O'REILLY: People under 14 are generally—almost exclusively and certainly in recent times—in custody on remand. That is the first thing that I would say about people under 14, and they are usually in custody on remand because they have been arrested following a violent incident, quite often in the company of others. That is quite often the case. The numbers are very small. To go into more detailed examples risks exposing people's identity because the numbers are very small, but that is really the nature of it.

The Hon. TARA MORIARTY: I do not need the details.

PAUL O'REILLY: I think the courts and police—I cannot speak for them, but my observation as a professional in this sector is that they absolutely appreciate the impact of early contact with the justice system on the trajectory of the person and they will do everything possible to avoid refusing bail for young people, particularly that young. But there are some cases where they make a decision to refuse bail.

The Hon. TARA MORIARTY: But as we have heard in other inquiries, sometimes that is because there are no alternative places for those young people. I get that the number is small, but it does not matter—there should not be any. Bail is one thing and the detail of the crime is another, but alternatives for people before that age is a whole other thing. What work is being done on that?

PAUL O'REILLY: There is a lot of work being done. The increase in diversion rates shows that caseworkers are able to put together case plans for most young people, especially under 14. One of the bits of evidence I provided this morning was that the number of people who are in custody for accommodation reasons is extremely small: 3.8 per cent of all admissions annually and zero currently. I think it could be a distraction to focus on that as the reason why people under 14 are in custody. It is such a small number, and usually zero for that particular section of the cohort. It is usually to do with the seriousness and complexity of the incident that has led to their arrest. That is the decision the court makes.

The Hon. TARA MORIARTY: Do you have any statistics on recidivism?

PAUL O'REILLY: Yes.

The Hon. TARA MORIARTY: I am happy for you to take that on notice if you do not have it.

PAUL O'REILLY: Yes, we have some, absolutely. We have a range of targets around reduction of reoffending. Reoffending rates for young people who have completed a Youth Justice conference over the past three years consistently have been reducing by 3 per cent each year. For custody it has been similar: about 3 per cent or 3.1 per cent each year. For community supervision it is fairly stable, but we did see an increase in the past year of 2 per cent for young people who have completed community supervision in relation to reoffending. But the other two categories are gradually decreasing.

The Hon. TARA MORIARTY: I forget the numbers—but you can remind me—of the cohort of people who are over the age of 18 who are still in your system. I do not want any specific details about the people involved but is it in the twenties, the percentage?

PAUL O'REILLY: Twenty four per cent of people in custody.

The Hon. TARA MORIARTY: Have they almost finished their sentence? Are they on remand? Are they moving? What is the plan for those people?

PAUL O'REILLY: The Children's (Detention Centres) Act has specific provisions for people aged over 18 on the belief—and the evidence base supports this—that their rehabilitation chances are much greater if they stay in the Youth Justice system. So they are provided with that. Most of them exit custody before they reach 21, which is the upper limit for us. A very small number graduate to adult custody because they have longer sentences.

The Hon. TARA MORIARTY: Can you give the Committee information on the length of stay particularly for remand—you can break it down by age group if you want—and also sentence?

PAUL O'REILLY: There have been some shifts in the length of stay. I cannot give it to you by age, but I can give you a bit of information on trend, if you bear with me for a moment. From 2019-20 to 2020-21 there was a decrease in the length of stay in remand by 27 per cent, from 16 days to 12 days on the average remand stay. For control orders, there was a 15 per cent increase in the length of stay, from 109 days to 126 days.

The Hon. TARA MORIARTY: I touched on this earlier with both you and the Minister. In the last two years there have been big chunks of lockdown periods. We have all been operating in different circumstances. What impact has that had separately on the programs you are running? During that period are there things that

have worked that we have done differently—that you have done differently—that we should continue to do to keep people out of detention?

PAUL O'REILLY: To keep people out of detention? Our community supervision work continued through the shutdown and we used technology a lot more for our casework with young people in the community. Young people cope with a shift to technology more effectively than older people, generally speaking, so it worked quite well for us. But it was not the perfect solution for everybody. There are some young people who really need face-to-face contact. There are some who are fine with less of that. But we certainly learnt a lot about where it works really well and we will certainly continue to expand that in the community.

The ACTING CHAIR: Six minutes and 43 seconds, Ms Jackson.

The Hon. ROSE JACKSON: I might start again, Mr Vevers, to follow up on the provision of emergency and temporary accommodation for the floods. I want to get a little bit more detail. You are working with Resilience NSW on that. Are they the lead agency? How is that dynamic working? I am sure that you can understand we do not want people getting caught in kind of bureaucratic processes—

PAUL VEVERS: I hope I can say with confidence that no individual gets caught. The actual arrangement is what is called the functional area. There is a functional area for transport et cetera. The functional area for disaster welfare is Resilience NSW and we operate on a service level agreement. We are a bit like a service provider to Resilience NSW. But what happens in actual practice is that the local emergency services contact the local DCJ person and trigger setting up evacuation centres and trigger a direct link to our 24/7 accommodation line, who then source the accommodation. I am in touch from five or six o'clock in the morning till goodness knows what time of night with Resilience, making sure that we are working in sync.

The Hon. ROSE JACKSON: Does the funding for the actual accommodation come from DCJ or Resilience NSW?

PAUL VEVERS: That comes from Resilience and, in turn, it recoups that from Treasury and the Commonwealth.

The Hon. ROSE JACKSON: Just to be clear—I know you touched on this earlier—to the extent that people are either uninsured or potentially underinsured, no individual will be out of pocket for accommodation during a period in which they are unable to stay in their inundated home? How much funding is available at the individual level?

PAUL VEVERS: The funding to assist people who are uninsured to get their homes back in place is a Resilience budget, and I would not presume to comment on that. I cannot say that people would not sometimes be out of pocket. Temporary accommodation during disaster welfare is not income assessed. It is if you need it, you will get it.

The Hon. ROSE JACKSON: You do not have anywhere else to stay, yes.

PAUL VEVERS: Yes. So in that sense people will not be out of pocket. But obviously at some stage people have to leave a hotel. There may be a point at which they leave the hotel and they have to fund accommodation while their property is being done up.

The Hon. ROSE JACKSON: I know that we are in the early stages, but what kind of length of stay? When you say at some stage people would need to leave a hotel, that is presumably because DCJ and Resilience NSW will say, "Look, we're not able to provide you this accommodation any more. You need to make other arrangements." How long a period of time are you able to support people to stay in hotel accommodation?

PAUL VEVERS: It does depend. The floods that took place at about this time last year, we had some people in for a month or longer, and I think the longest was probably about three months. I have to say that was a quite exceptional circumstance with a family with children with disabilities. What I am setting up now, what we are setting up now, is a case assessment process that will start from tomorrow for about 150 people currently in temporary accommodation from the floods, and there will be a lot more I should think in the coming days. We then start to work with those people to find out their situation—if they are insured or uninsured, what options have they got, can they go to family—and we work that through. What happened this time last year is some people did go to family, and the loving care of family sometimes does not quite extend for prolonged periods of time so the thing falls apart and then we will take them back again.

The Hon. ROSE JACKSON: Using the experience of last year—obviously this is of a different magnitude—do you have any figures that you can provide on people who were exited from temporary emergency accommodation into accommodation that they were required to pay for themselves? How many people were in that category last time?

PAUL VEVERS: Well, ultimately everybody is in that category.

The Hon. ROSE JACKSON: I should rephrase that question—exited from supported temporary accommodation that DCJ was paying for into other short-term hotel or motel accommodation that they had to pay for.

PAUL VEVERS: I can only say everybody does eventually have to move to accommodation that they pay for, and what we do is work with them to try and find some of that accommodation. Last year, especially around the Nepean, we had a number of people who had lived in caravan parks and those caravan parks were put largely out of action, and then we worked with them to find something similar which then they would pay for. Of course, they would get Commonwealth rent assistance for that.

The Hon. ROSE JACKSON: Yes. But, as you know, Commonwealth rent assistance is not a substantial amount. It is not a reflection on you; it is a Commonwealth payment. Do you see the point? These communities around Lismore and Ballina are not wealthy communities.

PAUL VEVERS: No, they are not.

The Hon. ROSE JACKSON: Yes, to the extent that people have insurance, as you say, they will be able to move into accommodation that is paid for by insurance. But I am obviously pursuing a line of questioning here that is about the people who are really going to struggle if they are uninsured and they are trying to get into the private rental market, for example. They cannot go back to their homes because their homes are very damaged. What provisions are you making to ensure that those people are not, for example, living in tents or cars for extended periods of time?

PAUL VEVERS: Yes, we absolutely would not want that to be the case unless they chose to. But not many people choose to do that. We would work with them to find accommodation. So last year we ended up with, I think, five or six people who were really, really struggling to find something that they wanted. We did end up funding a relocation for some of those people. Resilience paid for it but we funded a relocation to help them move to where there was a bigger supply—

The Hon. ROSE JACKSON: That is the Casino and Newcastle situations that you mentioned?

PAUL VEVERS: Indeed it was.

The ACTING CHAIR: In terms of the 44 files of children leaving care that were referred to the Law Society because a potential claim had been identified, are you aware that the Law Society then just farmed them out to general practitioners and they did not go to accredited specialists?

SIMONE CZECH: Mr Shoebridge, would you please repeat that last section?

The ACTING CHAIR: Are you aware that the Law Society then just farmed those matters out to general practitioners and they did not go to accredited specialists or firms that had experience in abuse, particularly child abuse, matters?

SIMONE CZECH: I was not aware of that, Mr Shoebridge, but I am more than happy to follow that up and come back to the Committee with a response.

The ACTING CHAIR: That is my understanding of what has happened, and I think you would agree that if you are dealing with vulnerable young adults, 18-, 19-year-old young adults, the idea that they would simply be referred to generalist solicitors without expertise in abuse cases is letting those young adults down. I think we would agree with that.

SIMONE CZECH: I would certainly hope that those matters are considered by someone who has a level of experience and expertise in order to process those claims. I will take it on notice to clarify that particular question.

The ACTING CHAIR: In the event you confirm the information that has been provided to my office, from highly credible sources, will you undertake to revisit those matters that have gone through that process to ensure that those young people get access to specialised legal advice to assist them?

SIMONE CZECH: We can certainly look at the options. Like I said, we need to understand the current state of play in regards to that, but certainly we can have a look at that.

The ACTING CHAIR: Could I ask you why the previous guardian ad litem structure was disassembled?

MICHAEL TIDBALL: Mr Shoebridge, we have had some discussions about this over lunch and clearly I have a lot to learn—heavy is the head that wears the crown—and we need to make inquiries about that. We honestly do not know. That is the answer at this point. But happy to take it on notice and report back.

The ACTING CHAIR: I think one of the most critical things to do initially, Mr Tidball, is to find out what is happening right now and ensure that if there are cases being referred, they go to accredited specialists, or at least firms that have acknowledged specialty in the space. I understand you will take that issue on notice.

MICHAEL TIDBALL: I am able to follow that up, yes.

The ACTING CHAIR: And then if you could provide on notice the number of cases that were being referred annually in the three final years of the arrangements leading up to 2019?

SIMONE CZECH: We can do that.

The ACTING CHAIR: And the numbers that have been referred since?

MICHAEL TIDBALL: Yes.

SIMONE CZECH: Yes.

The ACTING CHAIR: If you could, could you also provide what the current arrangements are?

MICHAEL TIDBALL: Of course.

The ACTING CHAIR: I have to say, I find it extraordinary that of some 800 to 900 children leaving care, only, I think, 44 matters were referred as having a potential case in relation to abuse. Those numbers do not seem to make sense to me, knowing the history of what has happened to children in care.

SIMONE CZECH: Mr Shoebridge, could I just spend a minute or two explaining the process because that 44 is one part of the process, it is not the entire process. I think it might be helpful to the Committee.

The ACTING CHAIR: By all means, Ms Czech.

The ACTING CHAIR: We have got very clear policies and procedures around leaving care, including the assessment of any criminal matters that may lead to a potential claim for compensation. Our caseworkers, both in DCJ and NGOs, are responsible from age 15 for referring all children at that age across to our legal services team for what we call an audit. So legal services will conduct an audit of every single child who has turned 15. They also conduct audits on top of the children leaving care, or at 15, on those children who have exited care for another reason, being restoration, guardianship and open adoption. So there are two components.

Last financial year, 2021, there were 801 children who exited care because they were 17. We had 1,089 referrals from caseworkers across to our legal services team and of those 1,089 referrals, as you mentioned, there were 44 children referred to the New South Wales Law Society. We have seen year on year, and we can provide these figures, a 25 per cent increase in the number of referrals going to audit, which is positive. But you raise a good question, and it was a question that I had yesterday, and it is whether—and I do not want to question the capability of our legal services by any stretch of imagination—that figure is where it needs to be, the 44 versus the 1,089? So I think we have got some work to do there and we can come back to the Committee with a further response to that question.

The ACTING CHAIR: And if you are giving those figures for the three years before the change and the three years post the change, could you include the referrals—

SIMONE CZECH: Yes, of course.

The ACTING CHAIR: —or whatever the equivalent of referrals is before the system?

SIMONE CZECH: Of course, absolutely.

The ACTING CHAIR: I think, Mr Tidball, you would accept that there are concerns about conflict of interest where the department's own legal team basically determines whether or not a case could be made against the department or the people they contract with.

MICHAEL TIDBALL: Yes.

The ACTING CHAIR: Are you aware of what, if any, arrangements are in place to ensure that conflict of interest is addressed? It was previously addressed through the guardian ad litem arrangements.

MICHAEL TIDBALL: I, Mr Shoebridge, acknowledge the issue. I do not have the answer here now, but it is an inquiry that I certainly will make and about which I will satisfy myself and advise the Committee.

The ACTING CHAIR: Thank you for that. Do we know how many claims have been made against the department in the last calendar year—or if you have it by financial year, in the last financial year—in relation to compensation for breach of duty in care?

SIMONE CZECH: Not numbers of claims, but we can certainly take that on notice and provide further information to the Committee. What we do know for the last financial year was 2.9 per cent of children in statutory out-of-home care had a substantiation of abuse by a caregiver. A caregiver can include a foster parent, a relative or kin carer or a residential care worker. Each of those matters is also audited to assess the eligibility for a claim.

The ACTING CHAIR: I am trying to work out how, if there are 15,500 kids in out-of-home care and 2.9 per cent of the kids in care had a substantiated instance of abuse, only 44 matters were referred to external lawyers for compensation. When I just did the maths, 2.9 per cent of 15,515 is substantially more than 44.

SIMONE CZECH: They will be at varying points in the process of auditing their files and the circumstances regarding those allegations and subsequent substantiation. I am happy to provide the Committee with further information about the status of those.

The ACTING CHAIR: Ms Czech, I assume that in any given year of the cohort of historical claims of abuse, they will all be at different stages about whether they are able to be referred off.

SIMONE CZECH: Yes.

The ACTING CHAIR: But I doubt that last year is remarkably different to previous years in terms of the substantiated instances of abuse. It may be slightly more, it may be slightly less.

SIMONE CZECH: Yes, true.

The ACTING CHAIR: But we are talking 450 kids at 2.9 per cent and only 44 referrals—10 per cent.

SIMONE CZECH: Like I said, I would have to come back with further detail on that 2.9 per cent. I am happy to do that to provide that to the Committee in terms of where they are up to in the audit process.

The ACTING CHAIR: But then we have the same claims from last year and the same claims from the year before and historically, if you have got 2.9 per cent of cases having substantiated complaints, historically you have still only got 44 being referred out in this year, which covers those historical claims as well. Anyhow, you will come back on notice to square those two figures.

SIMONE CZECH: Yes, of course. Like I said, it is absolutely a reasonable question to ask and something, like I said, I am worried about. So we are looking into it and we will provide the Committee with further information. I want children in out-of-home care to be free from abuse, but also, where they have been subjected to a criminal act, they are in receipt of, in particular, compensation but also support.

The ACTING CHAIR: And of those 2.9 per cent, can you give us the exact number on notice and how many of them were complaints about care while with an NGO and how many of them were complaints about care with the department?

SIMONE CZECH: Of course. We can take that on notice.

The ACTING CHAIR: Did you say there were—I think I remember correctly—801 children who were aged out of care, turned 18?

SIMONE CZECH: Yes. Just to be clear, obviously, 17-year-olds that turn 18—801 for the financial year 2020-21.

The ACTING CHAIR: It is a pretty brutal eighteenth birthday present, isn't it—being thrown out of your foster care home? But do we know how many young people when they turned 18 got thrown out of their foster home?

SIMONE CZECH: I might get my colleague, Ms Campbell, to respond to this question. But we do know that children are not necessarily thrown out of foster homes. Many children actually stay with either their relative kin carer or foster carers. I know there has been work in Ms Campbell's area around this issue, so I might ask her to follow on from me if that is okay.

ANNE CAMPBELL: You asked the question around numbers. I might need to take that on notice to see if we do have that breakdown of data about where kids that did leave out-of-home care and did not remain within their foster care placement or residential placement, moved to.

The ACTING CHAIR: Their foster care placement ends, doesn't it? Happy birthday, foster care placement ended.

ANNE CAMPBELL: Not for all. It is on a case-by-case basis. For some children and young people, particularly if they are still at school, we have discretion to continue to make that foster care payment, if they are over 18.

The ACTING CHAIR: For 10 weeks?

SIMONE CZECH: Yes.

The ACTING CHAIR: And then it ends.

SIMONE CZECH: Again, it would depend on the individual circumstances. There are leaving care payments and aftercare services where we can provide additional funding for education and financial support. We also have a program called the Premier's Youth Initiative, which targets young people leaving out-of-home care and provides accommodation and wraparound supports to enable young people to continue education or move into employment options.

The ACTING CHAIR: Can you provide on notice what the total collective financial contribution was to kids in their first year, having left care? And then the number of kids that it was provided to?

ANNE CAMPBELL: Okay. I can take that on notice.

The ACTING CHAIR: Do you know how many kids left care into homelessness?

ANNE CAMPBELL: We are hoping that no child left care into homelessness.

The ACTING CHAIR: That was not my question, though.

ANNE CAMPBELL: We can look at the data. We will come back to you on notice.

The ACTING CHAIR: Mr Tidball, I would have thought that the department would track kids once they leave care, know the number of kids who are potentially going into homelessness and know the number of kids who went into homelessness. Do you think that should be a priority from the department, to make sure that when kids turn 18 they do not have their support cut off and then are told, "Happy birthday. Find a new home"?

MICHAEL TIDBALL: It would be unacceptable to me that anybody was leaving care and moving into homelessness, and that is the position of the department. But we need to adduce the evidence and, if there is a problem, crystallise it and deal with it.

ANNE CAMPBELL: Yes, and we certainly provide follow-up support up until the age of 25 years for children and young people who leave home care. We fund, as you are aware, a whole range of services to provide those supports to young people to ensure that they do not move into homelessness.

The ACTING CHAIR: There are about 5,500 young adults aged between 18 and 25 who have exited out of home care when they turned 18. How many of those kids got support last year?

ANNE CAMPBELL: I would need to take that on notice. All of them should have had access to supports.

The ACTING CHAIR: There is a very different answer to the question. That is answering a different question, Ms Campbell.

ANNE CAMPBELL: I thought you were asking how many—

The ACTING CHAIR: I asked how many had support. You said all of them had access to some support.

SIMONE CZECH: I might be able to provide some clarification on that question, hopefully. In the last financial year—2020-21—there were 2,086 young people in receipt of aftercare assistance. That equated to more than \$8 million in expenditure from the department. It included a range of different supports, as Ms Campbell said. Children's individual circumstances will vary and things are often different from one aftercare plan to the next, but it can include support for accommodation and it can include support for education and things like a driver licence. It can be a myriad of different initiatives. I am not sure if we can extract this data, but we will certainly try. It is to your question about the expenditure each year—18 to 25. We do know that the expenditure and the requests for support drop off as children approach 25. So it is more concentrated, as you would expect, at 18 and 19. But we will come back to the Committee with some detail on that.

The ACTING CHAIR: Just quickly looking at those numbers, that is less than \$4,000 per child. In Victoria, where they provide support—guaranteed support, full out-of-home care support—for those kid who want it up to 21, when those kids leave at 21 they get a guaranteed \$10,000 package plus support. What you are putting to me is, when kids in New South Wales leave care at age 18, they get on average less than \$4,000 in total, and that is at 18, not at 22.

SIMONE CZECH: That expenditure is expenditure directly from the department. It does not include the programs that Ms Campbell spoke of. There are a number of aftercare programs that are funded. I have not included that in that figure. But Ms Campbell might like to talk to that in a bit more detail.

ANNE CAMPBELL: In the last financial year, aftercare assistance was over \$8 million including accommodation, establishment, the aftercare allowance and post-educational finance. We also have a specialist aftercare provider that provided services to 450 children and young people, as well as the TILA, which is the transition to independent living allowance, which was a \$1,500 allocation to each child leaving out-of-home care. They are just a few of the sources.

The ACTING CHAIR: One of the really good ways of checking if that is working is to know how many kids went into homelessness. But we do not track that data. Is that right, Ms Campbell?

ANNE CAMPBELL: I would need to take that on notice and see if we have got the ability to do that.

The ACTING CHAIR: Mr Tidball, you would be aware that Queensland supports kids in out-of-home care to age 19, and every other State and Territory supports kids whose wish to remain supported in out-of-home care until age 21. Are you aware of why it is that New South Wales does not provide that level of support?

MICHAEL TIDBALL: I am not specifically aware, Mr Shoebridge, but I affirm my statement that it is unacceptable that any young person leaving care would be moving into homelessness and that is a matter which I will interrogate.

The ACTING CHAIR: The NGO sector has effectively costed what it would mean to the New South Wales Government to continue to provide the care to those kids who want it, and it is effectively a rounding error in your departmental budget. It is about \$25 million a year. Were you aware just how small the cost is for that positive outcome?

MICHAEL TIDBALL: I was not.

The ACTING CHAIR: Probably to you, Ms Czech. How many guardianship orders were made last year? And, of those, how many of them related to First Nations children?

SIMONE CZECH: Apologies, I am just looking at my phone for the most current data. In the 2020-21 financial year, guardianship in total—sorry, Mr Shoebridge.

ANNE CAMPBELL: Maybe while you are looking for it, I can just come back to you on that last question, Mr Shoebridge. The data linkage—you would have recalled the *More than shelter* report done by the New South Wales Ombudsman. One of the recommendations from that was data linkages with homelessness and ChildStory. That came into effect in the middle of last year, from memory. So we will be able to track that data going forward.

The ACTING CHAIR: Good. Ms Czech, I am about to run out of time for this round. I will just ask the other questions. Of the guardianship orders in relation to Aboriginal and Torres Strait Islander children, how many were made in respect of non-Aboriginal guardians? Could you provide that?

SIMONE CZECH: Yes.

The Hon. ROSE JACKSON: Mr Vevers, we might go back to Together Home, because I just wanted to clarify some of those figures. I think you said that there were 1,000 packages available, as it were, and 600 and something that were taken at the moment. Can you just clarify those figures?

PAUL VEVERS: It is around 1,000. I should take that on notice to give you the exact figure, but it is there or thereabouts.

The Hon. ROSE JACKSON: That would be great.

PAUL VEVERS: So 649 clients have accommodation and support, and there is close enough to another 200 clients who are on support that involves looking for accommodation for them but they are not actually in accommodation yet. The total number of people who either have accommodation or a support place and will have accommodation is 790.

The Hon. ROSE JACKSON: To the extent that there are packages available that are unused, is that just that appropriate individuals who meet the eligibility criteria have not been found? What is the explanation for that? Is there just genuinely no demand?

PAUL VEVERS: No, there is definitely demand.

The Hon. ROSE JACKSON: I found that hard to believe, so I was just wondering what that gap was.

PAUL VEVERS: It is just as people filter through. Also, the finance of the program was spread over a couple of years. It is a sort of natural flowthrough. But no, there is absolutely no lack of demand.

The Hon. ROSE JACKSON: I figured that was the case. To the extent that there is unmet demand, do you have a waiting list? How do you manage that? How do you manage the fact that there are potentially more individuals who would want support and qualify for it but are unable to be funded from the \$122 million? How is that managed?

PAUL VEVERS: The accommodation side of that, we would put those people into social housing because they would be a top priority for it. Then we seek to link them with a local homelessness service. It is a sort of negotiated thing, whereas under Together Home it comes as of a right. There are support providers there. It requires a bit of negotiation. I will be honest, they will not get as much support as they would if they were on the Together Home program.

The Hon. ROSE JACKSON: How many people are in that category of people who have the social housing spot and some NGO support but are unable to access the Together Home package?

PAUL VEVERS: There would be around 1,000 since COVID started.

The Hon. ROSE JACKSON: So potentially double the number of packages that are available?

PAUL VEVERS: Yes.

The Hon. ROSE JACKSON: For the people who do have a package—you mentioned some of the discussions that are going on with community housing providers. Are you able to give any more detail on—obviously not individuals because there are hundreds of them—the status of that overall? Are you confident that you will be able to exit all of those people by the end of this year into more stable accommodation? Are you worried about the progress of some of those conversations?

PAUL VEVERS: I am confident that we will be able to get stable long-term housing for those people because they are a priority. Do they, therefore, take a place that would otherwise go to someone else? Yes. That is the case with all social housing. If we had more housing, we would house more people. Any jurisdiction in Australia would say the same.

The Hon. ROSE JACKSON: I understand what you are saying. It is positive that you are confident that you are not going to be seeing people exiting into rough sleeping. I understand that you would never allow that to happen. What about the support part of the Together Home package? As you say, it is accommodation and support. Presumably, you are going to rely on NGOs to step into the breach and provide the support that they can. Are you in dialogue with them? How is that progressing?

PAUL VEVERS: We would expect, and actually know this to be true—not statistically but from our experience—that as people settle into accommodation and stay there, which a very large proportion of rough sleepers do remain in their accommodation, their needs subside a bit because they are then used to paying rent, paying for electricity and often have built up some social support. Loneliness, as you know, is a really big factor there. Overall, the total amount of support would be less. But, yes, it is a question of negotiating that locally, as we do with people who are not homeless but come into priority housing. They often need some support, and we will then link them with a support service. I will be honest, it is not as guaranteed as it is under the Together Home program.

The Hon. ROSE JACKSON: You are being very positive about Together Home. It is based on international best practice, but international best practice would probably say two years, which is the full length of that program. It is not even as though all of those people have been on the program for two years.

PAUL VEVERS: No.

The Hon. ROSE JACKSON: Some of them will have been for a longer time. That is not necessarily enough time to transition someone who has a history of rough sleeping, and perhaps some of those long-term issues that might lead you to becoming a rough sleeper, into being able to live independently in the private housing market. That is not necessarily enough time, is it?

PAUL VEVERS: No. I am not suggesting that very many rough sleepers would end up in the private market. Some absolutely do, but I think that is the minority. The thing that gives me a degree of comfort is that, since the Martin Place tent city, which completely changed the way that we approach rough sleeping, we track within Sydney what has happened to everybody who has been housed since Martin Place every six months. What we do is we just go through—it is not detailed. We say, "Are they still a tenant? Are they paying their rent?" And we assume that is a broadly stable tenancy. More than 80 per cent of people, including people who were housed following the tent city, are still in their tenancy. In the first few years, it was about 95 per cent. Clearly, some

people drop off. Eighty per cent is not good enough, but it does suggest that the work that we do with rough sleepers works for just over three-quarters of them. Obviously, our focus has got to be on what goes wrong with the people who fall out of accommodation.

The Hon. ROSE JACKSON: It is obviously extremely positive that you are collecting that data but, in a way, it highlights the point that I am making, which is that it does drop off. For those individuals who have been, in a way, lucky enough or fortunate enough to have a Together Home package, they will be exited into some form of accommodation, probably not the private rental market. NGOs will hopefully step in. Over time, it is more likely that they will run into trouble again. It is obviously of concern that the investment will have been made to try to get people on track, but then it falls away and we are back to where we started, maybe not with everyone but, over time, with an increasing portion of those people.

PAUL VEVERS: If I go back to 2017, so post-tent city, we have actually housed 1,064 rough sleepers between then and last month. Probably less than half of that number would have been on the Together Home package because that only started in 2019 or 2020.

The Hon. ROSE JACKSON: It was, sort of, a COVID thing originally but then extended.

PAUL VEVERS: Half of those people have been on the sort of arrangement that I have described, where we sought to negotiate with a non-government service. I am totally not pretending it is foolproof—it most clearly is not—but it works for about 80 per cent of people. What we try to do is, if it looks like it is going wrong—and we do get some warning of that; there are often mental health issues, drugs and alcohol or people just not paying their rent—we do put a bit more intense support in with our housing staff to try to link them with a service. An 80 per cent success rate, as far as I can tell, internationally, is not particularly better than anywhere else, but it is kind of on a par with other similar programs. That is not just Together Home.

The Hon. ROSE JACKSON: Just to be clear, it is the department's assessment that Together Home was a successful program? You feel as though that investment and the work done through that program for those people who were able to access it was a good use of money in an area where money is contested?

PAUL VEVERS: It would be Ms Campbell's area to evaluate. I can tell you that from the operational side it has been an absolutely marvellous program to have.

The Hon. ROSE JACKSON: Have you done any evaluation, Ms Campbell?

ANNE CAMPBELL: We have actually commenced the evaluation. We did it for the first phase of Together Home, but we have built on so that we can gather the second and third phases.

The Hon. ROSE JACKSON: Who is doing that evaluation?

ANNE CAMPBELL: I would need to take that on notice. There is quite a lot of evaluation happening in the department, but I can come back to you on that.

The Hon. ROSE JACKSON: And the time frames as well.

ANNE CAMPBELL: We are due for an interim evaluation report this year because obviously given the program is still rolling out, we want to learn where we can improve, what some of the issues were, given it was a program that was literally stood up overnight. It really worked because of the community housing providers and the specialist homelessness services coming together quickly to both source accommodation. We work really closely, particularly with Homelessness NSW, because they have got carriage of funding that we were able to get to support a smaller cohort of those people who had really, really seriously complex needs and needed significant mental health and drug and alcohol services. We also were able to engage really closely with the NDIS, because what we found for a number of those people who had been sleeping rough is that they did not know anything about the National Disability Insurance Scheme. I think the State manager from the National Disability Insurance Scheme has been part of that panel assessing that, that they could then get access to additional supports through the NDIS.

The Hon. ROSE JACKSON: Has any assessment or evaluation been done that is able to inform budget cycles prior to the completion of a program? The program finishes at the end of this year, but decisions will need to be made about its future prior to that. Is that time frame built in?

ANNE CAMPBELL: Yes, it is, and I can let you know that AHURI is doing the evaluation.

The Hon. ROSE JACKSON: We might talk about public housing waiting lists, social housing waiting lists, Mr Vevers. I know that the Minister mentioned the figure but could you give it to me again, the current number of people on the waiting list?

PAUL VEVERS: The general list?

The Hon. ROSE JACKSON: Yes, the general list to start with?

PAUL VEVERS: It is 44,127.

The Hon. ROSE JACKSON: When is that from?

PAUL VEVERS: It is June 2021, because it is only published once a year.

The Hon. ROSE JACKSON: At the end of last year at budget estimates hearings we asked in supplementary questions for a month-by-month breakdown. I know, for example, from information provided by you and your team that in October 2021 it was 53,490. I know that the department has more up-to-date figures than that, which I appreciate is the figure publicly available on the dashboard. I ask it as a supplementary question again, but are you able to provide more up-to-date information?

PAUL VEVERS: I actually do not have it with me. I think one of the issues about mid-year figures is that we go through a process every year of contacting everybody on the waiting list to say, "Do you still need social housing?" And we tend to do that towards the end of the financial year. In October you might well get a significantly higher figure than you would later in the year. That is one reason why we only do this, we only actually publish it once a year. I think the true figure to me is the 44,000. That is the general waiting list, not priority.

The Hon. ROSE JACKSON: Although, Mr VEVERS, I am sure you would be familiar from feedback from service providers who are working with those individuals that letters or contacts go out, as you say, but for those individuals there is a lot going on in their lives and the process of confirming their status as still requiring housing takes a little bit of time. Maybe they do not get to it. People sometimes fall off the list and do not realise they have. It is not as though you may not see figures later on where people have suddenly realised they need to get back on that.

PAUL VEVERS: Yes. It is not a complicated process. The vast majority of people have to type one letter into an SMS to confirm that they still need it. We send out an SMS asking quite simply, "You are on the waiting list. Do you still need it? Y for yes, N for no." So, we have tried to streamline it. For people who do not respond, we then follow up with I think it is two letters. But what we do allow is people who can explain a situation, like they have been in prison or they have been homeless. They come back to us, we just put them back on the waiting list and backdate it to whenever we took them off.

The Hon. ROSE JACKSON: What is the most up-to-date figure you have on the priority waiting list? Presumably that is also from June 2021?

PAUL VEVERS: Yes.

The Hon. ROSE JACKSON: What is that figure?

PAUL VEVERS: It is 5,801.

The Hon. ROSE JACKSON: Even that figure is quite a bit higher than the number on the priority waiting list, say for example June 2019.

PAUL VEVERS: Yes. I have got the year before.

The Hon. ROSE JACKSON: Do you have the June 2019 figure?

PAUL VEVERS: No, I do not. I have got the 2020 figure, which was 5,308, so it has gone up by 500.

The Hon. ROSE JACKSON: My recollection of figures is that that was also a bit of a jump from 2019. My understanding is we are seeing a bit of a creep up.

PAUL VEVERS: Yes, there is.

The Hon. ROSE JACKSON: Particularly on the priority waiting list.

PAUL VEVERS: There is.

The Hon. ROSE JACKSON: What is the plan to try to address that? The list is massive.

PAUL VEVERS: Yes.

The Hon. ROSE JACKSON: There are somewhere between 44,000 and 53,000 people on it. But the priority waiting list, people who are sleeping rough, at imminent risk of homelessness, what is the department's plan to respond to that?

PAUL VEVERS: It is twofold. Firstly, there is a program of new supply and additional social housing, which we do not manage. I am not trying to pass the buck, but it is a Land and Housing Corporation question. That should give us some additional property. Also, last year and subsequent years we got agreements that our leasing program would now be funded to take account of increases in private rental costs. We have a leasing program of about 3,000 properties, and community housing providers about four times that amount. That had gradually been dwindling because we did not keep pace with inflation.

The Hon. ROSE JACKSON: You could not compete.

PAUL VEVERS: Sorry, we did not keep pace, not just with inflation but with private rental costs. That has been rectified by Treasury. That will enable us to get some greater supply. So, yes, we are kind of competing in a tough market. But the other element of this is our private rental assistance. That automatically does keep pace with increases in the private market because it is based on benchmark rents. If the benchmark rents go up, our subsidies go up. We do take some people off the priority housing list into private rental and pay the same as if they were in public housing. That is our aim. Obviously we really want to see that number on a downward trend, of course.

The Hon. ROSE JACKSON: In terms of the private rent assistance, obviously you would be aware that, particularly in regional areas, it is not just a rent increase issue. That is an issue and it is good that your system benchmarks that. It is an availability issue.

PAUL VEVERS: Yes.

The Hon. ROSE JACKSON: There are just literally not the properties available. Is there any particular work that is done in regional areas to try to manage that?

PAUL VEVERS: Some of the Land and Housing Corporation program will be targeted at building in regional areas, and we give our staff in difficult housing markets a bit more flexibility to negotiate with the private sector to make us more attractive as a purchaser, and that could be price based or it could be security of income based. I do not really want to go into a lot of detail about that, but they do have some freedoms to give us competition against private renters.

The Hon. ROSE JACKSON: In terms of, say, that change that you mentioned in relation to your direct leasing of properties, do you have a sense of how many additional properties that might make available? Do you have an aim there? Is it 10 or is it 200?

PAUL VEVERS: No, it would be of the 200 mark. I am sort of guessing on a precise number. It would be in the small hundreds, but I will take it on notice.

ANNE CAMPBELL: If I could just add to Mr Vevers in terms of new supply that is under the ambit of DCJ, I think I mentioned earlier today there was \$35.5 million in capital for the Together Home program for longer term social housing. In addition to that, there has been \$100 million announced to date for what is called the Community Housing Innovation Fund, which is a co-contribution with the community housing providers to build more social and affordable housing, in addition to Minister Ward's announcement about the \$50 million for domestic and family violence in terms of new supply.

The Hon. ROSE JACKSON: We might come back to that.

Ms ABIGAIL BOYD: Mr Vevers, to follow up, I have one quick question in relation to the restrictive practices bill. You were saying that the consultation is delayed. Do we have any indication, though, as to whether that bill will be brought in this term of Parliament, or is it likely to be the next?

PAUL VEVERS: It would be subject to the Minister, so I have not had a detailed discussion on timing. I think it is much more likely that it will be the next session.

Ms ABIGAIL BOYD: Okay, thank you. I was just over in the other estimates hearing in relation to education. I was asking about schoolchildren with disability and other conditions that are making it more difficult for them to get back to school because of COVID. I was curious as to what the overlap is in terms of responsibilities when it comes to children with disability. Again, in my experience, children with disability are always the last people who are thought of in these circumstances. What role does the Minister for Disability Services have in relation to children with disability in schools? Is there any responsibility at all or is it completely in Education?

ANNE CAMPBELL: I am happy to go. In terms of children with a disability, the programs that DCJ would run, that the Minister has responsibility for, need to be accessible for children with a disability. In some of the programs, like the child protection program, you would have heard the disability royal commission had a real focus on not just children with disability but also parents with a disability and making sure that our services are

accessible and that we put in place the right supports if they are not eligible for the National Disability Insurance Scheme. That would happen across social housing in terms of modifications to ensure that properties are accessible for people with a disability. The Minister has carriage of the Disability Inclusion Act, which sets out very specific principles about how to support not only children with a disability but also other people with a disability.

Ms ABIGAIL BOYD: For example, if there is a change in circumstances and a new need for funding—I am thinking specifically of children with a disability returning to school after a period of remote learning. There is a need for additional funding in order to make sure that that transition for children with disability is smoother. I would argue there is a need for an additional funding amount for our schools to cover that. Is that something that would be covered by the disability Minister or the education Minister?

ANNE CAMPBELL: The education Minister, unless that particular child was also an NDIS participant who may be eligible for other supports to assist them to come back to school.

Ms ABIGAIL BOYD: But then that would be a Federal funding issue.

ANNE CAMPBELL: That is correct.

Ms ABIGAIL BOYD: So, really, the New South Wales Minister for Disability Services does not have any role in advocating for children's funding within schools, correct?

ANNE CAMPBELL: Correct. The only other thing I should say is that under the NDIS there is a thing called "personal care" in schools, and that is currently in kind under the National Disability Insurance Scheme. Presently there is quite a bit of discussion happening between the Commonwealth and the State, in particular with Education, about what that program will look like going forward.

Ms ABIGAIL BOYD: Does that mean that an allocation of funding will be given directly to schools by the Federal Government or is this something separate?

ANNE CAMPBELL: I think it is up for negotiation. I have not really been part of those discussions, other than I am aware of it.

SIMONE CZECH: Can I just add to Ms Campbell's comments? It is very much in the context of statutory child protection and out-of-home care, but from time to time the department will receive risk-of-significant-harm reports where a child does have a disability and there might be some concerns about the capacity of the parents to deliver care to that child in the home. Sometimes when we look at those reports, it is clear that there are some inadequacies in the NDIS plan. We have a small team that is called Engagement and Family Support, who act as both an advice line for the family but also interface with the NDIS. We have been quite successful, through that team, in uplifting the value of NDIS plans for a number of children who are still living with their families. We have successfully kept those children placed in their families and have not had to bring them into out-of-home care.

The other thing I would just add is about 21 per cent of children in statutory out-of-home care have a disability that makes them eligible for NDIS packages. We use that team again to make sure children in out-of-home care are in receipt of what they are entitled to. We have had quite a bit of success uplifting plans, to the value of a couple of hundred thousand dollars in some cases, to make sure the children get the disability supports from the Commonwealth that they are entitled to. It is not for all children, and I know you are specifically talking about schools, but it is an important function, albeit small, that we carry out inside the department.

Ms ABIGAIL BOYD: That is really promising. In estimates hearings, I often talk about the 90 per cent of people with disability who are not on NDIS. Many of them are not on NDIS because, even though they would be eligible, they cannot access it, or they are on NDIS but their needs are not really being met to the level. So that is a very positive-sounding program that you have there.

SIMONE CZECH: Like I said, it is very small, but they pack a punch, so to speak, and have been quite successful. Like I said, we have enabled families to get the support they need to continue caring for their child, often in very difficult circumstances. I could not imagine what it must be like for some parents looking after, particularly, a very disabled child. It must be incredibly challenging and difficult.

Ms ABIGAIL BOYD: My office hears from a lot of parents who found the beginning of the school year incredibly difficult for lots of reasons and have taken the decision to keep their children at home, either because their children have underlying health conditions or someone else in the family does, or because complying with the restrictions is so very difficult for some children. Is there additional support or funding that can be provided to parents who have made that decision to basically pull their kids out of the school system?

SIMONE CZECH: It is probably a question for the Department of Education rather than DCJ. We only, obviously, get involved where children are either subject to a risk-of-significant-harm report—so they have got to

meet a certain threshold—or are in out-of-home care. Again, it is a question for Education, but I know my colleagues in Education are proactively contacting parents to offer support where children have not returned to school. Any more detail than that, I could not provide—not on their behalf, certainly.

Ms ABIGAIL BOYD: Fair enough, thank you. I have a few questions that you may need to take on notice, but I will put them out there and see what happens. Is it possible to give us a breakdown of the caller profile—number and proportion by age and gender—of the people who are interacting with Link2home?

PAUL VEVERS: I think so. We can take on notice whether we can and, if we can, what that is.

Ms ABIGAIL BOYD: Okay, that would be great. Apologies if one of my colleagues has already covered this. Are you able to provide a detailed breakdown of the number and proportion by age and gender of the current waiting list for housing?

PAUL VEVERS: Yes, on notice.

Ms ABIGAIL BOYD: On notice, not out of your head. Excellent. How many people aged 80 years and over on the general waiting list have been added to the priority waiting list in the last five years? Again, perhaps on notice.

PAUL VEVERS: I will certainly take that on notice, yes.

Ms ABIGAIL BOYD: The gender breakdown, again number and proportion of the people who were added to the priority list upon turning 80 years over the last five years. I am assuming all of these will be taken on notice, but I will put them on the record now because it is easier and you will get the notice quicker. What is the average time for people over 80 years getting housing once they are on that priority list? What is the average time for people over 55 years on the general waiting list across all geographic areas getting housing?

PAUL VEVERS: Understood.

Ms ABIGAIL BOYD: Thank you. That would be very helpful. In terms of housing tenants—that one does not make sense to me, so I am just going to put that one on notice once I work it out. How many people over 55 years received Rent Choice? Do you have that?

PAUL VEVERS: I have the total figures, but not by age. So we will have to take that on notice.

Ms ABIGAIL BOYD: Thank you. And a gender breakdown by number and proportion of participants over 55 would be very useful as well. Chair, I may come back and have questions in the next round, but I think that is all from me for now.

The Hon. ADAM SEARLE: There is another nine minutes of this session. Ms Jackson, did you want to continue that line of questioning you had before?

The Hon. ROSE JACKSON: Sure. I can keep going. I think we were just finishing with you, Mr Vevers, saying that you will take on notice the sort of number of additional properties that you were hopeful of securing with the new sort of lease-funding arrangements.

PAUL VEVERS: I can now tell you it is 339.

The Hon. ROSE JACKSON: Excellent. Just in terms of those properties—this may be a question that I will have to ask Land and Housing, but I will ask you because sometimes it is a little bit unclear who does what. If there are issues with that tenancy—I am mainly thinking about, potentially, damage to the properties that, as you know, can sometimes occur—who is responsible for remediating that property and ensuring that that experience, I suppose, is not one that makes it more difficult for that individual and others to participate in this program in the future?

PAUL VEVERS: We are responsible in DCJ for resolving that situation, although on occasions we do ask Land and Housing Corporation to come and validate claims from leaseholders. It is a fraught space. We have two or three cases on the go at the moment, where we just actually do not agree with the person who has leased the property to us about what the state of the property was. We take photographs of it—so we have got before and after. We, of course, try to be totally fair with the people we lease properties from, with our property owners, because we are in the market. There just are some occasions where we feel that the claim is quite exaggerated, where we will seek to go to some form of dispute resolution, but it does happen. Out of 3,000, I am only aware personally of three or four where we are in some fairly significant dispute with the owner.

The Hon. ROSE JACKSON: What sort of dispute resolution processes do you undertake? Is that through NCAT or do you do that internally?

PAUL VEVERS: No. Ultimately it can go to NCAT, but we seek to do it by negotiation with them.

The Hon. ROSE JACKSON: It would be useful, perhaps—perhaps you need to take it on notice—to know the number of, I guess, complaints or disputes that are current in relation to private property owners who have participated in the scheme, who then are seeking some support from DCJ in relation to damage to their property.

PAUL VEVERS: Can I say we will try and get that. It is not a number where I can search the entire database and find out. It would actually require us to go round to all of our offices, which would be quite a time-consuming process.

The Hon. ROSE JACKSON: I understand. Maybe just see what you can do, but I do appreciate that. We also touched on this with the Minister earlier. She mentioned that the time had gone down. At present, what is the average wait time for someone on the social housing waiting list? The New South Wales average.

PAUL VEVERS: If I can be absolutely precise in answering that question—it is how long did the last people housed wait before they got housed? That is how we calculate the number. For people on the general list it is 22.1 months. I do want to be completely transparent about this and say that is an average across the State. If you are in western New South Wales, you will get housed pretty quickly. If you are really anywhere on the coast, that average will not be real to you. It would be many years in those locations.

The Hon. ROSE JACKSON: That kind of information is not to that level of specificity, but the point that you are making is, obviously, publicly available on the dashboard. So you would be familiar with the fact that you can look up coastal areas in the regions and it is showing 10 years plus, Mr Vevers.

PAUL VEVERS: Yes. Totally. It absolutely is. I would say the priority waiting time average is 2.2 months. But again I want to be transparent because you will come across individual cases where people say, "Well, I've waited a great deal longer than that." That is true because an average, of course, hides extremes. We do have some people who have very particular needs for a particular type of property in a particular suburb, where, frankly, we are waiting for a tenant to move out before we can give them a public housing property. Sometimes people will wait six, seven, eight times longer than that in that situation.

The Hon. ROSE JACKSON: Mr Vevers, there is a fundamental problem, is there not? There just is not enough stock. Would you accept that?

PAUL VEVERS: What I would say is that any social housing organisation with a waiting list can, self-evidently, make really good use of extra stock. Ultimately it is a matter of funding for government. Could we make good use of extra stock? Yes, of course, we totally could.

The Hon. ROSE JACKSON: I do not know if you are familiar with the research that was recently done by the City Futures Research Centre at UNSW, where they analysed the net new stock coming online in New South Wales. They did State by State. In New South Wales, between now and 2024, their research showed the number of net new properties coming online was, I think, something in the order of 400, maybe 420. That is not nearly enough, Mr Vevers.

PAUL VEVERS: I do not actually know that piece of work. I think that number would reflect what is going to happen this year. But my understanding is that that will ramp up through Land and Housing Corporation quite significantly.

The Hon. ROSE JACKSON: I appreciate that it is unfair in a way to ask you about new stock because I know that that is Land and Housing's job. But there is, obviously, that problem, which we have talked about before, where you manage the individuals, the people, the list and they manage the properties. So, presumably, you are always saying "We need more" and they are saying they are doing their best. But it is important that Government works together here.

PAUL VEVERS: We do work incredibly closely together. Organisational barriers should not be and actually, in this case, are not a barrier to working well together. Deb Brill and I talk constantly. I would say it is not just the quantity of stock—that, obviously, is massively important—but, given the number of people that we have with disabilities, it is also the type of property that you have got. That is where we have a lot of dialogue with Land and Housing Corporation about what can we do to actually adapt this property to make it work for someone.

The Hon. ROSE JACKSON: Is also a feature of those conversations—obviously, there is the important issue of people with disabilities—the mix of housing stock? A lot of the aging stock is more in the homes-for-families category. Perhaps there is increasing demand for smaller properties. I will ask some questions about this later. But we know that single, older individuals, particularly women, are an increasing number of people who are waiting. Is that also part of that conversation with Land and Housing?

PAUL VEVERS: Yes, very much—for two reasons. One is we would like to free up some larger properties by encouraging tenants who are under-occupying to move to smaller properties, but you have got to have the smaller properties to move them into. But also, yes, the biggest single group of people on our waiting list now is single people.

The Hon. ROSE JACKSON: We might get onto that in a little bit. I want to quickly follow up again about the street count.

PAUL VEVERS: Yes.

The Hon. ROSE JACKSON: The 2022 street count is underway at present. Can you give me an update? I think it has occurred in Sydney, but the northern New South Wales element has been delayed. Where is that up to?

PAUL VEVERS: Sydney has taken place. We do not actually control the publication of Sydney's results. The City of Sydney does that, but I do not imagine that will be very far away. Then part of northern New South Wales was due to happen last week and we just had to call it off, because not only is there a physical difficulty in doing it; it will give you a distorted result if we do it now.

The Hon. ROSE JACKSON: I guess you will try to do it as soon as possible. I am keen to have some sense of when we might have the 2022 street count figure available.

PAUL VEVERS: I just cannot commit to that right now. We will do it, obviously, as quickly as possible, but it does depend what happens with the flooding situation.

The ACTING CHAIR: Ms Czech, you were going to provide some data on guardianship orders.

SIMONE CZECH: Yes, apologies about that earlier. I did have the right figures, so I could have given them to you at the time.

The ACTING CHAIR: Ms Czech, you have been data rich today. You do not need to apologise.

SIMONE CZECH: There is a lot of paper; that is all I will say. Mr Shoebridge, there are two sets of figures that I will provide you, if it is helpful. One is the number of new guardianship orders, and I can do a breakdown of non-Aboriginal and Aboriginal children for this financial year. If you want the previous three, I can provide that, and then I can give the total number of children on guardianship orders by Aboriginality and non-Aboriginality. For 2021, there were a total of 451 new guardianship orders: 179 of those were Aboriginal children and 272 were non-Aboriginal children. Do you want me to do the previous years?

The ACTING CHAIR: If you would not mind, so we get a sense of where it is going.

SIMONE CZECH: Sure. For 2019-20, a total of 419 orders: 172 for Aboriginal children and 247 for non-Aboriginal children. For 2018-19, 349 guardianship orders: 127 orders for Aboriginal children and 222 for non-Aboriginal children. Then for 2017-18, a total of 287 guardianship orders: 84 for Aboriginal children and 203 for non-Aboriginal children in that year. So you can see an increasing trend over the four years.

The ACTING CHAIR: Close to doubling in the past four years or so.

SIMONE CZECH: Correct.

The ACTING CHAIR: And more than doubling in terms of the number of Aboriginal children going into guardianship orders.

SIMONE CZECH: From four years ago, yes.

The ACTING CHAIR: How many of the guardianship orders made in respect of Aboriginal children were made to non-Aboriginal carers?

SIMONE CZECH: That is a question we will need to take on notice, but we will come back to the Committee on that.

The ACTING CHAIR: When you were doing that, did you get the adoption numbers?

SIMONE CZECH: I do have the adoption numbers. Can I just check if you wanted the overall guardianship numbers? They were new.

The ACTING CHAIR: The number currently.

SIMONE CZECH: Yes, so the total number of children on guardianship?

The ACTING CHAIR: Yes.

SIMONE CZECH: If I start at 30 June 2021, the total number of children under guardianship order is 3,415. The number of Aboriginal children is 1,210, and then 2,205 for non-Aboriginal children.

The ACTING CHAIR: Do you have the adoption numbers?

SIMONE CZECH: Yes, I do. For 2020-21, there were a total of 91 adoptions of children from out-of-home care. Ninety of those adoption orders were non-Aboriginal children, and there was one child who was Aboriginal who was adopted.

The ACTING CHAIR: A number of concerns have been raised with my office, and they may have been raised through the department as well, about the rising number of guardianship orders being made in relation to Aboriginal children, in particular. Are you aware of concerns about the numbers?

SIMONE CZECH: I am aware of concerns, particularly from AbSec, and from time to time Aboriginal NGOs individually have come to me, albeit not for a few years. They may have come to my colleague Ms Campbell directly. But their concerns that have been relayed to me over the years have been about children transitioning to guardianship orders, and then a perception that there is no support available once that guardianship order is made or that they lose contact with culture, community and family.

The ACTING CHAIR: Correct, and they are the two concerns that have been raised with my office. One is that once a child goes into guardianship, it is basically outsourced from the department and removed from the out-of-home care supports that would be in place.

SIMONE CZECH: Yes. Under the legislation, children under guardianship order, as will you know, are no longer considered to be in statutory care. They are in receipt of an allowance as if they were still in statutory out-of-home care. I do know, and I will have to get my colleague to talk to it, that there has been for some time some work underway around a guardianship support model in collaboration with AbSec. I understand that was recently launched, but I will need Ms Campbell to provide further detail on that.

ANNE CAMPBELL: Yes, it is the case that it was recently launched, so it is still pretty early days in terms of testing a much better way of supporting the Aboriginal guardianship placements.

The ACTING CHAIR: But there is no structured system in place through AbSec to have that additional support and outreach for those 179 Aboriginal children who were put on a guardianship order last year. Some of them might get into a pilot project at some point, but there is no structural additional support.

SIMONE CZECH: Not through AbSec. A guardian, or children if they are old enough, can come back via either the NGO they were case managed from or the department and request any assistance that they might need. I am aware of some particular examples where representations have been made to me. There is some additional support, and we have provided that in those cases. The other thing just to highlight is that these two permanency options, being guardianship and adoption, are two of four in particular—obviously restoration and remaining in long-term care—and there is a thorough assessment that takes place to consider guardianship and adoption. Where there is a need for ongoing support, and children should be better placed because they will get the support in the statutory system, they should absolutely stay there.

The ACTING CHAIR: But the difficulty is that sometimes it is in the best interests of a child to be taken out of the out-of-home care system and put in guardianship, but it sometimes comes at a financial impact to that family. That kind of decision should not be based upon money, should it?

SIMONE CZECH: No, I totally agree with you, Mr Shoebridge. The decision to progress a guardianship order should never, ever be about money. It is about what is in the best interests of a child—

The ACTING CHAIR: But because of the way funding is structured—

SIMONE CZECH: Sorry, can I just finish? As I mentioned, the carer allowance continues to be paid to the guardian until the child is 18, and we actually put that in the legislation to make sure that that was protected. I acknowledge they do not get the casework support that they would if they were in statutory out-of-home care, but that is what the support system has been set up for.

The ACTING CHAIR: Can I ask you a specific question on the numbers in the budget? The most recent report on government services had New South Wales Government expenditure on intensive family support services decreasing from \$189 million in 2019-20 to \$129 million in 2020-21. Can you explain why that went down so dramatically?

SIMONE CZECH: I might just refer that to my colleague Ms Campbell to respond to, if that is okay.

ANNE CAMPBELL: I might just go back. I have a bit more detail about the guardianship model that you talked about earlier. In May 2019 the department allocated about \$870,000-odd to AbSec to develop an

Aboriginal guardianship support model through a co-design process to test the provision of post-order support to better assist guardians manage the lasting impact of trauma and abuse. Phase one of that model has been completed and we have just had approval to do a trial in the Hunter and south-western Sydney. That is progressing and I am happy to provide more detailed information.

The ACTING CHAIR: If you could put any more information on notice.

ANNE CAMPBELL: Yes.

The ACTING CHAIR: Did you have an answer about the \$60 million reduction in intensive family support services?

ANNE CAMPBELL: I would need to take that on notice and I am happy to come back to you.

The ACTING CHAIR: The good news is that we have hit the afternoon tea break. We will be back in 15 minutes—a bit after 3.45 p.m.

(Short adjournment)

The ACTING CHAIR: Welcome back to the final session of this budget estimates inquiry.

The Hon. ADAM SEARLE: Mr Secretary, just returning to the issue of the support given to young persons after they reach the age of 18, what is the median amount of aftercare support provided to each young person as they exit care?

MICHAEL TIDBALL: I do not want to take that on notice, Mr Searle, but I would need some support on that one if that is alright.

The Hon. ADAM SEARLE: That is okay. None of these are trick questions. If you can answer it, great. If you cannot, obviously you take it on notice.

SIMONE CZECH: I am almost 100 per cent confident we do not have a median, and that is because each individual's aftercare plan will vary quite wildly.

MICHAEL TIDBALL: You talking of dollar financial support?

The ACTING CHAIR: I think we might all need to move the microphones a little closer.

The Hon. ADAM SEARLE: I am talking dollar figures, yes.

MICHAEL TIDBALL: So financial support.

The Hon. ADAM SEARLE: Yes, financial support. I think your answer is there is no median—

MICHAEL TIDBALL: Well, no. The answer is we will certainly see if we can produce a figure.

The Hon. ADAM SEARLE: That is fine. I will move on to the next question while you are thinking about that. Are you able to provide a breakdown of aftercare support expenses by type, for example, is there an aftercare allowance? Are there one-off payments, accommodation support—whatever it is?

MICHAEL TIDBALL: There are and I can indicate, Mr Searle, I know that we can because I wanted to learn about aftercare. I have been reading about the expenditure and the breakdown and we certainly are able to do that. If we have some indication as to what the breakdown is, we are happy to provide that.

The Hon. ADAM SEARLE: Yes, this reveals my ignorance. I do not know what kind of aftercare supports there are. I am in your hands.

MICHAEL TIDBALL: I am very happy to undertake to provide to you the line items that I have seen in the funding that I have reviewed.

The Hon. ADAM SEARLE: Yes, and breakdown by dollar by type.

MICHAEL TIDBALL: My interest in it has been the correlation between the items and the case planning.

SIMONE CZECH: Just to add to the secretary's comments, Mr Searle, we can definitely provide the type. There is a range of different categories. You actually mentioned some of them just now.

The Hon. ADAM SEARLE: Yes.

SIMONE CZECH: We will give you that list and we can give you the expenditure against each of those categories. I think we can give you the number of children against each category as well.

The Hon. ADAM SEARLE: Okay. If you could, for financial year to date, insofar as you have and maybe for the previous financial year too just so that we have that component.

SIMONE CZECH: Of course, we can do that. What I do know—and I have not got the figures in front of me—is that the expenditure in aftercare has been increasing year on year. But you will see that when the figures come through.

The Hon. ADAM SEARLE: How many young persons received no practical aftercare support after they turned 18? Are there people who do not have an aftercare support plan?

SIMONE CZECH: The policy is that every child that leaves care is to have, first of all, a leaving care plan from the age of 15. So that plan is from 15 to 18. Once that child or young person turns 18, it turns into an aftercare plan. So from a policy perspective that number should be 100 per cent. Again, like I said, the contents of each of those plans will vary depending on the circumstances of each individual young person. The compliance around the policy position does vary. Recently the Office of the Children's Guardian [OCG] conducted a review into leaving and aftercare and made a series of recommendations to improve our compliance, both to leaving care when kids are still in care but aftercare. There has been a working group set up between the department, ACWA, the OCG and a number of both the Department of Communities and Justice and NGO representatives to actually work on the recommendations out of that report.

The Hon. ADAM SEARLE: Is that report available?

SIMONE CZECH: Yes, publicly available on the Office of the Children's Guardian's website. We do have the figure of leaving care plans that is publicly reported. I will have to find that in my data unless Ms Campbell has got that.

The Hon. ADAM SEARLE: While Ms Campbell is flicking through her papers I just want to understand your evidence. Was it that every child over 18, or every person over 18, has an aftercare plan or should have an aftercare plan?

SIMONE CZECH: They should.

The Hon. ADAM SEARLE: So that figure should be 100 per cent?

SIMONE CZECH: That is right.

The Hon. ADAM SEARLE: I ask you again to check that on notice and come back to us in due course?

SIMONE CZECH: I do not need to check it; it is correct.

The Hon. ADAM SEARLE: Okay, that is great. Ms Campbell?

ANNE CAMPBELL: I am just trying to locate the data. It does not appear to be in my quick read of this so I am happy to take it on notice and come back to you.

The Hon. ADAM SEARLE: Okay. Has the department modelled extending care to age 21?

ANNE CAMPBELL: The department has been looking at that. But I have got nothing really to report on at this stage. We certainly have been looking at other jurisdictions who have an over 21 policy in terms of extending leaving care. But at this stage we are still looking at that.

The Hon. ADAM SEARLE: If care was to be extended to age 21 have you worked out what the average cost per person would be?

ANNE CAMPBELL: I do not have that with me today.

The Hon. ADAM SEARLE: I understand you may not have it with you. If the department has modelled that, I would ask that it be provided on notice.

ANNE CAMPBELL: Okay.

The Hon. ADAM SEARLE: And also any modelling that the department may have done about benefits as well as costs? Could you provide whatever work you have done on notice to the Committee, if you can. That would be good. Apart from the issue of cost, because obviously extending care to age 21 would have a financial impact, does the department have any concerns or views against that extension, apart from the issue of cost? Are there any policy downsides to extending care to 21 from the department's perspective?

ANNE CAMPBELL: I think one of the things to remember is that we do have in place financial guidelines that go up to the age of 25 years of age. But I do not know if Simone wants to add to that.

SIMONE CZECH: Yes, I can. It is a really good question, Mr Searle. The extension of leaving care in other States, as I understand it, most benefits those children who are in stable foster or relative kin placements. One of our concerns, and I understand Ms Campbell's area in the department is looking at this as she mentioned, is if you were to extend the leaving care age for children that were not in those arrangements, so particularly children who might have more complex needs or are in residential care, how does an extension of care program or policy impact or look like for those children? And that is probably our biggest concern.

Rather than a one-size-fits-all extension of care, the consideration needs to be about how do you target support according to need? As we mentioned earlier, I think, Ms Campbell said she would take it on notice, we know many children actually remain with their foster carers or relative kin carers. Now that is not to say they do not need support in those arrangements post-18, but our view, and my view in particular, is that there is sufficient legislation that enables us to do that now without extending the leaving care age. But it is something that we do need to consider and just work through some of those things that I just mentioned.

The Hon. ADAM SEARLE: Ms Czech, you said that every post-18-year-old has an aftercare plan?

SIMONE CZECH: No. I did not say that. I said everyone should have one.

The Hon. ADAM SEARLE: Should have.

The ACTING CHAIR: That is my next round of questions.

The Hon. ADAM SEARLE: Sorry about that. Can you tell us how many do and how many do not?

SIMONE CZECH: Yes, we were just looking for that number. I do have it and I might just see if I can find that.

The Hon. ADAM SEARLE: While you are finding it, does everyone who has a plan have dollars attached to it? Is there a budget that goes with each plan or some sort of budget for some reason?

SIMONE CZECH: Yes, there are two components to the leaving or aftercare plan. One will outline as a descriptor what the activity might be or the need. And then attached to that will be a financial component and that will then get bundled up as a total. There are particular approval processes that need to be gone through to approve the totality of that plan for each individual child.

The Hon. ADAM SEARLE: Okay. While we are waiting for you to find that other information, I might move back to the issue of the insurance indemnity scheme. I think the cap is \$5 million. What happens if the claims exceed the liability cap? What happens to those bodies that have that liability?

ANNE CAMPBELL: Could you just, sorry, repeat that again? I did not hear it.

The Hon. ADAM SEARLE: What happens to the service providers if the claims made against them exceed the liability cap provided by the government indemnity?

ANNE CAMPBELL: I would encourage them to come back and talk to us if it was going to be a problem in terms of their viability. Certainly we have not had that to date. And I think, Mr Shoebridge, you asked me in an earlier session, so I did check around any provider that had contacted us in terms of struggling with that area, particularly in terms of historical claims. To date, no individual service has come—obviously there has been a broad communication in terms of concerns about that, but to date no specific NGO has come to us, or to me, to raise concerns about that. But I would encourage them, if they were finding themselves in a situation where their viability was at risk, to come and talk with us and we would look at it on a case-by-case basis.

The Hon. ADAM SEARLE: Okay, but there is not a sort of policy formulation in place yet systemically to deal with this problem?

ANNE CAMPBELL: That is right. That is what we are working through, as I think the Minister said this morning, and looking at including the consideration around historical claims in that discussion occurring with States and Territories.

The Hon. ADAM SEARLE: Does the liability cap apply to service providers irrespective of size, whether they have got five kids or 100 kids? Is it the same cap?

ANNE CAMPBELL: That is my understanding, \$5 million.

The Hon. ADAM SEARLE: So it applies across the State? It is not by district or region, it is just—

ANNE CAMPBELL: No.

The Hon. ADAM SEARLE: Or how many contracts they might have with you? Or for what services?

ANNE CAMPBELL: No. It would be their total amount of funding and there are 82 providers that fit into that cohort which make up the sort of out-of-home care providers and the youth homelessness sector.

The Hon. ADAM SEARLE: Okay. Can you tell the Committee what is the largest number of children being cared for by a single out-of-home provider?

ANNE CAMPBELL: I would probably need to take that on notice, unless Ms Czech has that.

SIMONE CZECH: I do not have the actual figure, but I understand the biggest provider of statutory out-of-home care is actually the department.

The Hon. ADAM SEARLE: Okay, but apart from the department.

SIMONE CZECH: Sorry?

The Hon. ADAM SEARLE: That would be good to know and the figures you could provide.

SIMONE CZECH: We can provide the details. I understand the biggest non-government organisation is Life Without Barriers.

The Hon. ADAM SEARLE: Okay. If you could, and I am happy for this to be on notice, provide a list of the top, say, 10. Could you provide a list of all the out-of-home care?

SIMONE CZECH: Yes, we could, absolutely. I do not think there is any issue in providing that.

The Hon. ADAM SEARLE: By the number of children in their care—it may fluctuate, obviously—including the department.

SIMONE CZECH: We can provide that at a point in time, I think, for you.

The Hon. ADAM SEARLE: Okay. That would be good. In relation to the insurance, you said there is a working party that is going to report in December, is that right?

ANNE CAMPBELL: By December.

The Hon. ADAM SEARLE: By December.

ANNE CAMPBELL: By December we would have hoped to have had a decision. We are estimating that working parties should have certainly a position by the middle of the year.

The Hon. ADAM SEARLE: And so you hope by December to actually have a new solution in place, is that right?

ANNE CAMPBELL: Correct.

The Hon. ADAM SEARLE: But going back to the issue of the cap, you do not have any contingency plans already formulated to deal with service providers that get into that sort of financial difficulty if they have to cover more than the indemnity.

ANNE CAMPBELL: We would obviously look at it on a case-by-case basis.

The Hon. ADAM SEARLE: How much is the current indemnity policy going to cost for this current financial year and for each of the financial years it has been in place? How much is it costing?

ANNE CAMPBELL: It only started in December of last year, so December 2021. I probably need to take that on notice because, as yet, no-one has drawn down on that fund.

The Hon. ADAM SEARLE: Okay.

ANNE CAMPBELL: But happy to take that on notice

The Hon. ADAM SEARLE: So no-one has drawn down on it, but are you aware of liabilities accruing? Are service providers telling you they have got claims or they have settled claims or claims are ending up in court? Do you have any visibility of what level might be coming?

ANNE CAMPBELL: I could have a look at that and, again, respond on notice.

The Hon. ADAM SEARLE: Okay. Thank you. Just moving back to—sorry, did you have something else to say?

ANNE CAMPBELL: I was just going to say you asked about the data in terms of what percentage of children and young people had a leaving care plan.

The Hon. ADAM SEARLE: Yes.

ANNE CAMPBELL: It is 76.4 per cent had a leaving care plan.

The Hon. ADAM SEARLE: So about 24 per cent do not. Can you inform us why that would be the case, why someone would not have an aftercare plan?

ANNE CAMPBELL: I am not sure.

The Hon. ADAM SEARLE: Presumably, there would be some people who do not need it; they are perfectly self-sufficient.

SIMONE CZECH: No, everyone needs a plan. As I mentioned earlier, it is an area of practice that needs significant improvement, which is why the guardian and the report that I mentioned was commissioned by the Children's Guardian and a working group between our sector colleagues has been set up to improve practice. We have increased, which is scary given the number is so low, but we have got significant work to do to get to that 100 per cent. There are a very small number of children from time to time that will not engage in the case planning process, so they then will not have a plan. But that would not be more than a couple per cent of that number. I certainly acknowledge that number is not okay and we need to work with our casework staff, both in DCJ and NGOs, to improve that significantly.

The Hon. ADAM SEARLE: Apart from the small number that do not engage in the process, what would be some of the reasons for the rest not having a plan?

SIMONE CZECH: It would be wide and varied. It comes down to caseworker capability, understanding of the need for a leaving and aftercare plan, and that is where our focus is: building people's understanding about the importance of that and making sure that they have one. And then one of my jobs is to actually monitor the performance on this point and others to make sure that we are increasing the number of children that do leave care with a plan.

The Hon. ADAM SEARLE: Okay. This reflects on my lack of technical knowledge: Is a leaving care plan the same as an aftercare plan or are they different things?

ANNE CAMPBELL: Leaving care is probably, in layman's terms, best described as a case plan that a child in statutory out-of-home care has between the ages of 15 and 17. Once they turn 18 that leaving care plan becomes the aftercare plan, and that aftercare plan is in place from 18 to 25. As I mentioned earlier, a young person between 18 and 25 can come back to the department or the NGO that was supervising them at any point in time to make a change to that plan or request any assistance that might be either contained in that plan or outside of that plan.

The Hon. ADAM SEARLE: Right. Okay. I might have to come back to that. Returning to alternative care arrangements, on notice on the last occasion we got some figures about what happens to children who exit alternative care arrangements and nearly 49 per cent of them exited to a different arrangement including supported independent living, other funded placements et cetera. So that is nearly half of all the kids leaving alternative care arrangements. Do you have a breakdown as to where they actually go?

ANNE CAMPBELL: We would have to take that on notice. We do have a breakdown. Invariably—you mentioned many of the categories—the other excerpt is sometimes a restoration back to mum or dad or a placement with a family member aside from any foster care or residential care arrangements.

The Hon. ADAM SEARLE: Just again, the figures that were given was 18 per cent went to foster care, 18 per cent to intensive therapeutic care, nearly 11 per cent to relative or kinship, nearly 4 per cent restored to parents, and then 49 per cent were to different arrangements—and there were a couple of examples given. Do you have a breakdown of that 49 per cent? That is a big cohort.

ANNE CAMPBELL: Sorry, I misunderstood the question, Mr Searle. Yes, we do. I do not have it with me but we can certainly provide it on notice. It invariably includes children in arrangements that we call special care arrangements, where children have quite significant disabilities. It is an arrangement that we consult with the Office of the Children's Guardian and the Children's Guardian in order for me to take their advice about whether that is suitable for the child, and I am the delegated officer to approve that placement. There is also a range of other placements that we call individual placement arrangements, and they are with our funded providers but they are quite bespoke models to meet particular needs of children.

One really simple example is we from time to time have some quite large sibling groups and we do everything in our power to keep those sibling groups together, and we might work with one of our funded NGOs to have a bespoke arrangement around the care of those children. So that is where some of those children will go. But more than happy to provide a further breakdown for the Committee in response to that question.

The Hon. ADAM SEARLE: Are you suggesting half of the people in alternative care arrangements have significant disabilities? Is that what you are touching on?

SIMONE CZECH: The number is currently—of the 70 children at 31 December, 28 have a disability that would mean that they are eligible for an NDIS package.

The Hon. ADAM SEARLE: Okay. Do they, in fact, have an NDIS package?

SIMONE CZECH: They do.

The Hon. ADAM SEARLE: That is fine.

SIMONE CZECH: I am not sure if you were in the room earlier, Mr Searle, but I answered a question around children in out-of-home care and what sort of support we give them in respect of their disability. We have a small team that brokers those NDIS plans, both where they are not in place when children come into care but also where we think plans might be inadequate and children are entitled to more support. We have had quite a bit of success uplifting those plans in terms of the financial dollar amount.

The Hon. ADAM SEARLE: Who identifies whether those plans are inadequate?

SIMONE CZECH: Usually casework staff will identify whether they are adequate or not. Also, as part of the monitoring process for alternative care arrangements—I think I mentioned this at previous committees—every Tuesday morning I go through every one of the children in an alternative care arrangement and I often pick up if there are any inadequacies in any of the planning, but particularly disability, and make sure that a referral goes off to our family engagement team to initiate the process of a review for those children.

The ACTING CHAIR: In terms of the leaving care plans, I know your position is—and I endorse it—that one in four kids not having a leaving home care plan is a failing and a very substantial failing. Do you have an explanation for it, though? What is the primary explanation? Is it resourcing?

SIMONE CZECH: Unfortunately, I do not think there is an easy explanation, Mr Shoebridge. I do think it is about skilling up caseworkers to understand the need for that leaving care plan. There is a small element of how those plans get recorded in our system. Sometimes they can get recorded as a general case plan as opposed to labelled as a leaving care plan. But it is really increasing caseworker capability and manager capability to lift those numbers to 100 per cent.

The ACTING CHAIR: I have trouble understanding that answer, Ms Czech. I do not do this full-time.

SIMONE CZECH: Of course.

The ACTING CHAIR: This is a thing that I slip in between other work and I fully understand that every kid leaving care needs a leaving care plan, yet full-time caseworkers do not. I cannot comprehend it.

SIMONE CZECH: It is certainly difficult to understand but, like I said, it is about building caseworkers' knowledge and capability. So they might have a case plan; they just have not addressed the leaving care components. That is the work that we are focusing on at the moment with the sector.

The ACTING CHAIR: But why isn't there some kind of system in place where, as a child is about to leave care, a whole series of warning lights go off that this cannot happen until a leaving care plan is in place? I say again, I know it has to be done, yet there are full-time, paid caseworkers who don't. Surely, if you are having that, the system needs to respond.

SIMONE CZECH: Within DCJ we certainly have a performance-monitoring framework where leaving care planning is one of the elements, and we work with individual districts to improve the practice and actually lift those numbers. Over the last few years, we have had significant increases in the percentage of completion, acknowledging it is nowhere near where it needs to be. In respect of NGOs, they are responsible as the designated agency for monitoring the completion of those plans. We do have our contract managers that are following up with individual NGOs because it is a requirement in the contract that children have case plans in particular. Finally, the Office of the Children's Guardian is overseeing the completion of those plans as an additional safeguard.

The ACTING CHAIR: For children that are in the care of the department, the responsibility lies with departmental case managers to do the leaving care plans?

SIMONE CZECH: That is right.

The ACTING CHAIR: For children whose out-of-home care is being oversighted by NGOs, the responsibility lies with the NGOs. Is that right?

SIMONE CZECH: Yes, that is correct.

The ACTING CHAIR: Do you have any data, NGO by NGO, in terms of their completion rates?

SIMONE CZECH: I would have to take that on notice and provide that to the Committee.

The ACTING CHAIR: Are there contractual penalties for the NGOs for failing to ensure that children have leaving care plans?

SIMONE CZECH: I might get Ms Campbell to answer this, but I understand, certainly, case planning is a component within the contract. But in terms of penalties—

The ACTING CHAIR: Leaving care plans is a discrete subset of case planning. So I am asking about leaving care plans.

SIMONE CZECH: I will need to double-check. I think it is "case plan" in the contract, but Ms Campbell may know the actual wording of it.

ANNE CAMPBELL: We do not know the exact wording, but it is pretty close to that. There are processes we have in place if the performance is low. Within the contractual arrangements there are things like quality improvement plans. If we identify an issue or if there are significant issues, we would work with that provider. But if, at the end of the day, there were serious performance issues, we would need to look at other arrangements. The other bit that we have been doing, particularly since the OCG has reviewed this particular area, is a learning hub with the providers to really improve a focus on leaving care plans.

The ACTING CHAIR: We agree that every young person who is in care is extremely important. Do we agree with that?

ANNE CAMPBELL: Absolutely.

SIMONE CZECH: Yes.

The ACTING CHAIR: So how many young people can be failed by an agency before it becomes sufficiently important that the contract or the department gets triggered and they are held to account? Do we say that it is okay to have five kids age out of care without a leaving care plan? Is it 10 kids? What is the pain threshold for the department? How many kids can leave care without a leaving care plan before it becomes sufficiently important to do something about it?

ANNE CAMPBELL: I think we would be doing something pretty immediately if children and young people did not have a leaving care plan. I just do not have with me today the data in terms of the breakdown between the department and NGOs. But certainly we would be having discussions immediately with those providers if the data for that particular NGO showed that there was not a leaving care plan in place for a child.

The ACTING CHAIR: Sorry, but a quarter of kids are leaving care without a leaving care plan. What you are telling me, Ms Campbell, does not square with the data. Ms Czech, is what Ms Campbell says right—that every time a child who has been oversighted by an NGO leaves care, and there is no leaving care plan, that triggers a response from the department to speak to the NGO and say, "Why didn't this happen?" Is what Ms Campbell says what actually happens on the ground?

SIMONE CZECH: If I could just add some further detail to that. We have, in each district, contract managers that look after individual NGO contracts. One of their responsibilities is to make sure that NGOs are adhering to their actual contract, and in this case we are talking about the permanency support provider contract. They invariably meet with providers on a monthly basis at a minimum, sometimes more frequently if there are some concerns to raise. Through those meetings, they will raise concerns. Typically what will happen is they will highlight a concern and obviously allow the agency to provide a response to that concern. If there is sufficient concern that has not been addressed through the response of the provider, the next step is a service improvement plan. We also notify the guardian if we are particularly concerned about a provider and then we go through that process. Usually people turn things around, but it is demonstrated through the figures in leaving care that there are still significant concerns. Like you say, there is a quarter of children that leave care without a plan currently.

The ACTING CHAIR: Ms Czech, what I was trying to understand from Ms Campbell is at what level of non-compliance—how many kids are allowed to age out of care without a leaving care plan before it becomes a matter of concern and is raised in those meetings and there is some compliance put in place? Is it five? Is it 10? Is it 100?

SIMONE CZECH: I am not aware of a trigger point in terms of a number of children. I would suggest that one would be your trigger point if they do not have a case plan.

The ACTING CHAIR: No, you and I in this meeting are on a unity ticket on that.

SIMONE CZECH: We are.

The ACTING CHAIR: But I am quite certain that is not how it works in practice. If one in four kids leave care without a leaving care plan, if you have a zero-tolerance approach to it—you cannot have a zero-tolerance approach to it if one in four kids are leaving without it. That cannot be the case.

SIMONE CZECH: I absolutely agree. It is absolutely a practice and a monitoring issue that we, both as the department and the NGO sector, need to significantly improve on, which is in part, like both Ms Campbell and I have spoken about, why we have set up that working group to improve practice.

The ACTING CHAIR: Mr Tidball, there has been a persistent failure to hit the legislative requirement for years. This strikes me as a kind of resigned, complacent acceptance in the department that around one in four kids will leave without a leaving care plan and that it is bad and it is terrible, but what can you do? That is very much the flavour that I get from the evidence we have had today and from the persistent evidence in this regard for the last three years. Could I ask you to direct attention to this and to see what can be done to shift the figures to 100 per cent compliance?

MICHAEL TIDBALL: Yes, Mr Shoebridge. I have heard the evidence, and I have absorbed it. I am very happy to take—I am not happy. I will take the issue away and work with the team to seek to address it in the most practical way as soon as possible so those figures move.

The ACTING CHAIR: At the end of the day, we talk about 24 per cent or 76 per cent. We are talking about 200 of the most vulnerable young adults turning 18, being spat out into the big bad world, with no plan on how to keep them safe, give them a home and get them into TAFE. There is no plan at all for 200 of the most vulnerable kids each year. I think we could all agree that is just woefully inadequate.

MICHAEL TIDBALL: I hear you and I understand.

The ACTING CHAIR: This might be to you, Ms Czech or Mr Thomas. What proportion of First Nations kids in out-of-home care are having their care oversighted by an Aboriginal-controlled organisation?

BRENDAN THOMAS: It is just over 20 per cent.

The ACTING CHAIR: What is the target for the end of this calendar year?

SIMONE CZECH: I would have to come back to you with the actual figures, unless Ms Campbell's got them. Back in 2012 the Government committed to the transition of 100 per cent of Aboriginal children and young people across to the Aboriginal NGO sector within 10 years. That is this year.

The ACTING CHAIR: I should have just said it plainly. We can cut all of that. The target was 100 per cent. It is at 20 per cent. What has gone wrong?

SIMONE CZECH: Can I just add, Mr Shoebridge, the target was based on 2010 figures, and I do not have those in front of me. Given that the number of Aboriginal children has grown, it is a bit—

The ACTING CHAIR: It has distressingly grown, but it is not fivefold.

SIMONE CZECH: It is probably not important, but it is a different number to the number of kids that are in care now. Sorry, I went off on a tangent.

BRENDAN THOMAS: I was going to say just over 20 per cent are with Aboriginal community-controlled organisations. About 24 per cent are with non-Aboriginal NGOs, which leaves 55 per cent that are case managed by the department. I have been meeting with AbSec and ACWA about how we can fast track that transition. There are a number of things to manage in that transition. A number of those children in non-Aboriginal NGOs, for instance, are in stable, good placements and we do not want to transition and break that stability.

There is also a financial investment question. The capacity of the current ACCO sector is not big enough to take the transition of children across. If we progress that in a way that is a kind of drip-feed, child-by-child way, it does not give the ACCO sector the ability to prepare for that transition and grow. We need to manage that transition in a way that maintains the stability of good placements and does not break that but, secondly, transitions the resources with the children in a way that allows ACCOs to grow and be properly prepared for that. I have only recently commenced discussions with ACWA and AbSec about how we plan that so that we can start to do that properly this year. We will not meet that target this year, clearly. But we can set together a clear target and a clear plan to meet that target in the future. I cannot tell you what that time frame will be, but we will work that out in the next couple of months.

The ACTING CHAIR: Is it the intention to actually publish and publicly hold the department to account for those fresh targets?

BRENDAN THOMAS: We will talk to the Minister about that once we set the fresh targets.

The ACTING CHAIR: Everything you have said today, Mr Thomas, could have been said 10 years ago to explain why such a small proportion of Aboriginal kids in out-of-home care were under the care of Aboriginal-controlled organisations 10 years ago. It is the exact same conversation that could have happened when that initial target was set. Do you agree with that?

BRENDAN THOMAS: I do agree with that.

The ACTING CHAIR: Can anybody explain the lost decade?

BRENDAN THOMAS: I cannot explain it, but I can give you the commitment that we are committed to having a very clear plan this year and to work to that transition this year.

SIMONE CZECH: I was not directly involved for the majority of the 10-year program, but I understand there were targets set for each year of the 10-year period. As Mr Thomas described, the challenge has been the capacity—I suppose is the best way to describe it—of the ACCO sector to take on those kids. That has been challenging to move those kids across. It is not an excuse, but it has just been a challenging situation in the last few years in particular. But, like I said, I have not been involved the entire time.

The ACTING CHAIR: Let us be clear. The resources for the Aboriginal-controlled sector are going to, in this space, come from the department. It is the department's obligation to free up those resources to create the space. That has been the missing link. Do you agree with that, Ms Czech?

SIMONE CZECH: No, I do not. I do think it has been more about the capacity of the Aboriginal sector to take those children on. As an example, at one stage, a number of the Aboriginal NGOs had some challenges around meeting standards as set by the Office of the Children's Guardian. We were actually unable to transfer children across to a number of agencies at the time.

The ACTING CHAIR: In terms of accreditation from the Children's Guardian for out-of-home care, how many different regional parts of the department get accredited?

SIMONE CZECH: That is a really good question, Mr Shoebridge. We have a number of entities within the department that are required to be accredited by the Office of the Children's Guardian. What that consists of is each of our individual districts being accredited, so they are all accredited as separate designated agencies. We then also have the Sherwood Program, which is a secure residential facility out in south-western Sydney that has separate accreditation. I am just trying to make sure I have got them all. The other one is we have our metro intensive support services team that looks after quite complex young people, typically older teenagers. They also have their own separate accreditation.

The ACTING CHAIR: How many regions are there?

SIMONE CZECH: Sixteen. Districts, sorry.

The ACTING CHAIR: Sixteen districts. There is Sherwood House, did you say?

SIMONE CZECH: That is right.

The ACTING CHAIR: And there is the metro intensive support unit.

SIMONE CZECH: Correct.

The ACTING CHAIR: Do any of them have provisional accreditation?

SIMONE CZECH: No.

The ACTING CHAIR: When was the last time that part of the department had provisional accreditation?

SIMONE CZECH: I would have to get the actual date for you, but it was more than five years ago now.

The ACTING CHAIR: Do any of the NGOs that currently provide out-of-home care have a provisional accreditation?

SIMONE CZECH: Again, I would have to take that on notice. I do know the accreditation status of any designated agency is listed on the Office of the Children's Guardian website, but we can easily get that for the Committee.

The ACTING CHAIR: In terms of children in alternative care, do you track the educational engagement?

SIMONE CZECH: I do.

The ACTING CHAIR: For example, the 17-year-old woman who has been in alternative care for 300 days, has that also been hundreds of days out of school?

SIMONE CZECH: No. She is in school full-time and she also holds down a part-time job—I think at McDonald's from memory.

The ACTING CHAIR: What about of that cohort of children in alternative care? Do you have data on how often they are or are not at school?

SIMONE CZECH: I do. I have only got it for the current cohort up until the end of December and there are a couple of different categories. If I could just indulge on those categories, they will make sense when I go through them. The percentage of children and young people who are attending school full-time in these arrangements is 70 per cent of children. The percentage of children and young people who are attending school part-time is 16 per cent. In total 86 per cent are attending school at least part of the time. A further 3 per cent of children are completing distance education and 11 per cent of children in ACAs are disconnected from school and not attending. There are a couple of categories within that last one. One is school refusal, typically older children who just point blank are refusing to go to school or looking for employment opportunities. And there is a small category within that 11 per cent where children have been expelled or suspended from school.

The ACTING CHAIR: Do you have any suspension data and/or attendance data for the broader cohort of kids in out-of-home care?

SIMONE CZECH: I do not have that with me today but we can certainly provide that to the Committee on notice.

The ACTING CHAIR: That would be appreciated.

The Hon. ADAM SEARLE: Returning to the answers that were given on notice at page 13, the department said that nearly 20 per cent of children in alternative care arrangements are then subsequently placed into intensive therapeutic care. What is intensive therapeutic care?

SIMONE CZECH: Intensive therapeutic care is a service model typically for children aged 12 to 17 who have incredibly high and complex support needs. They are children who typically are unable to live in a family-type arrangement. They are children, unfortunately who have experienced quite significant trauma and abuse in their short lives and need quite a deal of therapeutic intervention to support their wellbeing and help them recover from the trauma that they have experienced.

The Hon. ADAM SEARLE: You said they cannot live in family-type arrangements. So what are their living arrangements? What do they look like?

SIMONE CZECH: Typically they are four-bed houses. They are co-located with up to three other young people and there is a matching exercise or assessment that NGOs and the department undertake on a collaborative basis, because what we want to do is make sure that there is, I suppose, like children in those arrangements, for example, similar ages or similar needs. Sometimes location is a factor. We do not want to be moving children, particularly Aboriginal children, off country where we can avoid it. There is an assessment process that is undertaken, but they are up-to-four-children models and they have 24/7 rostered staff or a care team as well as a therapeutic team that provides the therapeutic response.

The Hon. ADAM SEARLE: They are not necessarily living with other children with the same care needs; there are other factors that might determine with whom they are co-located?

SIMONE CZECH: Yes. There would be a range of factors.

The Hon. ADAM SEARLE: The figure you provided on notice after the last budget estimates hearing was that 18.3 per cent went from ACA to intensive therapeutic care. Is that roughly the same figure today? That was up to 30 June I think.

SIMONE CZECH: I do not have those in front of me, but again we can provide them to the Committee.

The Hon. ADAM SEARLE: If you could provide them on notice.

SIMONE CZECH: I understand within the current cohort of children, of the 70, 36 have high needs and would be eligible for ITC. I think my colleague earlier this morning talked about some of the challenges the sector is experiencing at the moment as a result of COVID and just the workforce challenges that I know they

have experienced. Moving some of those children from ACAs that meet that criteria is taking a little longer than we would ordinarily like to happen, but we are working quite closely with those providers to help them with that issue.

The Hon. ADAM SEARLE: Of those children who went into intensive therapeutic care, how long on average were they in alternative care arrangements before they were transferred?

SIMONE CZECH: I have not got that information with me.

The Hon. ADAM SEARLE: I am happy for you to provide it on notice.

SIMONE CZECH: We can provide it and we will. It will vary depending on the needs of children and where placements are available.

The Hon. ADAM SEARLE: Sure. Could you also provide the median figure?

SIMONE CZECH: Of course.

The Hon. ADAM SEARLE: How long on average do they stay in intensive therapeutic care? Is it open-ended based on progress and need or are there benchmarks?

SIMONE CZECH: We do not like children to stay there indefinitely but the reality is for some children that is the safest and most appropriate placement for them because of their needs. We do like to see the therapeutic response result in a lesser level of need of children where you might then be able to consider either a professional carer model, so a professional carer model or general foster care. But unfortunately, and just being really frank, it is difficult to find foster carers who might like to care for children who are older and have some more complex needs. It is not that we do not try, but it is challenging, for both the sector which predominantly recruits foster carers and the small amount of recruitment that the DCJ does.

The Hon. ADAM SEARLE: Given all the caveats you have outlined, what is the longest period a young person stays in intensive therapeutic care or is it really just based on—

SIMONE CZECH: It is based on individual need. Some children will stay through to their eighteenth birthday. There are a number of children, as I highlighted, who have disabilities. One of the things we endeavour to do and we have had quite a bit of success is NDIS providing the accommodation once those children turn 18. Rather than the young person move, they stay in situ and NDIS takes over the funding of the accommodation arrangement and it prevents the child from moving.

The Hon. ADAM SEARLE: Over the past 12 months what is the longest period a young person stayed in alternative care arrangements before being transferred into intensive therapeutic care?

SIMONE CZECH: I would have to take that on notice.

The Hon. ADAM SEARLE: According to the answers given to budget estimates hearings last time, alternative care arrangements are paid by invoices in arrears. Can you tell us what has been the total cost of alternative care arrangements for each of the 16 districts in New South Wales over the past 12 months?

SIMONE CZECH: We would have to take that on notice.

The Hon. ADAM SEARLE: How many individual nights of alternative care arrangements were charged to each district over that same period?

SIMONE CZECH: I would also need to take that on notice.

The Hon. ADAM SEARLE: How many unique children were in alternative care arrangements for each district over the past 12 months?

SIMONE CZECH: I knew you were going to ask me that. I have got the individual numbers.

The Hon. ADAM SEARLE: It seems obvious, does it not?

SIMONE CZECH: If I can just whip out my calculator and add it up, which I will do because I would have it in front of me, but I was not flash at maths at school, albeit that was a long time ago now. Just give me 30 seconds, if that is okay. It is 457. Sorry, that is the 12 months to 31 December 2021.

The Hon. ADAM SEARLE: That is the most recent information you have?

SIMONE CZECH: That is right.

The Hon. ADAM SEARLE: If you on reflection find you have got anything more recent than that, that would be useful as well. That is the number of unique children in alternative care arrangements overall?

SIMONE CZECH: Yes, for that 12-month period, that is right.

The Hon. ADAM SEARLE: Do you have that same information by district?

SIMONE CZECH: I do not have it with me, but we can certainly provide it.

The Hon. ADAM SEARLE: No, on notice. Referring to the staff who supervise young people in alternative care arrangements, how many are departmental staff and how many are employed NGOs by number or by percentage?

SIMONE CZECH: Again, I have to provide the exact numbers on notice. The bulk of the staff are NGO staff that deliver the direct care to children. On the very rare occasion we do need to use DCJ caseworkers to look after those kids, it is invariably for a night or two while we organise an NGO to deliver that service. Like I said, it is rare but, again, we can provide the information on notice.

The ACTING CHAIR: I interrupt quickly to note my appreciation for the assistance of all the officials, who have made a genuine attempt to assist the Committee. I am about to go to another estimates hearing, where I would not make the same acknowledgement. I want to indicate my gratitude before I leave. Thank you.

SIMONE CZECH: Thanks, Mr Shoebridge.

The Hon. ADAM SEARLE: I go back to the answers that were given on notice. I had an exchange with the Minister about the costs of alternative care arrangements, which I think is on page 23 of the transcript. We asked what the overall cost was. The answer provided states:

Alternative care arrangements are arranged on an emergency basis and paid on invoice in arrears. DCJ systems do not allow for accurately relating placement length and payments made to calculate an average cost per night of an ACA.

That was the answer. But you must have a total cost over the past year, or since 30 June, and the number of nights covered by that cost to date? Can you provide those?

SIMONE CZECH: The cost of ACAs varies significantly from one child to the next, so there is no set costs. Sometimes children, depending on their need, will need a greater number of care staff looking after them. Where you have more care staff, that is obviously going to cost more because you have to pay for those salaries.

The Hon. ADAM SEARLE: Okay, maybe we can break this down. I would like to know the total amount you have spent on ACA since 30 June last year, how many children have benefitted and how many nights has that purchased, if I can use that terminology.

SIMONE CZECH: I would like to take that on notice, if I could, and provide that to the Committee.

The Hon. ADAM SEARLE: Of course. I am happy for you to take all of this on notice. If you could also provide that same information for the previous financial year, that would be good.

SIMONE CZECH: Yes, we will take that on notice.

The Hon. ADAM SEARLE: Bearing in mind your earlier evidence about the costs varying, could you give us, if you like, the highest and lowest cost for a child, so we can see what the spread is?

SIMONE CZECH: Certainly, we will take that on notice.

The Hon. ADAM SEARLE: That is fine. Could you also provide any information you have about what drives those cost differentials. As you said, it is the number of care workers, but presumably it is also the number of other supports they might need.

SIMONE CZECH: Yes. That is an important point, Mr Searle. The majority of the costs are staff costs, but the other thing we are very focused on is therapeutic costs. Again depending on each individual child's needs, there will be a therapeutic plan wrapped around that child, and we will pay for that. That is an incredibly important component—to make sure that children are in receipt of that therapeutic support—and can drive some of the costs up quite significantly.

The Hon. ADAM SEARLE: Okay, thank you. At the last round of estimates hearings with the previous Minister, we asked for a breakdown of median length of stay. I think the information given by the department was: As at 30 June 2020 the median length of stay was 84.5 days and the longest was 833, and as at 30 June 2021 the median length of stay was 55 days and the longest stay was 303. I know we are not quite at the end of the year, but insofar as you have information for the year to date, can you provide those figures? That is, the median length of stay and the longest stay since 30 June 2021?

SIMONE CZECH: I can. I think I might have given this in evidence this morning, but I will just repeat it.

The Hon. ADAM SEARLE: In which case, I apologise.

SIMONE CZECH: No, that is okay; it is quick. There has been a decrease in the median length of stay between the end of September 2021 and 31 December 2021, and that has gone down from a median of 42 days to 32 days. The other breakdown we have is 75.9 children stay less than three months, 15.5 per cent of children stay three to six months, 8.3 per cent stay six to 12 months, and 0.2 per cent stay more than 12 months. In response to your question about longest stay, that is the young lass we were referring to earlier. She has been in an alternate care arrangement for 307 days.

The Hon. ADAM SEARLE: Is she still in that care arrangement?

SIMONE CZECH: Yes, she is the young lady we were talking about earlier.

The Hon. ADAM SEARLE: Was that as at 30 December?

SIMONE CZECH: Sorry, that is of now. That is an up-to-date figure for her, so it would have been less back on 31 December. Let me take that on notice, and I will make sure it was not a different child being the longest stay on that day.

The Hon. ADAM SEARLE: Yes, of course. I am happy for you to take that on notice. In relation to risks of significant harm, I think we were dealing with the 90,000 who were not seen by the department.

SIMONE CZECH: Yes.

The Hon. ADAM SEARLE: I drew your attention to the fact that the Minister at the time said that they were seen by somebody. But, again, when I was asking the Minister earlier today, no-one seemed to know how many of those 90,000 were actually seen, whether it was by a public or private service provider. When the department cannot deal with a case, is there some process when they refer it to an NGO that it gets tagged so the department can see where it has gone?

SIMONE CZECH: Yes. Mr Searle, can I backtrack a little bit to the question this morning?

The Hon. ADAM SEARLE: Sure.

SIMONE CZECH: Because I think I did the Committee a disservice in terms of the response I provided. I apologise for that. We cannot currently capture in our systems—and I will explain why—the other services outside of the funded services that are provided through services like multisystemic therapy, Functioning Family Therapy and Brighter Futures. There is a range of other services. But what does happen is, when someone reports concerns to the Child Protection Helpline we screen those concerns, and one of the questions we ask is, who is involved? That will be, who is involved from the family and who is involved from the service system? That could be Education, Health, or it might be the local family support service. That information is captured in the record, but it is recorded in a free-text part of the system, which means we are unable to easily extract that information in order to run a report.

There is a further triaging process that happens once that report, assuming it meets the threshold of risk of significant harm, gets transferred out to the local office, wherever that might be—so, the community services centre. There is a further triaging process that happens at that point where they may collect further information about services and, again, they record it in the same manner. We need to prioritise all of the work that is coming in because demand outstrips supply. Our caseworkers can do a certain amount and we are working really hard—like, I mentioned this morning—to free up caseworker time so that they can get to more children. In fact, year on year for the past five or six years, each year they have seen a record number of children—last year an increase again of 3.2 per cent. Up to 36,500 children at risk of significant harm were seen. But I note the concerns about those children that are not seen.

We are currently building into our ChildStory system a new referral function. That work is underway, and that goes to your question, Mr Searle, about how can we capture accurately where children go. The first stage of that work will be completed later this year, and that will capture internal referrals. The second phase of that work will capture all other referrals. The nature of our ChildStory system is there is quite a list of things to work through as far as enhancements go. This is one of our priorities, but it does take some time to make some adjustments to that system. But we are absolutely committed to that. I hope early next year we have got the second phase completed, which is being able to capture referrals to other agencies and, like I said, extract that data that we have got in the free-text field that we cannot currently extract from the system. But, like I said, our caseworkers and managers go through a process of prioritisation, based on the information that they have available. Finally—and I know I am talking a lot—there are 17,000 children, who we can capture currently, who are serviced by the NGO sector. That is through our family preservation services that we fund.

The Hon. ADAM SEARLE: Sorry, you can track them?

SIMONE CZECH: We can track those ones, yes.

The Hon. ADAM SEARLE: Okay, so, of the roughly 90,000 who we were talking about before, you can track about 17,000.

SIMONE CZECH: Yes, that is correct.

The Hon. ADAM SEARLE: Of those that were referred to an NGO, will the NGO report back to you about how many they have actually then seen or dealt with?

SIMONE CZECH: Yes. If it is one of our funded programs, there is a range of service levels they have got to reach. We make sure inside the department we are sending the referrals over to make sure they reach that capacity. Ms Campbell might be able to respond to this as well. The majority, if not all of them, reach the service level agreements.

ANNE CAMPBELL: I think that is correct. If not, they are probably over.

SIMONE CZECH: Exceeding it, yes.

The Hon. ADAM SEARLE: I was going to ask. How do you quantify the cost of referring risk of serious harm reports to NGOs for follow-up? Is it part of their existing contracts with you? That is, they have a contract with the department and so they are obligated to take a certain number of referrals from you? Or is it billed as an extra case? How does it work?

SIMONE CZECH: Couple of things.

The Hon. ADAM SEARLE: Sure. Always a couple of things.

SIMONE CZECH: First of all, it is risk of significant harm, not serious harm. I have noticed it a few times today. It is important because it is a threshold point.

The Hon. ADAM SEARLE: Yes. The ROSH reports.

SIMONE CZECH: We have within our family preservation program, as I mentioned, a range of services, that are all evidence based and at varying stages of implementation. Some are much newer than others. We then have contracts and service level agreements with each of those providers that stipulates who they are going to take, what types of cases and what service they are providing. They all vary in length in terms of the intervention. But there is a requirement for them to report back to the department on who they are taking, the numbers. You might like to add any further information, other items that they report back on.

ANNE CAMPBELL: I do not think I can add anything material to what you have said, Ms Czech. The other program that I think is important—it used to be called the Family Referral Services. It is the now called the Family Connect and Support service, which really came about many years ago to try and prevent escalation of children at risk of significant harm who had been reported to the department. Typically it is set up within—there is also child wellbeing units within the various government agencies, to try and ensure that there is a response where a response cannot be made by the department.

The Hon. ADAM SEARLE: That has technically brought us back to crossbench time, but there does not seem to be any crossbenchers. Ms Moriarty, did you have some further issues you wanted to raise? All right. I think I have got a couple to ask about the Office of the Children's Guardian. I know it might be unusual in budget estimates to actually resort to a budget paper, but there has to be one. I will just look at Budget Paper No. 4, page 7-41. If you look at the expenditure for the Office of the Children's Guardian—the amount that was budgeted for 2021 was about \$56 million, but only \$50 million was actually spent. That is largely a decrease in what were called "other operating expenses". That is nearly a \$5 million decline. Do you know what those expenses in decline were? No? We do not know what those figures are?

MICHAEL TIDBALL: I have no idea.

SIMONE CZECH: No. I do not know either.

The Hon. ADAM SEARLE: Mr Tidball, I know you are relatively new. Can you tell us what that is at some point on notice?

MICHAEL TIDBALL: Yes, Mr Searle.

The Hon. ADAM SEARLE: That would be good. The other operating expenses were meant to be nearly \$24 million. They were actually only about \$19 million. That is a big gap. But they are projected to be over \$23 million again this year. So it would be interesting to know what they are. Also, when you look at the employee-related expenses—they are meant to jump from nearly \$27 million to nearly \$30 million. Given the

wage cap, I am assuming that means the Children's Guardian is actually going to employ more people. Is that a correct assumption by me? Or is there some other driver of those employee-related expenses?

SIMONE CZECH: We would have to take it on notice.

MICHAEL TIDBALL: Yes. We need to take that on notice, Mr Searle.

The Hon. ADAM SEARLE: That is okay. These are not trick questions. I am just trying to understand because we have had reports from the Office of the Children's Guardian. When there was some legislative changes in 2019 that resulted in—apart from Working With Children Checks and risk assessments, the Office of the Children's Guardian had a range of additional functions conferred on them, but the report from the coalface, as it were, was that there were not additional resources in terms of people to do that work and that has led to underfunding of those functions and work intensification and stress on those others who were there. So I was just wanting to understand whether that increase in employee-related expenses was an increase in resources for those functions or what the explanation may be. If you can take that on notice, that would be very good. I think this is probably going to be my penultimate question. It is to you, Mr Thomas. You would be well aware of Professor Megan Davis' Family is Culture recommendations? You would be only too aware of that?

BRENDAN THOMAS: Very well aware of them, yes.

The Hon. ADAM SEARLE: In fact, I saw you sitting avidly in the Chamber while we were debating Mr Shoebridge's private member's bill. One of those recommendations is for the Children's Court to presume that removing a child from the parents generally causes harm. That presumption would not override any safety concerns in terms of keeping children with their parents, would it, in your view?

BRENDAN THOMAS: The recommendation as it is stated recommends that the legislation be amended to ask courts to consider the harm done to a child. The Minister earlier spoke about consulting on those 25 legislative recommendations from the FIC report. That is one of those. Certainly, I do not believe the intention of the FIC report would be that that understanding of long-term harm would override a decision about the immediate safety of the child. The recommendation in the report, however, does not specifically say that. But I do not believe the intent of the recommendation would be to do that. Part of the consultation we will do on those recommendations will be to elicit that.

The Hon. ADAM SEARLE: Is the advice of the department that such a presumption would result in any children being kept in a situation where they were facing physical or sexual abuse?

BRENDAN THOMAS: The department's position on those legislative recommendations was to hold them over until this 2024 bigger legislative review. The work we are doing now is to bring that forward so that we can properly understand the impacts of these recommendations and, if they do proceed to any kind of legislative proposal, how that legislative proposal would be crafted. I would suggest that one of the key factors that we would be looking at in providing advice to the Minister would be how that does not put anybody in a less safe position than they otherwise would be.

The Hon. ADAM SEARLE: But you have not reached any presumptions that that would necessarily be the case.

BRENDAN THOMAS: Not yet.

The Hon. ADAM SEARLE: And you have not provided the Minister with any such advice.

BRENDAN THOMAS: We have not, no.

The Hon. ADAM SEARLE: I guess some of that sort of legislative reform possibility has been brought forward by the Legislative Council. What advice are you preparing in relation to those legislative changes?

BRENDAN THOMAS: My understanding is the advice that was provided to the Minister is Cabinet in confidence. It was a Cabinet decision around that. But the Minister is consulting on all of those 25 legislative recommendations in the FIC review, which do cover off on all of them and then some other issues beyond what are currently in the bill before Parliament.

The Hon. ADAM SEARLE: Just checking to see if I have got any last questions. I think those are my questions. Ms Moriarty, you do not have any further questions?

The Hon. TARA MORIARTY: I am good.

The Hon. ADAM SEARLE: Belatedly it is over to the Government. You have got your 15 minutes if you want it.

The Hon. TAYLOR MARTIN: I do not think we will be using our 15 minutes this afternoon. It has all been amply covered. That's all she wrote.

The Hon. ADAM SEARLE: In that case, I would like to thank the secretary and all of the departmental officials for coming here today and sharing your insights. You have taken a lot of questions on notice. We will look forward to those responses and, no doubt, we will follow them up.

(The witnesses withdrew.)

The Committee proceeded to deliberate.