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New South Wales Parliament Legislative Assembly

Children and Young Persons (Care and Protections) Amendment (Auditing Out-of-Home Care Providers) Bill 2017

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I support the Children and Young Persons (Care and Protection) Amendment (Auditing of Out-of-Home Care Providers) Bill 2017. I thank the member for Bankstown, the shadow Minister for Family and Community Services, for introducing such an important bill into this place. When the New South Wales Treasurer paraded the 2017-18 budget as the envy of the Western world earlier this year, quarterly statistics showed that fewer than one in three of the record nearly 86,000 children reported to Family and Community Services [FACS] as being at risk of significant harm were receiving a face-to-face assessment from a case worker—sobering statistics. This is a landmark bill that seeks to significantly improve outcomes for the most vulnerable children in our State. It will fill a gap identified in our child protection legislation by the Auditor-General and the recent parliamentary inquiry into child protection.

The bill will introduce a new requirement for the Auditor-General to conduct an audit of contracts. According to the Auditor-General, a record 21,145 children were in out-of-home care in 2016, with children staying in care longer and with fewer being restored to their families. While the New South Wales non-government sector plays a crucial role in supporting the needs of children in care, we need to increase transparency to ensure greater accountability. It is important to note that the bill does not question the conduct and ethics of non-government out-of-home providers. Instead, it will implement recommendations made by the New South Wales Auditor-General and by the recent parliamentary inquiry into child protection. In March a parliament inquiry into child protection noted the lack of accountability in the non-government organisation sector and recommended that the New South Wales Government make legislative amendments to extend the performance audit function of the Auditor-General to include audits of all NGOs that have been provided with State funding to deliver child protection related services.

I thank all those in my electorate of the Blue Mountains who assisted compiling in the submission that I made to the parliamentary inquiry into child protection. According to a Nigerian proverb, it takes a whole village to raise a child. It goes without saying that child protection is the responsibility of a whole society. Keeping children safe requires a holistic approach that is an inter-agency responsibility. I commend the work of the wide range of Blue Mountains agencies that make a significant contribution to the safety and wellbeing of children and their families. I have worked closely with the Blue Mountains Coalition Against Violence and Abuse [CAVA] and Blue Mountains Brighter Futures. The services and their staff inform me that their biggest frustrations in addressing child protection concerns are: a lack of available resources, barriers to intervening early enough to make a positive difference in the lives of children and families, and time constraints that prevent interventions from happening when they are needed and for long enough.

Until the late 1800s there were no child protection laws. The laws to protect animals were used in the first cases of child protection. Children were seen as human animals. The New South Wales Society for the Prevention of Cruelty to Children was established in 1890.

By the late 1990s child protection services in all Australian States and Territories were finding it difficult to cope with high numbers of reports of suspected child abuse and neglect. This led governments and child protection services to seek alternative solutions in the twenty-first century. Let me give a snapshot of child protection statistics including children in out-of-home care. Nationally the rate of children in out-of-home care in Australia rose between 2011 and 2015 from 7.4 to 8.1 per 1,000, and overall nearly 6,000 more children, an increase of 15 per cent, were in out-of-home care as at 30 June 2015 compared with 30 June 2011. There have been more sobering statistics in the past three to four years, where the number of children living in out-of-home care—a more accurate measure of severe cases of maltreatment of high-level risks of children who cannot remain safely in the care of parents—has continued to climb steeply. This is particularly evident for Aboriginal children.

The overwhelming message I receive from my community regarding the child protection system is one of extreme concern about the capacity of the system to keep children safe. Community members are also concerned about system responsiveness, response times and lack of services, which rank as a high priority. I frequently hear of cases where a non-government organisation or community member has made a report to the child protection helpline, yet there is little evidence of any further risk assessment or investigation. This is what we need to address. A grandmother recently contacted me seeking assistance about serious child protection for her grandchildren. She described the scenario:

I rang the hotline after doing the decision tree, which stated to report immediately and to seek medical or police intervention if you are able to. The situation has been escalating over the last 12 to 18 months. I was under the impression that the mother was the sole recipient of physical violence. It has come to light that the children also are assaulted by their stepfather. This is the third report I have made to the department in relation to these children. The previous time I was advised to contact the school as well, which I did.

There is a necessity for increased oversight, accountability and transparency as well as scrutiny between the department and non-government provider, as is evident in this scenario.

I have also received feedback about the Brighter Futures program and how in the last two to three years the reduction in child protection funding and resourcing for the department has impacted the ability of the non-government organisation [NGO] sector to look after high-risk cases. It can be argued that the program was never designed to be delivered in this way and that having the community sector and the NGO sector working together with the child protection sector and the department to support families and children at risk is an essential part in the delivery of the program. At the same time, it appears that the department's obligations and capacity to act have been sufficiently watered down that the onus is now on the NGO sector to carry the weight of child protection in this State.

We should be asking ourselves how we might do better. Approximately 10 years ago a project was funded through the Western Sydney Area Assistance Scheme to support kinship carers. The kinship carers program was auspiced by the Springwood Neighbourhood Centre and funded for two years. It provided the most worthwhile and established support groups in the Blue Mountains, Hawkesbury and Penrith areas. It produced kinship carer resources to help them navigate the service system and get their own needs and those of their children met. I recommend greater investment in this program and others; however, they require a longer term funding commitment to produce long-lasting impacts and outcomes.

It is not possible to look at child protection without considering the issue of domestic violence. This State has witnessed a widespread destruction of the long-established women's refuge movement, with the loss of specialist women's domestic violence refuges. We need reinvestment in these specialist services. We also need to train and support workers. A high level of skill is required in both the government and non-government sectors to deal with these issues. I reiterate

that Labor's bill will ensure and prioritise better outcomes for the record number of children and young people now in care across New South Wales. I urge the Government to support this bill.