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PROTECTING VICTORIA'S VULNERABLE CHILDREN INQUIRY

**THE HON P.D. CUMMINS, Chair
PROF D. SCOTT AOM
MR W. SCALES AO**

SHEPPARTON

9.12 AM, THURSDAY, 30 JUNE 2011

MR CUMMINS: Ladies and gentlemen, it would be nice for us to commence. Uncle Ruben of the Yorta Yorta people is coming, but not here yet, so I think we might commence and invite him to welcome us to his country when he does arrive in case he's been held up a little longer than we expected. So I'd like to
5 commence, without speaking out of turn, by acknowledging the traditional custodians of the land upon which we meet, the Yorta Yorta people, and paying our true respects to their elders, past and present, and we look forward to their elders also in the future. In particular, we welcome you to this Sitting this morning.

10 Public Sittings are a most important part of the Inquiry, as I'm sure you appreciate. We've had the benefit of over 200 written submissions and we are publishing those on our web site in the next 48 hours. The written submissions are being studied by us, but the benefit of verbal submissions is they do bring
15 them to life and they enable also to have the benefit of questions and discussions with the persons who are making verbal submissions, so the verbal submissions are a significant part of the Inquiry.

20 As you know, the Inquiry was announced by government on 31 January this year and we received written submissions until 29 April, although we are still receiving some further submissions beyond that date and we're due to report to government in November of this year. The nature of the Inquiry, as you know, is that we're looking at the system of protecting Victoria's vulnerable children as a whole and, in particular, we are focusing upon providing solutions for the
25 future, so it's an Inquiry which is grounded in the present and very much in the data and very much in your input, but it is looking to providing a method for the future.

30 Thus it is that we do not look at individual cases and, indeed, in our brief from government, the brief was not to examine individual cases in the sense of inquiring into them as a Child Safety Commissioner might, or an Ombudsman might or, indeed, even a Royal Commission might and not look at individual organisations either in that Inquiry sense of looking at the past to allocate liability or to allocate blame. As you know, there are entities properly required
35 to do that. We, rather, are taking data from the present, being informed by the present and by the past, but not inquiring into it; rather, using that data to look at solutions for the future, so we are future-oriented and we are solutions-oriented and we do hope that at the end of the year when the report has been provided to the minister and, in turn, she tables it in parliament, it will
40 lead to a better future for Victoria's vulnerable children.

45 This is a Public Sitting and the corollary of it being a Public Sitting is that what is said here is publicly able to be provided in the media. We transcribe what is said and we publish it on our web site, so it is truly a Public Sitting. It is not a court of law, ladies and gentlemen, and there are two corollaries which flow

from that - neither of which I think will apply to anyone here - but I say that because it is necessary to spell out the nature of the proceedings here. In a court of law what you say in evidence is privileged against defamation, and that doesn't apply here. There is no privilege against defamation here because
5 this is like standing in a public space, like a town hall, and making statements, so it's a Public Sitting in that sense so the privilege against defamation and also against self-incrimination does not apply.

There are, as you know, specific provisions in the *Children Youth and Families Act* which quite clearly state that any person who has been through the process
10 of, in the past or present, of the Children's Court is not to be identified. They are protective provisions and they apply to all public statements, including any statements here, so do not refer by any means of identification to any Children's Court persons, whether they're witnesses or the subject of orders.
15 You can make the point, I'm quite sure, in a general sense without going to persons by name or other identifiable factors. That is a provision in the *Children Youth and Families Act* which I'm sure you're all familiar with.

So, ladies and gentlemen, we're pleased to proceed to receiving the verbal
20 submissions. The Panel is here. We're very fortunate to have two most talented and distinguished members of the Panel, Prof Dorothy Scott on your right, and Mr Bill Scales on your left. They've been a pleasure and an illumination to work with and we're very pleased to have them here to constitute the Panel for today and if I can go back to my seat so that we can
25 then receive the first verbal submission.

We're pleased, first of all, to invite David Tennant to come forward, the CEO of FamilyCare, and also Angela Armstrong-Wright, if she comes forward as well. So David and Angela, if you'd come forward and take a seat that's most
30 convenient. Angela, I hope the sun's not directly in your eyes, I think not.

MS ARMSTRONG-WRIGHT: No.

MR CUMMINS: That's good. If you'd proceed in a way that's most
35 convenient to you, David, in whatever order you'd like to take it in, we're very pleased to hear from you.

MR TENNANT: Thank you, Chairman, and we'd like to thank the Panel for
40 both coming to Shepparton today and for providing us with the opportunity to address you. We have made a written submission in late April and it's not our intention to cover the matters that are in that written submission, but we're happy to receive and respond to questions about the submission.

In our opening statement I'd like to perhaps deal with several issues that are
45 relevant to the things we have said in our written submission, but from

submissions we're aware that others have made we think it might be useful to make some clarifying or additional comments. There is one additional set of questions that we have that arises as a result of the Federal Budget announcements in May of this year that are specifically relevant to this community and we think have a bearing on some of the things that the Panel is considering in the Inquiry.

MR CUMMINS: Excellent. Well you take it that we have read and are familiar with the written submission and proceed on that basis.

MR TENNANT: Thank you. In relation to matters that have been raised in our submission and dealt with or referred to in similar ways in other submissions, we note that there have been a number of other bodies that the Panel has heard from that have also referenced the issues that the regional communities face and the fact that sometimes the provision of outcomes that are relevant in metropolitan settings will not necessarily automatically translate to the same set of achievements or achievable service deliveries in a regional context.

We were very pleased to see that. We note that the Centre For Excellence, one of our main peak bodies, has suggested to the Panel the idea of local networks. We think that's an idea that has some merit and that may be worthy of further development. We would perhaps put the rider on that observation that it sounds and looks in the form suggested in the centre's submission a lot like we experience our current Child First alliance as operating in practice. There have been others who perhaps have not had as positive experience as we seem to have within our alliance framework, but we are more concerned that the departments that have relevant scope in this area in their regional capacities have the ability to influence the way the policy reaches regional communities and from our perspective our feedback and our interaction with the department suggests that some of those messages either take a long time to get through in terms of influencing the rollout of policy, or they don't get there in ways that are actually on the ground in this community and the others we work in deliver real, practical benefits.

The second observation that we would make relevant to some other submissions, a number of other bodies, including Berry Street, the Centre For Excellence and VCOSS, and many others too numerous to mention, have raised concerns about the adversarial nature of Children's Court proceedings. We would agree strongly that there must be a better way to do that and we would urge the Panel to give consideration to the concepts of something that's closer to an inquisitorial system and we are particularly attracted by the idea that although we recognise there is great value in the circuit court system, circuit magistrates have a number of other challenges to deal with and in this particular area we see great strength in drawing from the wisdom within

communities to help respond to the problems in those communities, and so the idea of having tribunals that draw from those with expertise in that township or in that regional area is one that we think has great merit and is worthy of further investigation.

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We are also aware that a number of our colleagues' submissions have raised concerns about the quality of current consultation processes between government and community agencies. We'd like to start by saying we very much value all of the chances that we are given to engage with our government colleagues, and there are many of those. We also value the opportunities to develop protocols for the way that we work together to make sure that the work we do is properly tracked and it produces proper outcomes, but as we've said in our submission, we're concerned that some of that activity is more about the delivery of the document or of the doing of the activity than it is in keeping an eye on what it's intended to deliver at the coalface, and many of the people who are our experts who work in this sector because they're passionate about working with families and with children give of their time to engage with those processes and it follows that that's time not available for them to be doing work with the people that they're there to serve. So it's critical that when there are those opportunities for interaction, that they actually deliver real, tangible benefits and that they're actually constructed in ways that don't detract from the service delivery work and for the opportunity for community agencies to do what they do best, which is connect with communities.

25 Those were the main things that we wanted to make mention of relevant to our written comments, but I did mention that there were some things in the recent Commonwealth Budget that we have some concerns, or perhaps at this stage more questions about. The Panel may be aware that there were a series of announcements that the Commonwealth Government made that are relevant to this community that will commence rollout at various stages in 2012. Some are quite positive, things like the announcement that Shepparton will be one of the new spaces for communities for children activities is one that we think has great scope to build on terrific work that's already been happening here; but others, and in particular I speak of the income management program that will commence from July of next year, present for an agency like ours significant challenges and I'm sure that you would be familiar with what those challenges are and the range of community sector views on the issues.

40 For us the main challenge is how you reconcile the concept that you either take away or quarantine a significant proportion of a vulnerable family's income and expect that that will, in the short-term at least, be compatible with the best interests of children? We think there is considerable scope, when those decisions are being made and then being activated, for vulnerable children to actually be made more vulnerable and as yet we struggle with a lack of detail.

45 The budget announcements were a very tightly kept Canberra secret. I lived

for 20 years in Canberra, so I know something how Canberra does that. My understanding is that even other areas of government departments, including Commonwealth agencies in Victoria, are still yet to get the detail about how the rollouts will operate. Shepparton is one of only a handful of sites that has
5 been chosen for this trial around Australia and I believe it may be the only one where the Victorian legislative and regulatory framework interacts with the Commonwealth's income management intentions, so it's pretty important both for the way that we manage our work going forward in this community, but also relevant to the longer term vision that the Panel is obviously bringing to
10 bear.

MS ARMSTRONG-WRIGHT: Just to add to that, one of the things we're really concerned about or prioritising our views on is the rights for vulnerable families to be able to self-determine. We think that there is some very
15 important discussions that we need to have going forward in terms of income management, so that's one of those basic kind of principles that we're working from. We believe that in every opportunity our communities, particularly our vulnerable families in our community, must have the rights to self-determine, so that will be an ongoing discussion as the trials roll out for us.

20 MR CUMMINS: Excellent. I'm glad you've focused on those particular regional issues, that's why we're here, and I think that's very helpful. Now, Angela, do you want to add anything to that?

25 MS ARMSTRONG-WRIGHT: No, just in terms of a clarification to give you an example on the ground, which actually might be helpful. David has already explained that there are significant regional challenges that are different from metro Melbourne. An example is in the shires of Mitchell, Murrindindi, so we're talking about lack of services as just one example. There are no key
30 institutions in either of those shires, so there is no Centrelink office, there is no Family Relationships centre, a whole range of those kind of key agencies which actually a lot of other families in Victoria actually have immediate access to, so there are significant challenges that are particular which we've highlighted in our written submission about regional Victoria, so we think that
35 that's really important to make sure that, in terms of the Inquiry, that the regional views and needs are considered.

MR CUMMINS: We certainly regard that as most significant, that it is viewed with knowledge of and through a lens of the regions, not just the
40 central area, yes. Picking up those three areas, perhaps in reverse, income management, administration-dominated and then the regional tribunals, on income management you've really addressed two different levels, both of which are important, one is the actual impact and the other is the self-determination issue, which is more of a general concept, but very
45 significant. How do you envisage this will roll out? Do you have a concept of

how it's going to roll out and what needs to be done about it, bearing in mind that our focus is on the vulnerable children, and as you said, David, they're going to become more impacted upon. If the family is, it will impact upon the children in turn.

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MR TENNANT: At the moment we have relatively general information about how the program will work and we know, for example, that there are three streams of referral for income management. The first is an opportunity for people to self-refer, so that families that believe they would benefit from a system of that type where somebody else basically takes over administration for a segment of their income for a period of time and that they would benefit from that, then they can volunteer to do so.

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The second is that Centrelink staff have a range of criteria for the social workers to work with to identify vulnerable families and to determine that those families could benefit from income management. My understanding is that they will be income-managed to 50 per cent of their income. The third stream is one that would see state offices from within the Department of Human Services and in the Child Protection area making recommendations to refer people for income management where a segment of 70 per cent of that person's income would be then income-managed.

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Beyond those sort of details at the highest level about how the program is intended to operate are all of those other - I call them machinery or government questions as between the Commonwealth and the state on how that training and expertise will be built between the two authorities, how the various approaches to administration just at a basic level will work. We don't know how or when that will be occurring. What we anticipate though, knowing that this is about people whose predominant incomes are benefits and who are in or facing crisis, that a great proportion of our client group will from time to time fall into that category, so we can assume I think that those who formed the basis of our core clients are people who may be in the frame for income management. We also know from the Commonwealth's broad figures that what they're anticipating is a number in the order of 1,000 per year per income management site to be referred through to the system. Whether that figure is a cap or an aspiration, we don't know. There are no details as yet.

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MS ARMSTRONG-WRIGHT: In reading the research from the trials, both in Queensland and Western Australia, I mean there is still some work to do in terms of vulnerable children. There have been examples that we're aware of which is some of the review of the trials in terms of income management making sure, I guess, that the best interests of children are actually not compromised in terms of actually income management, so ensuring that at all times I guess best interests of kids are actually the priority in terms of income management when it rolls out. Our understanding from some of the

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5 evaluations from the trials is that there is very limited evidence about whether the outcomes or wellbeing for children have actually improved significantly through the income management trials in Western Australia, so we are interested in seeing how it's actually going to transcribe here in a very different environment that has been operating in Western Australia.

10 MR CUMMINS: They are operational matters which are of the highest significance because of the impact. What about the self-determination issue? What further would you like to say on that because that's really an underlying or if you like an overarching, if you want to use the other metaphor, issue. If it's going to happen, it will happen presumably, so it's really an issue which is, in effect, being progressed through, rightly or wrongly. It seems to me that that's really something we're just going to have to deal with on a practical level, isn't it?

15 MS ARMSTRONG-WRIGHT: Yes, I think so. I think if we take it that income management is a given and will roll out, I think there's still a lot that we can do in terms of running income management as an educative kind of a process. So rather than actually being a punitive process, I still think that our most - - -

20 MR CUMMINS: It's an important distinction.

25 MS ARMSTRONG-WRIGHT: - - - yes, our most vulnerable families and children, as a practical example, a lot of our very vulnerable families are the best money managers that we've seen, so I think we should be working from a strengths base kind of perspective and ensuring that there is an educative process for our families through that process so that it's not a process where the people are stuck in terms of being income-managed for the next five or 10 or 30 20 years but, in fact, we can actually help families to grow and strengthen, so I think there's some really basic underlying principles that we shouldn't be taking for granted in terms of this rollout.

35 MR CUMMINS: I think that's a very important and positive point that you've raised, Angela, and underlying that is treating people with respect. That's the fundamental, isn't it?

MS ARMSTRONG-WRIGHT: Yes, absolutely.

40 MR CUMMINS: Prof Scott or Mr Scales, would you like to ask any further questions on that, or any other matters, because I'd like to come back to regional tribunals before we finish.

45 PROF SCOTT: Yes, I'd like to come back to regional tribunals with you, so I'll hold on that one and I might just talk a little about income management, but

then I'd also like to pick up the local media public health promotion innovation that your agency pioneered and which has now ceased which you refer to in your main submission. Perhaps if I speak about income management and Mr Scales may have questions about that, so we might stay with that and I'll return later to that other issue.

MR CUMMINS: Yes, because that's an immediate and regional issue.

PROF SCOTT: Yes, and one is I guess more of a philosophical or general issue and the second is more specific. So the more specific issue, let's start with that, is that, for example, with young women who are on a supporting parent's benefit where I understand there will be a requirement for participation in education or training, would you see the services in this region in relation to child care, but also the receptivity and accessibility of educational and training institutions being ready for this move? So that's the first part and then perhaps there is a philosophical issue about income management. So is the service infrastructure actually ready to provide what will be necessary for enabling young mothers to participate in education, training and preparation for employment?

MS ARMSTRONG-WRIGHT: I think it varies significantly from local town area or local government area in this Hume region. For example, the Shire of Moira which is Cobram, the north shire, there is very limited services full stop, but there is also limited training and employment opportunities, so there's no local TAFE, big TAFE, there's no local university. Shepparton, probably more so, has more infrastructure and more tertiary kind of education opportunities. Again, Shires of Strathbogie, Mitchell and Murrindindi, which are the southern shires, very, very limited opportunities in terms of training and education, so I think it varies significantly from kind of local town to town. At the moment, my understanding is that the team (indistinct) is Shepparton-based only, so I guess that there is probably more opportunity for it to either succeed or do well in Shepparton than it would be in any of those other areas in this Hume region.

PROF SCOTT: And child care specifically, affordable child care?

MR TENNANT: The question that we have is the rather oblique reference in the Commonwealth's releases about this too, the costs being almost covered by the Commonwealth. We don't know what "almost covered" means and we don't know what they have in mind. Now, if the question is just very plainly about numbers and allocations, I suspect there may be some pressure to grow that capacity in the local community, but that there probably is capacity to do that. How the people who will take advantage of or be required to stream into that process afford it is a separate question and I'd suggest that if there is any gap between what will be covered by the Commonwealth and what's expected to be paid by a participant, given that we're talking about people on very low

incomes who are going through a very significant life change, any gap is going to be too much. We'd prefer to see it fully covered.

5 MS ARMSTRONG-WRIGHT: Again, in a regional local town like Shepparton, a bit going back to the income management about the respect, we need to be ensuring again that local teen mothers particularly are not stigmatised when the process comes in and there's media. I think again we need to be ensuring that this is a positive move about trying to encourage our most vulnerable members of the community, and I think there is always the
10 opportunity that it can actually flip over to that really negative side, so again that's something that we'd be really keen in terms of ensuring that a positive is maintained.

15 PROF SCOTT: Thank you. My other question was a more conceptual or philosophical one and that is that in a number of our sittings we've been having discussions with people about what are the levers that might be potentially able to be used with families where income is not being used in the interests of children: gambling, alcohol, drugs. Clearly a Commonwealth benefit which is designed for children is not benefiting those children and children not attending
20 school. There is a potential to use child protection legislation, which is a very heavy-handed use of the state's coercive powers, there is a potential to fine parents in some jurisdictions for children failing to attend school. Do you have other ideas, as opposed to income management, for how in fact we as a society might use some levers of authority which has a minimum coercive impact but
25 actually is effective in addressing what is a very serious social issue and if we're to prevent children being harmed and children eventually coming into state care then we need to find a way of responding to families whose behaviour is not in accord with the norms of the wider community.

30 MR TENNANT: I wonder if I might respond first to that one. I've described this particular process as being the end point of a continuum where the continuum hasn't been built and it is a punitive measure and in some circumstances that punitive measure might be entirely appropriate, but there are other ways that it has been delivered in other parts of Australia, and the
35 example in Arakoon where it is a judicial decision rather than an administrative one and where there is engagement with the people who are being considered with income management and their supports within local communities before a decision is made, that's a much more resource intensive but we think more likely to produce sustainable change than just moving straight to an
40 administrative outcome.

In terms of what other supports might exist before you get to that point, my strong preference would be that we make better use of incentive-based programs. There might be a necessity to clearly say to people, "If this doesn't
45 work, there are other things that may flow as a consequence," but carrot and

stick in the delivery of the sorts of services that FamilyCare provides is the last resource. Carrot and carrot is a far better way to engage people who are disengaged. Using an approach that takes away a person's ability to self-determine when they're angry and disengaged is not likely to make them any less angry or disengaged.

MS ARMSTRONG-WRIGHT: And if we think about the current structure with Integrated Family Services, you know, our staff are working with families every day on the ground, financial management comes up every day as part of that overall, so I think there is some real opportunities to actually either expand skills profession workforce rather than creating a whole other system when we have fantastically skilled and professional staff on the ground working with families in terms of trying to do the carrot and carrot every day. So I think without being hugely resource intensive, there are great opportunities before us to actually do something that's a bit innovative around the education and supporting families.

PROF SCOTT: Thank you.

MR SCALES: Can I just continue with the same discussion. There is no doubt that the people who are coming and talking to us in some of their submissions are making the very same point and they talk about it clearly in the context of early intervention, prevention and I don't think there is any doubt that conceptually people can understand why that's the right thing to do. But it seems to us we also have this grey world where it's not quite a group of people who are prepared to accept the logic of early intervention and the support that that brings and those that are not yet quite involved in the child protection system is where that high level of vulnerability is.

I suppose that the essence to some extent of Prof Scott's comment is how do we bridge that gap? How do we find a way whereby we don't quite use coercive powers of the state, but we do a little bit more than say, "These services are available," and hope that they might see the logic of actually taking up those services because it's in the interests particularly of the child, but might also be in the interests of the general family. Do you have a view about that? I mean to some extent you've tried to cover this in some way in your submission I think, but can you help us with that dilemma?

MR TENNANT: We used I think in our submission in one area the word "trust" and for us the key engagement that community agencies have with their communities is the trust that they can build about their interest in the wellbeing of that community. The closer community organisations come to the formal end of the child protection system, the more difficult it is to build and maintain that trust. The more we are able to listen to, walk with the people that we're working with and to engage them about their needs and come up with solutions

for their needs, the more likely it is that we'll be able to successfully do some of that early intervention work. But if I could switch gear for a moment, I think we also need to take a realistic view of what we believe success is.

5 My background before coming to FamilyCare was predominantly in the financial services area and in particular with the financial counselling sector - and Australia has had a very large conversation about financial literacy and what that means and what it looks like - and in the early stages there were large messages going out in a public health style that said things like, "Good debt is
10 borrowing money to buy an investment property. Bad debt is borrowing money on hire purchase for a lounge suite."

If you reduce that to the ordinary household level, it's an odd message to say to people, "You're doing the wrong thing if you're borrowing money to buy a
15 house that you've no intention to live in. But you're making a stupid decision if you're borrowing money to buy a dining table for your family to sit and eat dinner together." What are the celebrations of success for ordinary households that are struggling? They're doing basic things like putting a roof over their head, feeding and clothing their family and staying safe. Sometimes I think we
20 get caught up in the idea that success is constantly about nudging a bar higher when people are not yet ready or able to reach the bar that we set them, and community organisations I think are well placed to actually listen to and learn from the lived experiences of those people and to respond to those. The closer we get to the child protection system, the harder it is to do that.

25 MS ARMSTRONG-WRIGHT: And, again, in a regional context it's particularly important locally. I mean it's our ongoing reputation, it's our local businessmen that donate to ensure that our services can continue, so locally and regionally it's very important our local respect and our reputation within local
30 communities is very important, so we are very conscious of that which goes back to your point, Dorothy, about our TV ads which may also address some of your questions, Bill, around the designing - which I can proudly say I was part of the team.

35 The idea was very basic around trying to reduce the stigma for parents at any level to be able to go and access services, so the point of the ads were around saying very much a public health model message like Quit, like Life Be In It, that parenting is hard work for all of us, whether you're vulnerable or not, and so to try and go and access a parenting service or a men's service is part of the
40 norm, it helps your family and there is no stigma attached to it, there is no sign of failure. But again, as we put in our submission, fantastic idea, immensely proud of that, but very, very expensive to run and regionally we had great feedback. So we're interested in that and it did start to create some really good discussions, but the sustainability of this is difficult for a relatively small
45 regional provider.

MR SCALES: I just want to keep coming back to the point. I accept your point that trust is a fairly important issue, so thank you for that. How do you, in a public policy sense, think about that, operationalise that, make sure that in retrospect people come back and say, "Why didn't they do something about that?"

MS ARMSTRONG-WRIGHT: Sure.

MR SCALES: So give us your sense of wisdom about how one might take that sort of conceptual idea into something that's a bit more operational on the ground that you might even be able to use to encourage, support, bring those vulnerable families, and particularly those with children who need support, into the system when they need a nudge to do so other than simply being encouraged by ads or something like that to do so.

MR TENNANT: I was fortunate about five years ago, perhaps a little longer than that, to be involved in a research project in the ACT called the Community Inclusion and Household Debt pilot project and the concept of the project was that families that were nominated as having difficulties, and predominantly the focus was on a financial difficulty, but invariably there were a number of other issues that were going on in those households as well, were provided with intensive case management and, most importantly, some not insignificant brokerage to try and tackle those particular issues.

Now, it was different from the normal style of case management service delivery because there was a far more intensive nature to it and it was, in the early stages, open-ended so that people almost had someone on-call and available to them for a period of time and the money allowed, once blocks were identified, for the household to take advantage of that resource to move that block, whether it be the purchase of a particular piece of equipment for the household - in fact in two instances I believe people had significant dental work done, which meant that the significant income earner in the family was able to get a job again because they could go to an interview and smile at the interview panel rather than be embarrassed about going in the first instance. So those sorts of interventions are uncomfortable for governments because they feel like there's an expenditure of a vast sum of money in getting them off the ground, but if you compare it to the investment that's involved in something like income management, I actually think it stacks up quite well.

What's coming out of Western Australia suggests that the investment per house per annum to income management is something in the order of \$65,000. The program that operated for that household debt pilot was in total a smaller sum than for one family being income-managed. So it's the relative commitment of governments to try different things and where in the system of escalating

problems you choose to make that commitment. At early stages in that process invariably it will involve greater investment, but you would hope that greater investment initially leads to some savings down the track when matters that could have been prevented don't escalate to the crisis end of the system.

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MR SCALES: Can we just continue this just for a couple more minutes?

MR CUMMINS: Sure.

10 MR SCALES: Let's try and operationalise that for a moment.

MR TENNANT: Sure.

15 MR SCALES: So are you then arguing that what we now want is a different assessment process initially, followed by a process whereby that assessment might bring forward a package of resources - using your term - under a brokerage approach that might be able to be allocated based on the need of the family, is that the approach that you're talking about?

20 MR TENNANT: You're probably taking it to a more organised level. I mean I'm responding to a question with an experience from my background. We'd be happy to take away the proposition and respond to the Panel on notice.

MR CUMMINS: You're welcome to do that.

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MR TENNANT: But if I were to give a knee-jerk reaction today it would be to say, absolutely, if there is opportunity for agencies like FamilyCare to do both more preventative work but to have greater resource and flexibility available to us in that early intervention stage to try and work lateral solutions with families, we would think that was a fabulous thing.

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MR SCALES: I suppose what I'm trying to do, and please remember that the Panel is still at early stages of deciding where we should go with much of this stuff, but I'm trying to understand how we bridge the gap between picking up children and families when they're in crisis mode, to doing so in an organised and practical way at some point prior to that particular point of necessary intervention and how we might turn that into not just an idea, not just a set of concepts, but some practical, operational things on the ground in a way that can make sense for you and the people that you're very sensibly working with.

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MS ARMSTRONG-WRIGHT: There are existing a number of initiatives, one is the introduction of the early childhood development workers across Victoria. In terms of the early intervention end, we're seeing amazing results doing the secondary consult work with maternal child health, hospitals, so a real strong focus on particularly two and under, so there's a real practical example

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currently in Victoria which is having fantastic results, which could be one of those levers about actually getting in very early with families and again non-stigmatising getting in early so everyone who attends an antenatal or prenatal kind of class at the hospital actually receives the same information and can be identified quite early and picked up. So that's one example, a practical example on the ground which possibly has some more leverage to actually think about that in terms of expansion.

The other kind of opportunity in terms of - which is thinking a little outside of the square - is going back to the public health messages, you know, it takes a village to raise a child, is to start thinking about connection back to communities. I think sometimes we think about vulnerable families as being isolated, living in a house with family violence and chronic neglect, but I think that there's a real strong sense that we need to start thinking about some of our vulnerable families in terms of connection to their local community, so having kids involved in the local footy club, having kids playing netball. They're the key things that often our vulnerable families don't get to do, which then again creates isolation. They're not expensive things to do, but it's just a different way to start actually conceptualising and thinking about how we build those strengths around families, rather than thinking about putting money into one single family, isolated family that is vulnerable, so they're just a couple of examples.

MR SCALES: I think that what you're in a sense articulating is why this Inquiry is in place because we want to be able to think about it as a system, not about individual events that we put a bandaid on and I suppose what we're encouraging you to do is to go away and think about how we join the dots here in a way which is a bit more coherent than might be currently happening for those families. Philip, can I just continue on in a slightly similar vein but not quite in the same vein and it's in relation to your comments about Families First - sorry, Children First - I think there is a mention to Families First somewhere in here, isn't there, a program called Families First.

MS ARMSTRONG-WRIGHT: Yes, that's right.

MR SCALES: But it's not that particular program, it's about Children First and the way in which that operates. You're describing I think a system that's under tension, if I could put it that way, and I think you talk about it, if I can quote, your overall impression is that the system is currently mitigating against effective prevention and early intervention strategies in general.

Can we just chat about that for a moment? I should preface it by saying that almost universally people come to us and say how conceptually helpful that idea is, the idea of sort of the Child First approach, but they're also saying that it's a system that seems to be under pressure for a range of reasons, and you've

talked about in your submission a number of ways by which you're observing that being under pressure. Can we talk about that for a moment, not in any negative way - I'm not suggesting that for one minute - but think about the possibility of that very sensible and helpful idea being expanded, developed, changed to make better use of the idea in the way in which it might help vulnerable children and families.

MS ARMSTRONG-WRIGHT: I think when Child First first started there was a view that it would play a significant role or a role in the early intervention, picking up the early intervention prevention end of the spectrum. I think that over time the pressures, you know, the Child Protection end, their threshold end is this much work in terms of the seriousness, the risk. The bulk of that next layer of work, which is where we see lots of those long-term chronic families with multiple, complex issues is where we are now starting to see the system starting to slow and bog down.

So in terms of triaging risk and need at this end, we are now seeming to be doing a lot of focus on this very complex, long-term chronic work, which doesn't quite meet the Child Protection threshold, sometimes they flick in and out, and I'm not sure that that was the intent when Child First first started. So I think that there are some opportunities to either bolster the early intervention prevention end and then also look at some innovative ways to be working with the big chunks of work that sits in that middle part.

I think that the key points is that it probably wasn't the intent of Child First at the start, but we are still able and wanting to do much more of that early intervention parenting educative-type work, but I think the current legislation and priorities in terms of triaging risk and needs for children in terms of the best interests principles sits in this area, so I think there is a dilemma, and it's not just here locally, it's certainly across the state. So I think there is some thinking to be done about those three kind of areas that sit across that spectrum still, which we've talked about for many years.

MR SCALES: Sometimes we get sort of disclosed preferences emerge that you put organisations in place and the need automatically changes too, because they're so good at meeting a particular need, that they meet that need very well, but then it leaves gaps and we might be at one of those turning points where we now can observe how Child First is actually probably doing a pretty good job at that end and now we have to say, "Well, what has it left that we need to now start thinking about again?" I mean this is difficult to ask you on the spot, but you might want to think about that as well and if there are issues that you think you might be able to help us with in that regard, we would - I certainly would anyway, and I'm sure the rest of the Panel would - we would value some thoughts about that.

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MR TENNANT: The one thing that we would be clear about at this point is that there has been some suggestions that because of that success in the delivery of the Child First capacity, that somehow that gives an opportunity to consider removing some of the resource at that tertiary end of the system and so that you can now start to invest less in the child protection end. We would disagree with that very strongly.

MR CUMMINS: We understand that.

MR TENNANT: We don't think there is any evidence that suggests that now is the time or the proper place to be making that sort of - - -

MR SCALES: No, and I wasn't suggesting that for one minute.

MR TENNANT: Sure.

MR CUMMINS: But it is salutary to say it though to make sure we don't lose sight of it. Now, the theme has come through very clearly in a lot of areas that there is too much what used to be in the pre-electronic age, paperwork, it's now administration. Can we just come back to the question of regional tribunals, David. We acknowledge what you've said about the circuits. What do you have in mind there? You said you want to draw on the strengths of the regions, which we strongly support, but what operational concept do you have in mind there?

MR TENNANT: The concept that we were making reference to was one I think that comes out most strongly in the Centre For Excellence's written submission to the Panel. The idea that you would have perhaps a panel of three, similar to the way that this Panel is configured, where you have a Chair, a person with a long experience in a particular community and respect because of that long experience in the community and others who bring to that discussion of the issues before the tribunal expertise relevant to the case that they're considering. So if it's a child protection matter, it may be somebody who has had a significant period of work experience either in the delivery of human services or in the delivery of psychological services where the welfare of children has been at the centre of what they've been doing so that those people are not only informed and expert on the issues coming before them, but they also have the added layer of being experts in the things that are available within that community to support those people at that point in the process.

We'd also make special reference of the fact that violence is a frequent issue in many of these problems and although it's wrong to just leap to automatic conclusions that all perpetrators are men, the reality is that the majority are and in this particular community one of the things that the courts are telling us is that the instances that are coming through their family violence lists are

increasing, where other areas of their work might be decreasing and our ability to find meaningful, useful additional service options for men is very difficult. FamilyCare has invested some of its own resources in making services to men available, but they go into a system that is of its very nature confrontational.

5 Some of it requires that because the outcomes must be that they take responsibility for their actions, but in terms of engaging with the questions about how that family either functions or is effectively disconnected in ways that are safe for everybody, their engagement with that process we think is going to be greatly enhanced by a process that makes them feel that they're less

10 intimidated by and confronted by or can engage with in a way that's different say to a criminal process.

MR CUMMINS: Prof Scott?

15 PROF SCOTT: Yes, a request really in relation to your community education initiative. The former CEO of FamilyCare shared with me those materials and that is one of the most impressive initiatives I've seen in many, many years using local people who featured, enabling staff to go on the radio, very positive

20 messages about seeking help - it was quite extraordinary. It would be very helpful to us if you could, in writing, give us a description of how that was done, the costs - I understand the costs of production were actually remarkably low, that's not where the cost factor is - and that radio and television used free

25 community service slots to a significant degree, but I understand that wasn't in the long-term where the costs were.

While it's very hard to evaluate those, I think there is probably some data your agency may have on increased self-referrals for some of your services that flowed from that. I think pride of your staff was enhanced by that public profile, so it would be very helpful to us to have a very full, thick description

30 with costs of that social marketing health promotion model and what you would do again which might be slightly different or might repeat it in a similar model, if such resources were available, and thinking about resources beyond government, just thinking how a large bank has got involved and interest-free loans which were pioneered by the community services sector, where there

35 might be corporate support, particularly where sponsorship was part of that, so if you could think more about where you would take that initiative if you had the opportunity and sort of forward that to us, that could be extremely helpful.

MS ARMSTRONG-WRIGHT: We can certainly do that. I'll just pick up a

40 point, it's interesting you talked just about the self-referrals. I think in terms of the nature of the spectrum of the services, FamilyCare has always prided itself in all of the regions that we cover on having a very high self-referral rate, which is interesting in contrast to other regions across Victoria. So relatively low child protection referral rates, although significantly increasing over the

45 last six months or so, but a significant self-referral rate. Now, that's something

that's very important for us because it clearly shows that people are wanting to get services, early intervention prevention in, so that's interesting, so that does relate in part back to the (indistinct)

5 PROF SCOTT: Thank you.

MR CUMMINS: Mr Scales.

10 MR SCALES: Just two quick questions. You make reference in your submission to some elements of out-of-home care and one particular one you make reference to is the support for young people leaving care. What did you have in mind in terms of the issue itself and what might be the long-term solution for that?

15 MS ARMSTRONG-WRIGHT: We don't actually provide out-of-home care services as an agency, so I'm not sure where that was referenced in there. Generally in terms of leaving care we would say that there is a significant investment about ensuring that children who do leave care actually are well supported past the 18 years, and I think that's picked up in a number of other
20 submissions, that there is certainly a need to be supporting those kids that actually get to that end of that. I think the reality is that kids don't leave care, the care leaves those kids. So I think there is a notion that we need to ensure that they are supported far longer into the future.

25 MR SCALES: You made an oblique reference in your submission to the issue about FamilyCare's view of the services to men are a vital part of the prevention response, but you don't give any details of what you had in mind there. You can take it on notice if you wish, but if you had an immediate response that might be helpful.

30 MR TENNANT: Sure. We're happy to provide the Panel with details of a proposal we've actually got before the Legal Services Board at the moment, which is an intensive opportunity for one-on-one support for men who are involved in the court system in relation to violence and although we do have
35 opportunity for one-on-one counselling, it is a very limited part of the service provision that we are able to provide at the moment and predominantly what we do is group work. Group work has its place, but it doesn't reach everyone and it isn't automatically to be assumed as covering even the issues confronting the people who participate in and actually get something from the groups. So
40 what we are after is something that allows us, where there are problems that are longer lived or of a nature that require that incentive support, to be able to do that and at the moment the difficulty we face is that most of the men's work that we're doing, in fact we're resourcing with FamilyCare reserves rather than actually having it resourced by the places that generate the work in the first
45 place.

MR CUMMINS: Well, David and Angela, that's been most constructive if I may say so and most helpful. We'd be very pleased if you sent something further in along the lines we have discussed because we'd be very assisted by reading it, but that's been a most constructive and productive submission both in writing and verbally, so David and Angela thank you both very much. Our good wishes to you.

MR TENNANT: Thank you.

MS ARMSTRONG-WRIGHT: Thank you.

MR CUMMINS: Next, we're pleased to invite Ian Michaelson, Victoria Legal Aid, to come forward. Thank you, Ian, very much. We're pleased you're here from Horsham.

MR MICHAELSON: No, Shepparton. Ian Michaelson, Shepparton Legal Aid.

MR CUMMINS: Shepparton, yes, thank you.

MR MICHAELSON: Can I first thank the Panel for this opportunity and acknowledge the traditional owners upon which we meet and elders past and present of the Yorta Yorta and Bangerang people.

MR CUMMINS: Thank you, Ian. Now, we've had the benefit of reading your submission and, in particular, those three matters at the end.

MR MICHAELSON: Yes.

MR CUMMINS: Could you perhaps say a little bit more to us about the dedicated Children's Court day?

MR MICHAELSON: Well, as the practice currently is, there is no dedicated Children's Court day allocated in the region, so Children's Court matters are - well, what I should say is no separate Children's Court day. We do have listings on a Monday, this is at Shepparton I'm talking about, but that's not exclusive for Children's Court matters and so there is an adult mention court system operating at the same time and it's the view of myself and many other people involved in the system that Children's Court day should be exclusively for children.

MR CUMMINS: Would that link in with your third point about the children attending court? Would that make that easier, do you think, or are they separate matters?

MR MICHAELSON: The desirability of children attending court, clearly in the criminal division children need to attend court, but in the family division I think it's universally agreed that unless a child expressly desires to be there,
5 that attending court is not probably the best place for them, and if a process can be developed whereby they are not attending court, but rather giving their instructions away from the court to a solicitor in an orderly, calm environment, that's preferable to coming to court, waiting in the foyer and being exposed to all that environment, which is clearly not the most desirable, particularly in the
10 context of a child already traumatised.

MR CUMMINS: Ian, that's a theme that's come through quite strongly in some other submissions, but you as a practitioner in the Shepparton area, how would you handle that as an ongoing matter? You'd have much more expertise
15 of this than I have, so fill me in on that a bit?

MR MICHAELSON: My paper largely is a case study - - -

MR CUMMINS: I saw that.
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MR MICHAELSON: - - - of really what can be achieved through the cooperation of two agencies, namely the Department of Human Services and VLA. As I've said in the paper, before we commenced operation in Shepparton the practice of the appointment of legal representatives for children was very
25 ad hoc and quite often children were being brought to court, the protective worker was picking or selecting a legal representative, usually someone who happened to be there on the day or, if time permitted, a phone call may have been made earlier, and then the child's instructions were being obtained almost at the door of the court before they went in. The paper points out a number of
30 problems associated with that practice, so a protocol was developed through our office and the regional office of the Department of Human Services whereby the allocation of legal practitioners to the children would, as far as possible, be done in advance where a procedure could be followed, where the conflict of interest issues could be gone through first and foremost, the
35 allocation of a lawyer would then take place, one that had been on the panel, the Victoria Legal Aid's panel of children's representatives, and then instructions hopefully can be obtained in a more orderly fashion as well rather than at the door of the court.

40 MR CUMMINS: You'd know from your own experience that having the last minute instructions is the worst of the resorts really.

MR MICHAELSON: Indeed.

45 MR CUMMINS: Taking them upstream is much better.

MR MICHAELSON: And you often had the situation where the case is called on, been stood down, called on again, stood down and the child's waiting in the foyer, the legal practitioner is hoping to get a room, the physical facilities of the court's inadequate in order to take the instructions. If you can get a room, you were most fortunate. We have made, as the paper indicates, some changes - here in Shepparton I'm talking about - whereby at least now we have a dedicated room in the court for the seeing of children and, where possible, a magistrate is rostered on exclusively for the hearing of Children's Court matters on a Monday, that's in court 3; but nonetheless you're still operating in a mainstream mention system as well.

MR CUMMINS: Your three recommendations, which are very sound I think, they're really linked together, aren't they?

MR MICHAELSON: Yes, they are. They're linked together to produce better outcomes for vulnerable children going through a court process.

MR CUMMINS: And a better process for them leading to those outcomes.

MR MICHAELSON: That's right. Again, like I said, if it's a case of cooperating with the agencies, the earlier notice that can be given to our office, the quicker the arrangement can be made for the allocation of legal practitioner, the more suitable the arrangement can be made for the seeing of the child away from the court environment, if possible, and then the obtaining of the instructions, as I said, in a calm environment and then going to court and then presenting the child's instructions. It's far more orderly and, as I said, in the context of a vulnerable child previously traumatised by other issues that have brought them to court, if we can minimise that forensic trauma, all the better for the child.

MR CUMMINS: Indeed. I thought your case study was very illuminating and I think, as I said before, I think the three recommendations linked together as they are, are very sound recommendations. Prof Scott, is there anything you'd like to add?

PROF SCOTT: No, I have nothing to add, but thank you, it is very sensible.

MR CUMMINS: Mr Scales?

MR SCALES: The recommendations seem to me to be able to be applied only to the extent that we have the resources to do so. Can you give me a sense of the number of cases that there might be allocated in any one day?

MR MICHAELSON: Well, in our office - - -

MR SCALES: Yes, in this region, say.

5 MR MICHAELSON: Look, I'd just simply be guessing, but usually my office manager who does the allocations would be better placed to answer that question, but I would say that on any given day we'd probably get at least one - that's in the region.

10 MR SCALES: That's in the region, so that it's not as though there is going to be a huge number that would be required to be applied in these circumstances?

MR MICHAELSON: No, it's not. Sometimes you get more than one, obviously, and sometimes you don't get any.

15 MR SCALES: In your view, you have sufficient private lawyers, solicitors to be able to take these cases if the Legal Aid office isn't able to take it themselves?

20 MR MICHAELSON: Yes, we do. We have a number of panel members and in the event though that we can't, due for conflict of interest reasons, secure a panel member, then we have to look beyond that. That doesn't happen very often, but occasionally it does.

25 MR SCALES: So if you were to apply, for example, the idea of having one day set aside to handle child court matters, it wouldn't be swamped or anything like that, it would be able to handle it in that one day?

30 MR MICHAELSON: For certain. Clearly, given the nature of apprehensions, they can happen any day and you can't necessarily have them dealt with on a dedicated Children's Court day. But on the return dates, of course, every date should be going to that particular date with obviously a magistrate perhaps even allocated, trained in the family division, which they all are, a dedicated magistrate to deal with those type of matters.

35 MR SCALES: Thank you. I was also very interested in sort of the presumption in 3, the presumption that the child doesn't go to court unless the child wants to go to court.

40 MR MICHAELSON: Yes.

MR SCALES: That's a very interesting way of thinking about it. Thank you.

45 MR CUMMINS: I think that's been very helpful, Ian, so thank you very much and keep up the good work, as one lawyer to another would say.

MR MICHAELSON: Thank you very much.

MR CUMMINS: Next, we're pleased to invite forward Desley Harris of the Foster Care Association. Good morning, Desley.

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MS HARRIS: How are you?

MR CUMMINS: Thanks for coming forward.

10 MS HARRIS: No worries.

MR CUMMINS: Des, we have had the benefit of your written submission, which we have read, so you can take it that we're familiar with that and we'd be very pleased to hear any matters you'd like to add or any particular focus you'd like to emphasise to us.

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MS HARRIS: No, I had planned to just read that.

MR CUMMINS: Certainly.

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MS HARRIS: Do you want me to read that?

MR CUMMINS: Yes.

25 MS HARRIS: My name is Desley and together with my husband and children we've been caring for 19 years. Over this time we have cared for many children and young people of all ages and in all types of care. Currently, we are caring within the Circle program for infants and young children. I'd like to thank you all for the opportunity to highlight the strengths in the current system and to suggest some areas for further improvement to ensure the best outcomes for children and young people in care.

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While we know that the DHS carer reimbursement is only meant to be a contribution towards the costs of the day-to-day care of a child, I believe the general rate of reimbursement does not adequately cover the expenses associated with caring for a child. We currently receive the therapeutic rate of reimbursement and know that if we didn't we would have to put a significant amount of my husband's income into the cost of caring. This would place added pressure on us as a family.

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Costs associated with a child include all the household day-to-day costs, plus transport, clothing, incidental school costs, as well as the social costs like friends' parties, pocket money and pets. There are also expenses incurred in relation to extracurricular activities, these are all before consideration goes into the complex needs, resulting from trauma the children have experienced.

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5 I am aware from other carers in the region that the process of deciding which rate of carer reimbursement applies to which placement is unclear and lacks transparency, is rarely made in consultation with the carer. The rate of reimbursement appears to be rarely reviewed or difficult to get reviewed once the placement has commenced and the child's behaviours and/or specific needs are exposed to the carer. Also, explanation of who will pay for therapeutic services such as tutoring, occupational therapy and counselling needs clarification.

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Carers are often confused as to who pays for extra expenses. I am lucky that I've been caring with my agency for so long that I feel confident to ask for what the children need if I'm not able to provide it. Other newer carers are not always informed of extra funding that they may be entitled to ask for. As a therapeutically trained and accredited carer, I see many benefits in programs such as the Circle program. I hope that authorities will increase foster carer therapeutic skills through training, information and skill development sessions with expert facilitators. Carers of children with specific and special needs require training information in various therapeutic topics. This is vital to ensuring the highest quality of care. Some of the things that are important in assisting carers undertake this training are to ensure that child care is provided and training information sessions are convened at times that make it possible for carers to attend. I also think that consideration should be given to covering expenses associated with attendance at these sessions.

25

In our care of children we think it is important to create a healing environment, this requires us to be therapeutically trained, it also requires us to have access to resources that will assist in the healing. Access to such activities should be timely, with a clear understanding that DHS would fund it as necessary. Carers know the children and young people in their care best, we live with these children and are charged with meeting their day-to-day needs, along with assisting them to heal from the traumas they have suffered.

35 In a care team setting I am given the opportunity to advocate on their behalf and it is important to me to be seen as a professional within this situation. Systems need to be implemented that actively recognise and involve all carers as valued and contributing members of the team. Children that come into our care sometimes move into permanent care. We all know that such change doesn't automatically heal them from previous trauma. I believe that permanent carers deserve and need ongoing financial support to gain services such as counselling, educational assessment and mental health services for children placed in their care. These children are often placed as young children and problems only become evident many years later as the child reaches adolescence, by which time it is often very difficult or impossible to access any supports.

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Lack of ongoing support for permanent carers, whether it is physical or financial, often prevents many children from being able to progress to permanent care. This is because they or their carers may need support to facilitate contact with the birth family, access specialist treatments, funding or simply general case management support. This means that the children remain in foster care and involved with Child Protection, are subjected to the court system and do not have the experience of a normal childhood within a family setting knowing they have stability for their future. Because of this I feel that agencies should be funded to provide post-permanent care support to children on permanent care orders. The time for support needed would vary for each child and the carer, but ideally would be a system that would allow the children and carers to get on with their lives away from the system and then contact the agency for help, advice and support during difficult times, ie, adolescence, or if contact with the birth family became hard or if there were new financial pressures. I strongly feel that foster carers who become permanent carers deserve ongoing support at times when they need it and that ultimately this would lead to the best outcomes for children and their carers.

MR CUMMINS: That's very clear and thank you so much for the written submission as well as being personally here to present it. That's very helpful, Desley, to have things set out in this very clear way so we're obliged to you for that.

MS HARRIS: No worries.

MR CUMMINS: Prof Scott?

PROF SCOTT: Thank you, and the points you've made have been made to us by others. I've got two questions. If the system were to move to a professionalised or perhaps to a salaried system of foster care so that some children, particularly those with very complex high needs, were being cared for in family homes where people were being paid an appropriate salary, how would volunteer-based foster carers - and I see them also as very professional so that's why I want to use the word "salaried" rather than "professional" - how would they feel about a system that was mixed in that way?

MS HARRIS: I honestly don't know. It's a hard one because you need to value what the carers are doing and to I suppose reimburse them appropriately for that, but I don't know, I don't know.

PROF SCOTT: You see what I'm trying to get at is would we be able to retain volunteer-based foster carers if there was a move to have a segment of the population of children in care being cared for by salaried home-based carers. As a foster carer yourself, could you even respond from an individual

perspective on whether you think we can have a system with both?

5 MS HARRIS: Well, I suppose you can. I mean currently you've got carers who are willing to put themselves out to care for children voluntarily anyway, so if people are doing it there for the right reasons you'll still get them for that, but yeah, I don't know what the answer to that is.

PROF SCOTT: Thank you.

10 MR CUMMINS: Mr Scales.

15 MR SCALES: Desley, can I get a sense of how it works in practice for you, particularly around the reimbursement process. When you have a situation like you've explained here where the children in your care are clearly needing other support, and that support requires some funding, how do you go about that? I mean give us a practical sense of how that operates with your particular agency?

20 MS HARRIS: Well, I would approach my worker within my agency and then they would then approach DHS for that funding.

MR SCALES: So they wouldn't in any way feel as though they had the ability to be able to meet that need themselves?

25 MS HARRIS: Sometimes, depending on what it would be, the agency would be able to assist with that, but I think predominantly in the long run a lot of those things lie with DHS's responsibility.

30 MR SCALES: I'm not trying to put words in your mouth here, so please understand this, I'm trying to understand it from your perspective.

MS HARRIS: Yep.

35 MR SCALES: You would find it easier if there was a lot more flexibility around that; for example - - -

MS HARRIS: A lot more clarity.

40 MR CUMMINS: Clarity, yes.

45 MS HARRIS: I think the clarity is a big issue with a lot of carers because you get carers who, you know, some might get certain funding for something and others might not get it. It's not general. A lot of the time it has to be asked for, as opposed to automatically being available or automatically being clarified that, you know, "This is what is available to you."

MR SCALES: Is there any attempt from your perspective and from your experience to do this sort of earlier than you asking for it? For example, a constant review of the need of the child and then trying to find a way by which the resources that might be available to you to meet those needs are made available without you necessarily asking; is there any of that that goes on?

MS HARRIS: Not always. To a certain extent it is, but yeah, it's a bit of a case-by-case situation.

MR SCALES: Let's take Prof Scott's sort of general view about the way in which we might think about institutionalising more professional arrangements. Let's say, for example, if there was a requirement that on a regular basis, it might be every six months, it might be every three months, depending on the child or the family, that there was the opportunity for you to be able to sit down with your agency and be able to work out with them, maybe even in conjunction with DHS or one of their representatives, what might be the need of the child over the next six months, 12 months and then find a way of having that discussion quite independent of you having to go to them, I mean is that the sort of thing that you're thinking about?

MS HARRIS: Yes, that would be helpful, yes.

PROF SCOTT: The other question that I wanted to ask was about permanent care and post-placement support, post-permanent care order support. When you talk about being able to go back to the agency for support, that would be the same agency involved that had placed the child with a permanent care family? The reason I'm asking is that some people have said to us that that post-placement support might be better coming from a different agency, particularly in a regional setting I'm just wondering whether that is viable or whether you'd see it as helping?

MS HARRIS: Currently, it would sit with permanent care, but that support isn't often continued and whilst at the time that you take the child on it's often said that support will be there if needed, it often isn't there for a lot of carers, often very difficult to access many years down the track. So I suppose if that was placed back with the agency who did originally place the child, being a foster care agency who are constantly already supporting that family with other placements that they would have through foster care, then the carers would at least be getting the physical support and with that would then come the opportunity to get some financial support where needed for some extra things that these children are needing many years post that placement being made.

PROF SCOTT: So continuity with the same agency would be appropriate?

MS HARRIS: Yep.

PROF SCOTT: Thank you.

5 MR CUMMINS: Well, Desley, thank you very much for your submission, which has been very clear and also our thanks for your valuable work over a significant time.

MS HARRIS: No worries. Thank you.

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MR CUMMINS: Next, Dr Paul Emerson. Thanks for being here, doctor. Take a seat.

DR EMERSON: Please call me Paul.

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MR CUMMINS: We're very pleased to hear from you and if you take the submission in whatever sequence you like.

20 DR EMERSON: Sure, thanks. Firstly, I'd also like to acknowledge the traditional owners of the land here and pay my respects to elders past and present. My apologies for not preparing a written submission, but I can provide something in writing later if you like.

MR CUMMINS: Yes.

25

DR EMERSON: I'm from UnitingCare Cutting Edge, we're primarily a youth organisation, and I head up the justice and advocacy team who work with volunteers and work with young people directly who are from vulnerable groups, namely young people or children who are in police custody, young people from Aboriginal and Torres Strait Islander backgrounds, young people who identify as same sex-attracted or gender questioning, young people who are homeless and young people who are involved in weapons-related criminal activity.

35 I also work in conjunction with the Centre For Multicultural Youth and the Youth Affairs Council of Victoria in the provision of the Youth Referral and Independent Person program in northern Victoria, so a region that starts as south as Gisborne and extends out to Wodonga and Mildura and covers 18 police stations within that region. For those of you who are not aware of what an independent person is, they are a volunteer who are called in to support a young person aged between 10 and 18 who are interviewed by police for an indictable offence where police cannot locate a parent or guardian.

45 MR CUMMINS: It's an important role, Paul.

DR EMERSON: Yes, it's a voluntary role. Their job is not to provide legal advice, but to encourage a young person to seek that advice and make sure it's available, to make sure that a young person is aware of their rights when in police custody and can make decisions based on those rights. They also
5 monitor the actions of police with young people during the interview process and fingerprinting and if there is a bail hearing at the police station and offer information and support to police as well, so they remain independent of the justice process in that respect.

10 I'd like to present to you a problem that has been seen in the region, and unfortunately I can't provide much by way of solutions, but perhaps options for further consideration down the track, particularly in regard to children who are in institutional care, like residential units, or who are under guardianship orders, or who are in foster care arrangements. We've been operating in
15 northern Victoria since 2004 as a pilot and then extended as a proper program in 2007.

What we found was that in the past two financial years there has been a steady increase in the number of young people that our independent persons have seen
20 who are from those three groups: in guardianship orders, who are from residential units and who are from foster care families. In the financial year 2008-2009, of the 163 interviews with police that our independent persons were at, 24 per cent of those young people were from residential units or residence there or in foster care families, in 2009-2010 that rose to 30 per cent,
25 and in the summer of that quarter it was even as high as 70 per cent.

What we're finding is that it's not necessarily the case that young people in residential units are being arrested more by police or are even committing more crimes, but there is a growing culture that foster care parents, that DHS
30 workers and that residential unit staff members are not going to police stations to accompany those young people, mainly because the crimes that they're committing might be happening within the unit themselves or against one of the staff members or another resident, which I personally see as a good thing, it helps protect the worker and helps protect the families, although it does create
35 an extra burden on our capacity. However, it does mean that there is access to other support.

The problem that we are seeing though is that there is an increasing number of concerns that are coming from my volunteers to me about the accommodation
40 future of those young people after they've been in the police station and the options that are available to them, particularly in smaller regional centres like Echuca, Wangaratta and Wodonga, not so much though Shepparton, Bendigo or Mildura. But in those smaller places where there might be limited options for foster care or institutional accommodation and if a crime has been
45 committed then they need to leave town, they need to be transported elsewhere

and also the likelihood of them not receiving bail is increasing as well.

I can draw in the past two years there have been 20 cases where our volunteers have expressed deep concern over the future of this young person where they might be staying because at the moment the options available to them are extremely limited. They might have to go to Melbourne, they might have to move to a different place where they were removed from supports from friendship networks where they have to move school again and what we're finding with these young people, if they're removed from one school, it is very, very unlikely that they'll be able to retain a commitment to going to a new school, just due to the various barriers that they've already got, plus the added barrier of moving to a new place once again. Of course there is not much that our independent persons can do for this young person because their relationship with that young person must end at that point. Our independent persons would like to offer more services, but they can't, just in case they're called to court, but they are often left in the lurch because there is only one residential unit provider in the town. They can't take them to a new provider.

I can think of two cases, in particular, two examples: one in Wodonga where a young person was arrested by police at 11 o'clock at night, on a Friday night. The independent person expressed concern to me that this young person had nowhere to live for that weekend and that nothing should be provided for them. After about three hours the police and the independent person managed to get a donation from the Salvation Army to put them in a motel for a weekend. However, I have no information about what kind of supports may be on offer for that young person over that weekend. There was absolutely no other option for them in Wodonga. There were four residential units at that place at the time. However, all four residential units were managed by the same group of people and because of the incident that happened, he was not welcome back into any of those four units.

I can also recall something that happened only two months ago in Benalla where a young person was feeling extremely isolated in the residential unit that he was living in and he had been moved around quite a lot and he found that the only way to get back closer to home was to commit a crime that would be so serious that he wouldn't be allowed bail. That young person was 12-years-old. Of course we can't make any excuses for the decision that he took, apart from the fact that out of the range of options made available to him at the time, that seemed like the best option for him.

In terms of possible solutions, I'm afraid I don't have much by way of what's happening here. At present, the capacity of UnitingCare is only to deal with these issues as they come to hand from independent persons. However, we have been working having discussions with youth resource officers in local police stations, particularly Maryborough, Bendigo, Wangaratta and Seymour

about how we can work together better with residential unit staff, about providing different options. What we do recommend is to increase the capacity of these youth resource officers so they also have a little bit more time and a little bit more resources to not just deal with problems as they arise, but to
5 work in providing alternative venues. I do know that the youth resource officer in Bendigo is working with local providers of residential units in setting up a dedicated space for young people who exhibit recidivist criminal behaviour, that there is some extra supports in there, so even though they are still committing crimes, that there is a place that is more sustainable for them to be
10 at and where there is higher involvement with youth resource officers in those areas.

MR CUMMINS: Paul, when you said you don't have a lot to offer in relation to solutions, the first step in a solution is to identify the problem and you've
15 very clearly done that which is very, very valuable, I think.

DR EMERSON: Thank you.

MR CUMMINS: The role of the independent person is very important in the
20 court process, I've seen it for many years, and so that's a very valuable role to be playing. But as you rightly say, the problem arises from the limited nature of the role of the independent person, you can't take the next step, otherwise you're no longer the independent person, so that's an important matter to identify, as you have done. The question of the increasing role of refusal of
25 bails is a troubling one. Bail is often misunderstood. You get things often in the media about the revolving door of justice.

DR EMERSON: That's right.

MR CUMMINS: I mean the purpose of bail is not to punish, because that puts
30 the cart before the horse, there is no finding of any liability, but the purpose of bail is (a) to ensure that the person turns up for the hearing.

DR EMERSON: Yes.
35

MR CUMMINS: And (b) to seek to ensure no offences are committed in the
meantime, so there is often an issue there with the court. What do you have a sense of as the reason for these increases, if it is an increase, in refusal of bail? Is it because the problem is intractable and those things I've identified, the
40 concern for other offences than the one charged are likely to be committed, or is it a question of a lack of support system, or what?

DR EMERSON: I think it's that last one there, a lack of support system. I'm
45 finding that police are finding it difficult to give bail straightaway because they care for that young person and they don't want to let that young person go

unless they know that there is someone who is going to be there once they leave the police station to take care of them. On a weekend, on Christmas Day, at very late at night police find it very difficult just to let a young person go and there is no guarantees that they'll actually, by the court date, that they'll even be
5 at the same town if there's no where in that particular town for them to stay in, so it could be a matter that a young person is held for two to three hours even after they've been charged, even if the police want to give bail because they just want someone to come and pick this child up and they can't find anyone. So it becomes the case that, "Well, we need to get this young person to court as
10 quickly as possible, we need to make sure that this young person is taken care of and we need some guarantees that this young person is going to be there when we want to see him or her," and there are no guarantees so often it's the case of, "Let's take them to Parkville for the weekend," and that often might be the safest option for that young person.

15

MR CUMMINS: Prof Scott?

PROF SCOTT: Yes, if I could ask about the problem one step back

20 DR EMERSON: Okay.

PROF SCOTT: If police are being called in relation to alleged offences being committed in, say, residential units against staff or other residents or in relation to property, would that suggest that - and this is a frequent occurrence, if it's a
25 frequent occurrence - would that suggest that that model of care may not be meeting the needs of some young people, and would you have any thoughts on alternatives?

DR EMERSON: My knowledge of care is very limited. I tend to agree with
30 you. I tend to believe that the reason why our independent persons are arriving is because occupational health and safety for that worker and safety for the other people, the other residents, means that police need to be called in, which is a changing culture from my experience of working residential units 20 years ago. That often if a young person breaks a window or picks up a knife from
35 the kitchen and shows it to somebody, back in the 90s we would have had to deal with that ourselves. Staff now are more likely to call the police to come in and deal with that, which is a decision I would now support, given the stresses already on staff and other residents around that behaviour.

40 I need more time to consider a solution and I need more consultation, but I do believe that in the country there needs to be more housing stock and more residential options for those young people who are exhibiting those behaviours. I know that the Department of Human Services has put more capacity into services that work with police and the youth support service. We receive
45 funding for that and I know that - we do this in Shepparton - but I know that

outside of Shepparton, in Bendigo and Mildura the process seems to be working very well, so these young people have supports and have the motivation to consider other options besides the use of weapons, even before they're picked up by police, so we're thinking that that might be a good option.

5 However, that program has only just started. We don't know what the outcomes should be for the next three or four years. In the meantime, I think the model that's proposed in Bendigo about having a second house would be worthwhile and is perhaps financially viable in a place like Bendigo because there is a lot of money provided. But in smaller areas, like Echuca,

10 Wangaratta, there just isn't the capacity right now and more needs to be given.

PROF SCOTT: Thank you.

MR CUMMINS: Mr Scales?

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MR SCALES: Just one question for clarity.

DR EMERSON: Yes, sure.

20 MR SCALES: Would I be right in saying that the dilemma that you're identifying is one of the lack of emergency residential care on the one hand, number one; and secondly, the appropriate residential care for children before the courts?

25 DR EMERSON: Yes. However, I would say that that emergency care would apply to people who are already in care and as a result of being in the police station they have been ejected from that care.

MR SCALES: Yes, that's fine. Thank you. I might say, it might be helpful

30 for you to just give us a short submission.

DR EMERSON: Sure.

MR SCALES: I don't think you need to write a thesis or anything.

35

DR EMERSON: I don't want to do any more of that.

MR SCALES: But even if you could just layout the dilemma in a way which is clear to you, that would help us to get it on the record, be able to publish it,

40 have it as a document that we might be able to refer to as we're considering writing our report, so those sorts of things are helpful. Whether we do or not is another matter, but it would be very helpful to have it there in the event that we felt it might be helpful for us to do so.

45 DR EMERSON: Of course. Will do.

MR CUMMINS: So, Paul, that would be helpful. As you said at the start, identifying the problem is itself a real contribution, so thank you for shining the light upon that.

5

DR EMERSON: No problem.

MR CUMMINS: We're most obliged, Paul.

10 DR EMERSON: Okay, thanks very much.

MR CUMMINS: Next, Ms M, foster carer. Thanks very much [REDACTED]. If you'd come forward and just take a seat. Just settle yourself in and we'd be very pleased if you'd address us as you wish. We've got your document.

15

MS M: My name is [REDACTED]. I'm a foster carer, my family and I. We've been carers for four years. We primarily do respite and emergency care. I've been asked to speak on behalf of the Care organisation for kids who come into care with cultural differences, of which we have had an experience with one young man and that's primarily what I was asked to speak about.

20

We had a young Muslim boy come from a small country town and obviously another culture. He came from a carer who struggled with his behaviour, so he was removed from them and placed with us. I felt that the trouble was they didn't understand his cultural differences because after a few days we discovered a gentleman in our town, who we didn't know existed, who he had the same culture, same language, who we contacted and who helped us assist with our young lad to help the rest of the placement run smoothly.

25

The gentleman that asked me to speak said they were trying to get funding to get some organisation to help these kids who come from different cultural backgrounds, and I feel that if we hadn't have discovered the gentleman in our town, that we would have really struggled with the amount of time that we had him in our care, and he was only young, he was only seven at the time and it was really tough on everybody.

30

MR CUMMINS: So, [REDACTED], what's the organisation?

MS M: The organisation is called Care. They advertised in the Upper Murray Foster Care newsletter, asking for people to come forth who have had kids in their care of different cultures. I just rung and he said, "Can you come to Shepparton and speak."

40

MR CUMMINS: Well, that's good. [REDACTED], what would you, from your experience that you've told us about and your general knowledge related to it,

45

what would you say would be the way forward to improve things?

5 MS M: I think the Care organisation are trying to get funding to put together -
I actually haven't investigated it because this all happened over the last week -
to get people to help I guess make the transition into a placement smoother
with all the culture and understanding of the culture of the children that are in
care and the ages always seem to have an impact because the gentleman who
helped us, who was actually a Somalian refugee, said that our biggest problem
was the child's age.

10

MR CUMMINS: Seven.

15 MS M: That if he had been older then he would have understood things
better - he was younger - then there wouldn't have been such an issue. So if
there is, I don't know, I guess some funding to get people out there to help with
understanding the cultures of the different children that come into care.

20 MR CUMMINS: It's most important that we acknowledge and respect
cultural difference and it is also most important as a corollary of that that we
take care to support children who need that support by reason of that fact. So
any input, including yours, which alerts us to these issues and points us
forward on these issues is most important so I'm very glad that you did come
forward. Prof Scott?

25 PROF SCOTT: I'm assuming that if we can't find a foster family from the
same or very similar cultural background for a child, that what you're
suggesting is that there is a cultural support person, or advocate, or cultural
consultant either on a paid or volunteer basis who would support the foster
placement and the child while in the care of a family from a different cultural
30 background?

35 MS M: Yes, absolutely. Because I feel very strongly that he didn't work in
the previous family because they didn't understand and didn't try to find - I
mean we fell into somebody quite by accident who was able to help us and I
don't know what we would have done if we hadn't have found this gentleman -
but one of the biggest things was, yeah, just knowing how to work with him
and understand him.

40 PROF SCOTT: So you sought that out, or it happened by chance.

MS M: It happened quite by a conversation in a playground at my son's
school and someone said, "We've got a Muslim guy working at our
workplace."

45 PROF SCOTT: But we can't leave it to that chance, can we?

MS M: No.

5 PROF SCOTT: So would you see those people being a group that would be available to the foster care agency? Would you see potentially those people having a wider role which might be related to religious observance, liaison with schools or just specifically to supporting the foster family, have you thoughts about that?

10 MS M: No, I hadn't really, but I guess when I sit back and think about it, the child needs support obviously, but also the carer, so if there is someone there that can support an all round - especially if the child is in long-term - I mean we only do short-term and, as I said, emergency and respite so I haven't experienced having to deal with the situation in a long-term capacity but, yeah,
15 just someone there who understands and I mean there's lots of different cultures out there so it's going to be a very interesting thing to try and put together.

20 PROF SCOTT: Thank you.

MR CUMMINS: Mr Scales.

25 MR SCALES: In terms of the agency's relationship with you, did they particularly pick you out because they felt you were more likely to be able to meet the needs of this particular child, do you think?

30 MS M: I honestly couldn't tell you that. Because we do emergency and respite, I think what happened was that he was with a different organisation and they rang in desperation, the organisation we are involved with, and said, "We need someone now," which is what happens with us, and so they just ring and said, "We've got this boy, he needs placing now." I mean I don't even think about anything other than the child needs a placement now and I just say, "Yes," and then we deal with the problems when they get there.

35 MR SCALES: And clearly dealt with it very well, I'd say. I suppose what we're trying to grapple with is what might be the role of the agencies in these particular circumstances, as you quite rightly I think have implied. Those organisations from cultural diverse backgrounds are trying to find a way by which we can have a more coherent way by which we put placements of
40 children like the ones that you mentioned with appropriate families and I suppose it's the role of the agency in this that I'm trying to just tease out a little bit, what is their responsibility in this. I suspect they thought, "We've got a very good one here."

45 MS M: I mean I don't know how they work and I'd hate to be in their position

in trying to place some of these children, but I think they just ring and find out who's available in a situation and if you can't do it right then and there then they'll ring the next family and the next family to find someone, especially when it's an emergency, and then they place them and then you just sort of
5 bumble along from there.

MR SCALES: Okay, and you bumbled along very well.

MR CUMMINS: Thank you so much, [REDACTED] Thank you very much for
10 coming forward. Mr Brian Birrell, please. Morning Brian.

MR BIRRELL: Morning.

MR CUMMINS: Take a seat.
15

MR BIRRELL: I apologise for not having a written report.

MR CUMMINS: That's quite all right, Brian.

20 MR BIRRELL: But I note that Prof Rees in the preface to the Law Reform Commission report indicated that this was the tenth major review in 33 years, and I don't think any of them or many of them came here, so we're very grateful to have a visit on the eleventh.

25 MR CUMMINS: Very good. Thanks, Brian. You proceed as you would wish.

MR BIRRELL: I have practised as a solicitor advocate effectively in this area for 40 years. I'm not a member of the bar and I haven't been a member of the
30 bar, but that's mainly what I've done, mostly criminal, but in the last 20 years very much child protection advocacy. I've been a part effectively of the cab-off-the-rank part of advocacy, but I'd say that the overwhelming number of times I've represented the Department of Human Services.

35 As I'm approaching statutory senility I thought this was a chance to say something about this. Much could be said, as you can imagine over those years, but I wanted to say something about what I have called removal without placement. Now, I've had a good chance to read most of this magnificent document by the Law Reform Commission, but little seems to be said over the
40 years of the question of lack of placement. Now, as far as I was concerned over the years I've represented the department, and indeed been on the other side, the question of placement is really the sine qua non of the Act - of course the Act doesn't dictate removal all the time, it's quite the contrary - but removal is a critical part of the scheme of the Act, without which one wonders what
45 we're all doing.

I noticed that the lack of placement was spoken about by Justice Fogarty back in 1989, that's on page 435 of the Law Reform Commission report, basically saying there's too much emphasis on reunification rather than child protection.
5 Now, in my view it's clear that that's predicated on placement problems, that was back in 89. The Auditor-General in the 96 report also deals with the problem of emphasis on reunification with repeated attempts at unsuccessful reunification in dysfunctioning families but, once again, this is all very much based on placement, what's available.

10 Now, for whatever socioeconomic reasons there have been in the last 20-odd years, the fact of the matter is that foster caring is dying as a pursuit. There just aren't enough foster placements. It's not a matter that you hear spoken of in court very much because it's probably not quite political to be saying, "Well,
15 look, we just haven't got anywhere to put these children." That is my experience, that's the reality. The more children you've got, the more complicated it gets. Now, even getting a placement for one child now is difficult. When you're dealing with a family of two, three, four, five children - and this often happens - it's an impossibility, and of course there is an
20 imperative not to split the family up, but it is almost impossible.

I can tell you that as workers come to court after being phoned by the police in the middle of the night on a drug raid, a couple of children in the house, they obviously pick up the children. The first thing they do is get hold of their
25 mobile phones and desperately ring around to see are there any suitable, local grandparents. They tell me they've almost become a grandparent placement agency because in the long run in many cases that's all they've got.

Now, this has led to a difficult situation in court because obviously section 10,
30 the best interest principle, is very much based on what's available, and it has to be, everything's based on what's available. But what's available has become very much watered down in the last ten or twenty years because of the placement issue and, of course, what happens is that cases are resolved - and I hesitate to use an analogy plea bargaining - but cases are resolved very much
35 on an availability situation and I've no doubt that children are left at home when they shouldn't be, given the philosophical basis of removal, because there's just nowhere to go.

You can see on the face of magistrates, who are often handed consent orders
40 with some accompanying documents setting out the history, sort of shaking their head and saying, "Look, I really don't know about this." I mean it is, notwithstanding what one says, it is an adversarial situation and you can settle a case; however, I think the Supreme Court has said in a couple of cases that it's a very special civil litigation, it's not just BHP against someone else, and so
45 most magistrates have taken that on board, but at the end of the day they can't

buy into placement.

I can say that in 2011 placement is a huge issue. If ever this became a more inquisitorial situation with the courts, this issue would be very much exposed, I believe, because magistrates are then going to have to ask, "Well, tell me about the placements." Anyway, I've said enough about that, but that is a great concern of mine. I don't know the answer as to whether the government can advertise or promote foster caring. I've heard a couple of previous speakers talk about the economic side of it, and of course that's a reality, but I don't know the answer to that, but I would urge your Inquiry to consider where we go with our placement options.

Now, I just wanted to say something about the inherent rural disadvantage that children suffer from because we're not in Melbourne. The primary one really is delay. Now, obviously you would know that there is a dedicated Children's Court in, I think it's Little Lonsdale Street, Melbourne with I think about eight or ten courts there. All they day is children court work, partly criminal, partly family division, and now there's one in Moorabbin. But up here, and most of these rural areas are the same, Shepparton is a classic example, the magistrate here does Magistrates' criminal and civil, coronial work, crimes compensation, victims of crimes work - that's mostly not done in open court but it has to be done - as well as Children's Court criminal matters.

Now, unfortunately a culture has sadly developed where Children's Court family division work for some reason or other, and it is spoken about by some of the contributors to the Law Reform Commission report, it's regarded as the bottom end of the range in terms of litigation in Victoria. I don't know why one would have thought - - -

MR CUMMINS: An erroneous view.

MR BIRRELL: Yes, thank you, your Honour. One would have thought there's a powerful argument that it should be at the top, but that's the way it is. The result of that is that whatever rights children have under this Act, as you all know, it's about as good as when you can get to court to try and exercise your right. Now, because of the reasons I articulated, Children's Court effectively comes last. No-one will talk about this, but it's difficult, it's complicated, it's time-consuming, the balancing of interests is very complicated and it eventually gets put down to last.

The government, in enacting the *Children Youth and Families Act* which became operational on 23 April 2007, it obviously was persuaded by people concerned about child protection to include section 450. That's the adjournment section. What it says is that a Children's Court matter ought not be adjourned unless it's either not in the best interests of the children to do so,

or - I'm paraphrasing it, but that's what it says - or, secondly, there is some other cogent reason to do so. Now, children can be on an interim accommodation order for a year, and it happens time and time again. The Law Reform Commission report talks about that in the regional areas, and if you've had a chance you've probably come across that.

MR CUMMINS: We have.

MR BIRRELL: Thank you. Notwithstanding applications to the court, asking a magistrate, "Look, you're prohibited effectively under that section from adjourning this case unless it's in the best interests of the child to do so," well that hardly ever happens. The legal status of a child, the determination of the legal status, obviously is in the best interests of the child at the earliest possibility. But the second one is the critical one, "Is there any cogent reason?" Of course in the bush there is, the cogent reason is, "I've got six months of cases to hear booked in in all those other jurisdictions I've mentioned and you're asking me to have this case jump the queue." "Yes, sir," or, "madam." "Well, you go and see the coordinator. If you can convince the coordinator who has prepared that list, then you can convince me." I mean obviously I'm speaking the obvious, but the reality of that is that these cases just don't get on.

I know some years ago it was mooted about having a dedicated Children's Court geographically located maybe, I don't know, Benalla or Seymour or somewhere or other, where that's all they did, as the Children's Court does in Melbourne, but that never took off. But I urge you to take the view that the delay in resolving a legal status of children is fundamental to their welfare, and we're not talking about weeks or months. If I went to book in a Children's Court case right now with the coordinator in Shepparton, I'd be on in about January. Now, that's not because they've got no work to do and that's not because they don't have other Children's Court cases booked in ahead, they do. But if I went to do one now, it would be January, and the ramifications of that are enormous.

There is a related matter that I wanted to mention to you. In 1989, that's the previous Act, after some powerful submissions they passed a section that prohibited the sitting of a Children's Court at the same time and in the same place, effectively the same building, as a Magistrates' Court. Now, that's found its way into the new Act. I remember this back in 1989 - it went on to say unless there was an exemption by the Governor in Council - but someone discovered soon after that Act came into existence that there were children north of Broadmeadows, so what happened was that somebody had to run off to the Governor in Council and get all the Children's Courts in rural Victoria exempted, and it's still the same.

Now, I can tell you as a person who appeared in this court for about 40 years,

the exposure to young children in the family division to what goes on in the foyer, let alone what goes on in the courtroom, is a disgrace. That's all about money. I would urge you in your final report to try and say something about the philosophical basis of protecting children. We've had cases where children
5 have been sitting in the foyer in Shepparton where someone - this is not long ago, about a month ago - someone escaped from the dock in court room 2 and the police had to chase this person out the foyer, and of course these little kids are sitting there. I mean it's obvious there's a problem. I don't know what you do about it.

10

The last thing I wanted to say is that in March of the Law Reform Commission's report, whatever might be the new regime of solving these almost insoluble problems, there is constant talk of training of whoever is going to try and solve the problem, having them trained. Ironically, in section
15 507 of the current Act, and I'm pretty sure it was in the previous Act, it says this:

*The chief magistrate, in appointing magistrates to the Children's Court, must have regard to the experience of the magistrate or
20 acting magistrate in matters relating to child care.*

Now, without being too impertinent about it, I've spoken to a lot of magistrates and there is no such - you don't sit for an exam, you don't go for a course. In the day-to-day allocation of magistrates around Victoria, this goes by the
25 wayside. I would urge you, if you are so minded, to urge authorities that that is an important matter. It's a very specialist jurisdiction and as I understand it it's as simple as this, when you are appointed by the Attorney-General as a magistrate you are effectively automatically assigned as a magistrate to the Children's Court, and I think we can do better than that.

30

MR CUMMINS: Yes.

MR BIRRELL: Look, I could go on and on, but thank you for hearing me.

35 MR CUMMINS: Brian, for 40 years of valuable experience I think you've distilled four critical points in the four that you have raised and I think your comment that it was discovered that there were children north of Broadmeadows tells its own story, so that's been most valuable, Brian. I'm very pleased you've come forward and given us the benefit of not only your
40 experience, but your thoughtfulness.

MR BIRRELL: Thank you.

45 MR CUMMINS: I haven't got any questions of Brian because I think that's been a most comprehensive and relevant submission.

PROF SCOTT: It's very helpful.

MR CUMMINS: Mr Scales.

5

MR SCALES: Just to test one point that's been made to us and that is that it doesn't seem in this day and age necessary to have the child in the court when the case is being heard and I'd be interested in your view about that.

10 MR BIRRELL: Given the current regime that I've spoken of, I agree with you and most of us have tried to avoid it, for obvious reasons. Look, telephones are available. Sometimes children want to come. There's a bit of an issue, some children want to be there, obviously the older they get, they want to be there, and there is an issue of trying to persuade them, "Look, you ought not come." I
15 suppose some child psychologists could give balancing views about that, "Well, if you tell them they can't come, maybe that's not good for them." But in answer to your question, I represented probably thousands of children over the years and you don't have to have them in court and we don't, but if it was a more genteel regime and building and there were rooms available, you
20 probably would be more inclined to.

MR SCALES: The Victorian Legal Aid office or representative who came in today was suggesting that there ought to be a presumption that they oughtn't be there unless they wanted to.

25

MR BIRRELL: Yes, I wouldn't disagree with that, yes.

MR CUMMINS: Brian, that's been most helpful, thank you very much, and our good wishes go to you.

30

MR BIRRELL: Thank you.

MR CUMMINS: Well, ladies and gentlemen, we've been going since just after 9. We'll take a 15-minute break now and then we'll continue. We've had
35 a little bit of interference on the electronic circuit, so when we come back if anyone who has any electronic devices on, mobile phones or laptops, could switch them off and we'll try and get rid of this slight bit of interference. So we'll see you in 15 minutes, ladies and gentlemen, at 25 minutes to 12.

40 **ADJOURNED** **[11.25 am]**

RESUMED **[11.39 am]**

MR CUMMINS: Ladies and gentlemen, we'll continue now. We'd be pleased
45 if Frank Clinton could come forward. Frank, please take a seat. Thanks,

Mr Clinton.

MR CLINTON: Thank you, your Honour.

5 MR CUMMINS: We'd be very pleased to hear you in relation to out-of-home care.

MR CLINTON: Thank you. My brief submission, more notes than an actual submission as you can tell, put together like an undergraduate last night, is
10 really concerned with this action of the terms of reference, reference 3C, subsection 3.5.3 regarding what we might be able to do to improve outcomes for the kids in care educationally, health and mental health. Specifically, I'd like to propose one matter of improving the education outcome for kids in care and I think we agree if that was the case it would also help immensely with
15 health, mental health, we know, as the research has shown. So I would like to suggest the consideration of an establishment of a statewide literacy and numeracy tutoring program specifically for children in out-of-home care.

I think a very good model could be developed for Victoria from the
20 2008 National Tuition Program Aim and Start which ran for a year and was very broad, it dealt with every single child in Australia. It was very difficult, it was very sudden. The tutoring industry wasn't quite up to scratch with it, but I think any reasonable look at the structure of that and the administration of it and the general overall foundation of that program would be very well adapted
25 I think to our needs in trying to meet and seriously improve educational outcomes for our kids in care. I'd have to leave that to some of the policy people. If this suggestion seems reasonable, you know, they could develop that I'm sure quite easily.

30 My reasons for suggesting this is that, starting at base, we know that our children, the children in care - when I say "our" I mean the public, the community's children, we share that with the parents - in care and protection overwhelmingly come from generally and are generally returned to environments of poverty and disadvantaged illiteracy. We do know kids do
35 come through, there is some, and I even know some personal examples who have gone through to tertiary education and suchlike, but I think we're in agreement that throughout our child welfare history education hasn't been exactly one of our main priorities. We've always left that up to the Education Department, which I think we also know from our research and from anecdotal
40 evidence and personal experiences that it doesn't work very well for our kids due to the trauma experienced, due to the very low starting point for many of them in terms of education and specifically illiteracy.

45 So why a tutoring, a statewide tutoring program? Really I think it is one of the few ways, and I think the research would indicate this, that it is one of the few

ways to at least ameliorate and possibly escape from entrenched intergenerational poverty and disadvantage. We know that education for many of us here today of course are here because we had the great opportunity to do it, which Australia of course stands out in terms of its opportunities for people to obtain an education, both primary and secondary and I think universities. There is not many countries can pretty much offer anyone who more or less wants to attend higher education, no matter what your age, as long as, of course, you meet the certain criteria, so I think we're very lucky with that except for, as we know, historically and currently and unless things change somewhat, we will still have the very low outcomes for the kids that come into out-of-home care. So I think we'd agree and research agrees that it's critical for a chance for improving the life circumstances of the children.

Also, because I think, except for recently, there seems to be a bit more discussion, a bit more discourse about the education of children in care. I think if we look back at least since the Carney review and before that it wasn't really considered as an area that we should be dealing with, ours was crisis-based, safety protection, the standard things which we've been a part of since 1864 with the (indistinct) it's been low but I think we know now that there is moves afoot. I think the work of the Child Safety Commissioner, with the Safer Schools and Safer Classrooms worked last year or the year before, started a bit of a movement. I gather that there's been a recent meeting of educational and welfare representatives to actually discuss the issue of education, which I haven't heard the outcome, it was just one of your general media reports.

I also think that the education, and particularly a very strong targeted, direct education support for our kids in care would complement that immense amount of support and therapy that goes on, both on a daily basis and through organisational things. One of the weaknesses I see of our current system, of course, is that an immense amount of effort and organisation is put into maintaining the safety of the young people while they're in our care and a huge degree of support through attachment by workers and suchlike, generally in recent years under the general theory of engagement theory, Bulby and suchlike. Except for in my own experience, and I think in general experience - I haven't seen much research on it - but much of that support and therapy is very of course valuable for the immediate, but it doesn't seem to have a very lasting - what would you say - it doesn't sustain over many years once the young person has that side of out-of-home care has been reduced.

So that we do constantly, and we have for so long, had young people who have come through, some of them through fantastic foster parents and our programs and resi programs and suchlike, but they get to 14, or whenever they leave they decide, or whatever the circumstances they leave our care they're, you know, 14, 16, 18 and they're illiterate and all that work does not advance a lot for that important next stage where they have to take it on themselves. While one is

being supported and cared for, you can, it does give the wheel a bit to change, or we all hope it does, that's why we're all in the business. In the last couple of decades the main thing has been to make a difference, and I think it's acknowledged that we do while we're working on that face-to-face and developing that thing. I suppose my argument, and I think there would be others that would agree, is that without that element of education, it falls flat.

We have the situation so frequently of young people leaving care with really no opportunities, with no pathways to move that next step and not return back to the environment of poverty and disorganisation and harm and suchlike that we know exists and continues and, of course, it is constantly repeated. We know that one of the few ways of breaking that poverty cycle over our last - definitely since the start of the industrial revolution - has been through education, through knowledge, through understanding and through skill, the applicability of knowledge into skills.

So I suppose my core point here is that I think we've negated that very, very important part of the work that we do by the demarcation that, "Oh, no, we don't do education. They do education." That has broken down considerably, I know, in the last few years. For a lot of time child family and youth welfare was very much in that - the categorisation used to be within the nurturing component of our social services or our public services, just as education was teaching, police was custody and control and health was wellbeing and suchlike. I think we now know that we can't work in that way. It's not that I'm not talking about the kind of silo element, I just think we can't work that way if we're dealing with such an intense target group and the boundaries are blurred, there is a lot more education in welfare, definitely a lot more in welfare, discourse and activity in education, health is much more interlinked and stuff. I suppose what I'm suggesting is that, if we could, we lift that element of our area up much more. The rest, you know, there are just some general statements here.

The other reason for a dedicated tutoring education support service within out-of-home care is because, as I've mentioned, I think it's reasonably obvious for most practitioners in the field that schools have just been unable to actually develop or, as I've said here, to stem the flow of illiteracy that is just permeating so much amongst disadvantaged families and suchlike. I think we are all quite aware of the incidents in the growth of the numbers of young children in transition through to secondary school with just no capabilities to fully understand and manage their literacy requirements, just even that component, you know, there is the social component and there is, of course, the numeracy component in the others too, but just the literacy I think we would know that it is quite clear that schools can't do it. Their structure is such that they can't meet the real specific needs of our children, the children who come into care.

The research, as far as I can see, really indicates that the best method for improving our children's education, and particularly literacy levels and such, requires one-to-one direct instruction tutoring or small group tutoring. It just takes that degree of detail in a regular form to constantly get our young people up to a certain level. Within a 25 group class it's just impossible for teachers and the schools to actually meet those needs and so we know they constantly miss out, they fall behind. The irregularity of a lot of their lives doesn't allow for what many, many parents are doing now right throughout Australia and you definitely see it exploding in Asia and Hong Kong and places like that and that is the hiring of private tutors to augment the schooling. Many people don't have, you know, obviously the children we're dealing with, parents and family, grandparents, all those involved don't have the money for that so I suppose I'm suggesting that once again the state comes in to fill that gap, to meet that need.

I would like to pose that such a program should derive its structure, assessment and planning tools from the now planned system in conjunction with the Even Start program, the administration of the Even Start program. I think it gives us a pretty common, without necessarily being specialist-based, to start working on a one-to-one and small group situation with children in care. I think it could be established quite quickly, monitored and assessed through the AES or the equivalent and a state-based program. I think it could easily be linked with the current Victorian and COAG and Federal Government agendas on literacy, numeracy and skills development and it would definitely build on the recent work of some of the Victorian groups and interstate groups, such as the one I just mentioned by the Child Safety Commissioner. I think it could quite comfortably link with existing government and non-government child welfare and educational services personnel and resources. I'm not talking about anything of a major structural nature in the existing provision of out-of-home care, but as one extra ingredient or element which I believe is a fundamental element.

I do think it could greatly assist caregivers and direct care staff and families with that struggle of schooling and education and homework and that sort of thing. I think caregivers and direct care staff are no different than those families. Most families are absolutely stumped with what's going on at school, whether it's in year 5, 6, 7 or 8, the methods are different, the whole sort of thing, so I think it would really assist.

I do think that if we were to focus and have a key component which was in-house one-to-one tutoring at home, one-to-one tutoring on a regular basis, that it would possibly extend our catchment and introduction to more people to consider becoming caregivers or consider working in out-of-home care generally. I think it could also possibly give us one constant positive thing to deal with. It's all very hard in our field to hear the positives when you consider

the number of young people that are cared for and safely accommodated and developed well in foster care and permanent care and suchlike, it's extremely rare to hear. It's never really broadcast or promoted, the actual successes I think, which is regretful because the history of our child welfare has been one of quick shifts when the public starts to find that there is some things amiss.

MR CUMMINS: And many successes.

MR CLINTON: Yes, yes.

MR CUMMINS: As you rightly say. I think you're right to emphasise education and I think you're right to emphasise how much positive and invaluable work is done, often unheralded and unsung, never in the headlines, but it's there. I agree with that.

MR CLINTON: Yes, I've had a bit of a look with my honours thesis. I did my honours thesis on the history of child welfare in Victoria in 1985, so from the beginning up to the Carney report and, yes, the swings and roundabouts of our child welfare system is quite clear, you can see it. I mean it only took a number of the episodes of serious baby farming episodes to completely shift a whole movement towards more institutionalisation and the (indistinct) of industrial schools at another time, it took a few media campaigns within the reporting ad scheme to shift (indistinct) again to such a thing.

MR CUMMINS: It's often reactive. I agree with that.

MR CLINTON: So I'm aware of its fragility. Sorry, I'm using up your time.

MR CUMMINS: That's all right. Now, we've got your 13 points on management, et cetera, so I think you can take that as read.

MR CLINTON: Yes, sure.

MR CUMMINS: I don't actually have any more questions of Mr Clinton. Prof Scott, do you have any questions?

PROF SCOTT: No, I think this is really helpful.

MR CUMMINS: It set it out very succinctly. We think it's most useful. Do you have any questions of Mr Clinton?

MR SCALES: No, I don't.

MR CLINTON: I just, I don't know if you need to know, I've been around working with children and people in what we would now term vulnerable

children essentially since November 1974 when we opened a playground in Fitzroy, an adventure playground.

5 MR CUMMINS: I've divined your lengthy experience and I think your masters thesis as well.

MR CLINTON: Good.

10 MR CUMMINS: But what you've done is you've distilled it I think very helpfully into sequential points. Thank you very much, Frank.

MR CLINTON: Look, thank you very much for the opportunity. I missed the Carney review input, but thank you.

15 MR CUMMINS: Good on you, Frank. Thank you very much for that. Next, Mr S. Welcome. Settle yourself in there for a moment and we'd be very pleased to hear you.

20 MR S: I acknowledge the traditional owners of this country, the elders, respected persons and people past and present and also the representatives of the agencies and the foster carers also. I concur fully with [REDACTED]'s submission and I had a thought that while she was giving that, that possibly her and I are probably the only two ones that are unpaid to be here. I am taking time off work to be here this morning.

25 MR CUMMINS: Good on you.

MR S: I've been a resident of Shepparton for 35 years. My wife and I, our family of three, are foster carers at Berry Street and have been since about 30 1995. We've done emergencies, care, respite, adolescent community placement, short and long-term. Over those years, our family have had many children placed in our home with us, some with little or almost no notice. [REDACTED] and I don't know how many children. We've never counted them. What I can say to you is that we once took in a family group of five and others have stayed 35 not just for weeks and for months, but for years. One stayed with us nearly two years after she had ceased foster care, or rather foster care ceased supporting her, and we weren't supported in that. Nearly a decade later, last week, she come and stayed a night with us and she called me a month ago when she had a flat tyre between Wangaratta and Wodonga.

40 We've built many strong relationships and been able to enjoy and return the shown love of many of these foster children and are pleased that some still visit us many years after leaving the care system. I've had lads approach me in the street and regale me with their latest story, me having no idea of his name or 45 who he is and sometimes later it dawns on me that that boy has grown a foot

and a half, but still feels it important to stop and have some contact, and that's part of what I want to speak to today, that sense of belonging of family, of having someone you can trust to call upon, of mob, of clan, of having a family, somewhere you can return to, to eat with, to celebrate and to laugh with,
5 somewhere to cry, somewhere to mourn, a safe place of belonging, of being loved and sharing love.

As well as being a foster carer for the last 15 years, I've been employed by the Salvation Army. Eight of those years in a SAAP-funded youth residential care
10 refuge and also working in one-to-one contingency care. I know too well what contingency care means and the places that children and their carers are sometimes housed. I know the instability, almost the taste of that placement, the insecurity, the turmoil, the general feel of it.

15 I know how few of those sometimes very hurting children have any consistency left in their life, let alone schooling, family, peer contact. They may be moved many, many miles from their home town. We need far more foster carers and far less contingency care. Currently, with the Salvation Army I'm employed as a case manager in a statewide program funded by the state and
20 Australian governments to work with homeless adults within the Hume region. 42,000 square kilometres, approximately 250,000 people and with a higher rate of homelessness than metro Melbourne.

In that program we go out and practise assertive outreach to find adult
25 homeless. We visit the squats, the bush camps, the humpies, those living in cars. We find the mentally unwell, the addicted, the disabled and those with AVIs and we then attempt to engage with them, link them into appropriate services and hopefully, just hopefully, in today's housing crisis, source and secure affordable sustainable housing.

30 There has long been an established correlation between child protection and homelessness. Young people who have been in state care and the protection system are well over-represented in the homeless population, and I refer to the Mackenzie, Chamberlain and Theobald study in 2007 where 42 per cent of
35 those in the SAAP-funded youth service were found to be in (indistinct) state care.

I believe in my professional role that if this data were extrapolated to include
40 adults, and my experience is that perhaps this could be as high as 65 per cent or even higher, and I'm surprised that the MDS, the minimum data standards, doesn't ask that question because then we could use that data now to say where SAAP should be in 10 years' time. I have formal qualifications in social welfare studies and I share this only to confirm that I do have experience
45 within both the child protection system and homelessness in general. I also disclose that I have experienced so-called state care myself, that in 1963 my

two brothers and I were three of the 191 children in Victoria that were charged with the criminal offences of no fixed place of abode and no visible means of support. I had just turned two years of age and I was made a ward of the state.

5 Currently, amongst other foster caring roles, we provide full-time care in our so-called undisclosed placement for a beautiful, and so noisy, little five-year-old boy. Our family has done so since he was nine-months-old. We, his third placement then, and we were told the placement would be for about three months. Of course, over the last four years we have grown to love him, 10 as he has us. It was us that heard and celebrated his first words and it was us who clapped and cheered when we saw his first steps. He touched forever our hearts and he put us in an ideal world in a place where none other than his own parents should be. He now calls us mum and dad. I'm already wondering what do I explain to him when he's older and asks what happened in his life. Really, 15 I don't know what I'm going to say.

Meanwhile, we're teaching him how to ride a bike, how to kick a footy, go rumba. We take him fishing and camping. I'll teach him how to catch a 20 yabbie, show him how to bait up and cast a fishing rod. We'll feed him, love him and keep him safe. He is growing up knowing that he is a part of our mob, that he's a part of a big family that's always looking out for him and that we love him unconditionally. He has many unrelated brothers and sisters, uncles and aunts. He is also hard work. He's starting to display behaviours that I'm concerned about and that I think he, that we, need professional assistance with. 25

We've been approached by DHS recently. They're meeting at our home to ask us to consider doing what they call permanent care. We pointed out whatever they call it, what we offer and provide isn't changed. That we would care for him as long as we could for as long as he wanted. That we would prefer to 30 remain as foster carers as we then get the support of Berry Street and can continue to take part in the agency's activities, the training and the support that they offer. That we really don't want to do this alone, but that the quality of our care wouldn't change despite whatever they call it. DHS workers told us that if we didn't agree to permanent care, they would remove him from our care and place him with someone else. I spoke of our family's attachment and our 35 love for one another, of this being his important formative years. This was acknowledged, but it was reiterated that they would remove him from our care and place him elsewhere if we didn't agree. I told the worker they were cold and where do we sign. 40

My wife and I are now expected to, prior to commencing the permanent care application, to take part in an onerous and complex process with us to write our life stories, get medical examinations and medical reports, provide the names of three referees, as well as photographs of ourselves. Last night I counted the 45 60-plus pages of that application and just shook my head. We're told that it is

5 estimated this will take each of us about 25 hours to complete. For what purpose? To continue to provide the same care for the same child who has been in our full-time care for the last four years. This is not a transition for us. It's actually a DHS transition and yet they are placing this extra work and expectation on us while we continue to be busy doing what they now want us to apply to them to do. We had no ownership or investment in what seems to be, from our perspective, an exercise in merely validating their role and power base. I believe this to be simply absurd, it is also incredibly burdensome and smacks of the TV satire Yes, Prime Minister.

10

I make a recommendation that permanent care be managed by foster care agency. That regardless of the title to care foster carers provide, that they continue to receive foster care agency support and that in transition cases like ours, understanding and exception in carer's suitability and experience be given. Today, as best as I can tell, there are about 5,500 children in Victorian state care, about 36,000 children across Australia, and this includes about 9,000 indigenous children. Not just numbers, not just statistics. Children with names, faces, hopes and dreams, little children that need my help and yours.

20

I table my concern in how totally under-resourced and overstretched Victorian foster carers are. I don't know any foster carers who provide this incredibly valuable community service for the money and well know that it actually costs foster carers much to do so. I can only see less and less people offering their time, lives and homes if things continue as they are. The foster care system in Victoria has collapsed. The child protection system has long been overwhelmed and has grown in an unplanned way into a reactive and symbiotic organism. Only yesterday I saw a letter from DHS advising they couldn't continue to work with a number of at risk local children because of staff resignations.

30

In 2002, there were 5,500 foster carers in Victoria. Five years later, they had dropped to 985. Foster carers have abandoned the system in their thousands. Many can simply not afford the care. I was with 20 or so foster carers a while ago and I asked the following question of them, "Who would recommend becoming a foster carer to a friend?" Sadly, there was not one person present who would or could recommend to a friend being a foster carer.

35

40 What is now happening within the foster care system? What is being done systemically? Sadly, aside from some very serious hand-wringing, I cannot identify anything that lends me any hope for a positive change for the future. No foster carer cares for money. The trouble is there is nothing like the lack of money to end or prevent a placement. Foster carers also need food on the table and fuel in our vehicles. We need to be able to pay our rent and our every day bills.

45

I am the primary income earner in our family and in the social welfare sector earn a very modest wage. We, like many others, have a healthy mortgage and I'm now aged 49 years of age. [REDACTED], my wife, as well as completing home duties and really being a primary foster carer, for years has worked the fruit
5 season midnight to 4 am at the local food processing factory to help make ends meet. Certainly not for the joy it brings to our marriage.

Foster carers shouldn't have to ask welfare agencies for support. We've never been eligible for a health care card. We do not live above our means and think
10 ourselves pretty ordinary people living in a modest home. Unfortunately, the ever increasing food and electricity, the water and gas bills reflect how many people come and go from our home. Sometimes our water bills are low (?) because there is a five-year-old boy with a fixation on running water, or perhaps there is kids that are bed wetters and possibly because of the sexual
15 abuse they endured they shower often and long because they feel unclean, and because we really do care we find it hard to say no. Soiled bed linen, the clothes may need washing daily. The children we care for all have health care cards. This makes no difference to our bills because the bills are in our names. With many in the house, showers run, toilets flush, and there are plenty of
20 dishes to be washed, but I reflect, the kids are safe, they're loved, they're well fed. That's important.

It's a sad fact of life in our house that sometimes children need to sleep with the lights on so they can feel safe. Something I have never gotten used to is being
25 woken to a frightened child screaming loudly in their sleep. Our last two vehicles have been eight-seater vans because of our foster care roles. We pay full registration and higher insurance fees for these non-aerodynamic petrol-sucking vehicles. The truth is we purchased them for the number of seats, not for their shape or style, and I share that we still sometimes run out of
30 seats.

I recommend that those remaining foster carers that we have left that don't have concession cards be supplied them as soon as possible. Victorian foster care payments are tokenistic at best and placements are unexpected. It's very
35 difficult for carers to know what they can budget on. In the case of our five-year old, we are paid by DHS \$131.41 per week, or 79 cents per hour to provide 24-hour seven days a week care for a child that has been placed in state care. We have had to knock back foster care placements because we didn't have enough food in the cupboard or money in the bank for the required
40 grocery placement purchases.

I know of one case where an indigenous 14-year-old lad was in a long-term foster care placement with an indigenous woman, someone he loved and someone he respected, as she loved and respected him. This was a terrific and
45 culturally appropriate placement with clear and valued boundaries that we

supported with monthly weekend respite and it ended simply because the lad was expelled from school. Because the single carer had to earn a weekly wage to pay the rent and he would be unsupervised while she was at work, the placement ended with he being placed in residential care. If his carer hadn't
5 had to go to paid employment each day to pay the rent, the food, the costs, if she had instead been able to remain and home school that lad, I know, I guarantee, that he would have been pleading and begging to return to mainstream school within two months and that the placement in all probability would still be stable today. I ask you, what do you think this young lad would
10 have wanted himself? Where would he rather be? What would have been best for him?

It is so wrong that foster carers are so poorly fiscally supported by the government, yet for the sake of say \$700 per week they could prevent the
15 placement of such I speak of into residential care, which is multiple 24/7 shift workers, some being paid weekend as well as penalty rates. These housings cost the government many thousands of dollars weekly and often with far less positive outcomes for the young people. Despite the best efforts of workers, these children are often influenced by the other children placed in those houses
20 and in this case I speak of, sadly, his behaviours and risk-taking have greatly escalated and I fear for his future. I fear for his very life.

What is far worse is the young person like that I speak of hasn't an ongoing sharing relationship with a caring parent figure. They have little sense of
25 family, of belonging. These children often leave these state-funded homes at the age of highest risk-taking after such turbulent events as being needed to be placed in state care and are soon adrift in a stormy and dark world without a stable, safe island of respected person, mentor or safe refuge.

I strongly recommend that it is vital that the primary foster carer be paid a suitable wage and as soon as possible. That in doing so, the professional work long undertaken for the care of the state children by foster carers be recognised and be appropriately supported. In Victoria, parents are paid family allowance for each of their children. The amounts are not much, but say for two or three
30 children it adds up and assists a family, as it was intended to do. It is the expectation placed on foster carers to not claim this for the first six weeks of any placement and also that it is the foster carer's role to contact Centrelink and request the payment be ceased being paid to the parents and instead be paid to they, the foster carers. It's very fair and obvious to say this hardly endures the
35 parents, with whom we do the interaction of visiting with them and in many cases may bring about further hardship to the parents of the children placed in state care in what for them and their children is already a very stressful and difficult time.

45 This practice can and does alienate foster carers from parents and may actually

put parents at risk of losing their homes by reducing their budgeted income. If the parents can't afford their homes now, then how do the children in state care get to return to the parents? The reality is that many foster carers don't claim this payment in short to medium term placements and as we fully support the children going home whenever possible and we don't want to displease or create hardship for the parents we often do not claim this payment ourselves. I recommend that in the case of short-term placements, say up to eight weeks, that both the parents and the foster carers be paid the full family allowance.

I go on to recommend that it be the role of either DHS or the supporting foster care agency to contact Centrelink at the commencement of the placement and not in any way the role of foster carers to seek the taking away of any payment from a parent. That in the event that children are not returned home by their agreed upon period, that it be the role of the support agencies to coordinate the details with parents, Centrelink and finally foster carers.

I'm also concerned for the older children leaving Victorian state care and their ability to gain the required 120 hours for their driver's licence, provisional driver's licence. I know of children who have left state care who have had to wait until they are 21 years of age. They are undergoing enduring homelessness, relationship breakdowns and property loss, including their much-valued logbooks during those years. The inability of a young person to gain a licence that's already gone through state care, especially in a country area like this where public transport is scant, restricts a young person's ability to access sporting, political, religious, cultural events and limits their opportunity to gain both further education, let alone employment. I think this is a short-sighted, unjust, perhaps middle class expectation that is being placed on those many young people that don't have the same level of support or parental supervision that is another's normality. I think it's actually discriminatory and recommend that it not be enforced upon those who have been or are in state care and that consideration be given to the vulnerable children in other CALD communities in this law also excluding them.

In closing, and respecting the time, I recommend the formation of a separate body to DHS to give and maintain independent oversight to young people in and post-care. I also would like it considered that often the foster carer relationships and costs continue past the age of 18 and the cessation of formal supports by DHS and agencies. Foster carers care for life. I'm not happy with the status quo of the child protection system. I didn't get to vote on such. I'm not prepared to stand by and let it continue the way it is. There are already others who are doing that.

I really do hope that something great and wonderful comes of this Inquiry. The children and foster carers of today and the adults of our tomorrow really need it and sincerely thank you for your opportunity to share our family's thoughts.

MR CUMMINS: Well, [REDACTED], thank you for taking the time out at your own expense to come here and also for the very considerable amount of work you have put into your submission, which you've read, but is now on the transcript.

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MR S: I'm happy to provide an electronic copy.

MR CUMMINS: Yes, that would be good, actually. If you'd do that, we'll arrange that. If I may say so, you've spoken both from the head and from the heart in equal measure and we're very grateful for that submission. I don't have any questions as such of [REDACTED].

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PROF SCOTT: I don't have questions. I just wanted to say that as the patron of the Australian Foster Care Association I have heard what you have said many, many times. I have never heard it said so powerfully and eloquently, and I deeply thank you for it.

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MR S: Thank you.

MR SCALES: I just wanted to ask you a couple of questions. If I could start with where you finished actually, if you wouldn't mind. You talked about post-care, a set of issues about post-care for children. What did you have in mind? Give us a sense of that?

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MR S: Well, one illustration jumps to mind. We had a young girl that was placed with us, she left a youth refuge and come into the foster care system and when she eventually left our care at the age of 20 we found she wasn't eligible for the TILA allowance, transitional independent living allowance, because she was actually a voluntary placement, and DHS hadn't done an investigation so in that case she wasn't eligible for TILA. Go figure.

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MR SCALES: Okay, that's helpful. Two other questions. One relates to education of kids. I'd be interested in your experience of the extent to which there is a special need, I don't know whether you were here earlier - - -

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MR S: Yes, I've been here.

MR SCALES: - - - but we were talking about the question about how one maintains an educational experience that's suitable for the child in care and I'd be interested in your own experience of that and whether there are things that we need to take into account, maybe we could do that, and then there is one other question I'll ask.

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MR S: My own personal experience of schooling was that it was very hard to actually listen and understand and actually concentrate because of the

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environment you were coming out of. If you're not safe at home and there's all sorts of issues going on at home, you're on a knife's edge, you can't relax, and so you may sleep very fitfully, so when you finally do get to school and there is a teacher there and it's a safe place, you're tired. It's very hard to concentrate.

5 In my case, I went to something like 17 schools, and so that sequential period of schooling where you learn the first part of maths, then the second part of maths and then the third part of maths, I might have got the first, the third, the fifth and I still am not very good at maths because that sequence has been interrupted. Thankfully, there is calculators out there now.

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MR SCALES: So again without putting words in your mouth, you're saying that stability at school is important?

15 MR S: Yes, very important, and especially understanding that this young person needs extra care and support.

MR SCALES: So there would be stability on one hand, so that's almost an anchor.

20 MR S: Yep.

MR SCALES: Then are you also saying - I'm not sure how else to describe this - but sort of the pedagogy - the way by which teaching is constructed might be different for children in care?

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MR S: Absolutely, yep. I reflect that often in young people who go into state care, if we can keep them in school, they've got a much higher rate of success in all other areas of their life, and my thoughts on that are that the school is the one constant where they know where the boundaries and the expectations are.

30 They don't have that in their residential, they don't know where they're going to be living. They could come home and find everything packed and then off to another town. So I think if we can keep them in school, and I reflect in the case of like foster carers, if a child is playing up at school, wouldn't it be great if a paid foster carer actually had the ability and the clearance to actually go
35 into the school and sit down with that child and if they need some time out, take them out, give them 10 minutes' time out, but then walk them back in and sit them back down and that interaction with the school where from a wholistic perspective - and when I say that I mean with the "w" - because it is a whole, these children are not in isolation, they're not in silos. Everything is affected in
40 their life, not just one component.

MR SCALES: The last question was you made some reference quite early on about the fact that you have become a permanent carer.

45 MR S: They're asking us to be permanent carers.

MR SCALES: But then you made the point that that would necessitate you relinquishing your relationship with Berry Street.

5 MR S: Yes.

MR SCALES: Tell me what is it about that relationship with Berry Street that you find so helpful that if you had to relinquish it you would find that you wouldn't be as good a carer as you would want to be? What is it about that?

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MR S: In one, it's relationships and trust and over the 16 years that we've been carers, we've got that. We don't always get it right. We sometimes make mistakes, as do they, but we've got a relationship that we can ring up and pick up the phone and sort through things. I've been told by other permanent carers, as Desley said today, that you were told there is support when there is permanent care, but when you try and find it, there isn't.

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In the case of our young boy now, our five-year-old boy, when I'm 61 years of age he's going to be, what, 15, 16 years of age and I see that there's issues emerging. I don't want to be at that point saying, "I need support," and I can't get it. That's how these kids end up in residential care. We're saying we need support now and we'll need that through those times to keep him in school. The more we can normalise that and keep him in school, the better outcome it's going to be for him.

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MR SCALES: Because this Inquiry will eventually try and make some public policy decisions here and therefore will try and put a structure around some of the things that we're doing to be able to accommodate the sort of things that you're talking about, are you also therefore arguing that if you're to go into permanent care it would be better to do it through an agency like Berry Street?

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MR S: Yes. He was placed with us when he was 11 months of age by that agency. They placed many children with us over those years. What's different here? It's not our level of care. It's just the title that's different. We're not changing the way we care. The only thing it's changing is the name, and perhaps the external people's looking in view of what they're doing. It doesn't change for us. It doesn't change for him. He has no idea of it.

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MR SCALES: That's helpful, thank you.

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MR S: Thank you.

MR CUMMINS: [REDACTED], thank you so much for coming forward. We're most obliged to you.

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MR S: Thank you. Thank you for your time.

MR CUMMINS: Next, Mr Joe Day of Njernda. Come forward, Joe. Thank you for being here and we'd be very pleased to hear you.

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MR DAY: Firstly, I'd just like to acknowledge my elders, both past and present, and also to welcome you on behalf of the Yorta Yorta and Bangerang peoples and take the opportunity to thank you for being able to speak and I too would just like to acknowledge Mr S and did appreciate every word that he spoke.

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Today I'd just like to have the opportunity to - nothing's written - but it's just over my experience over a period of time working after-hours on a voluntary basis over a number of years. When I seen that today was about vulnerable children at risk, unfortunately I see a lot of children at risk after-hours when services are not operating and children are at risk and I'd just like to see that in the future the extent of effort that's orchestrated 9 to 5 be extended to after-hours.

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20 Usually after-hours response is when children are at a crisis in a situation and I heard of one instance where police officers are going through phone numbers to ring family and, you know, that may not happen in all communities, but certainly at that point of time that could be prevented with a bit of cooperation and a bit of organised response, particularly when families are involved after-hours. We get calls after-hours and as it is we're fortunate that we have a great relationship with the police that enable us to respond. Over the years it's become more than a response, it's a need for us to actually not only respond safely, but adequately and even more so confidentially, particularly with safety, and we're just finding that the important thing about an after-hours response, you're meeting a family at crisis, you're able to take a child out of a situation where they're terribly at risk of trauma and at most times the response and the advocacy you give at that point of time is so important to the family, and more so for the child. But at that point of time there is no support, there is no adequate response after-hours, there is no actual communication with anyone.

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The way things are today there is no safe place to take the children, there's no safe place to deal with families and in most situations even police can't deal with it and the last thing they want to see is children sitting around in the foyer of a police station or in interview rooms and that's the situation, and more so now communities are looking how can we respond after-hours? How can we be not only part of a response, a group that advocates for the right for children after-hours, how can we assist and advocate and work together in securing that they're safe, but not only that, how can we keep the family together?

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45 More times than not a notice will go in by the police because they're mandated

to report any instance that they're called to where children are involved and it only comes later in another point of time that action is taken and unbeknown to the community that there is a point of child that they have to remove the child and most of the time the pick-up point for that child is at a police station.

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We were just saying that we need a better response for the safety of children; not a physical safety, but a safety of their mental state in the trauma down the track because I've seen it so many times before where the father or an uncle has been taken from their home or taken from a vicinity or a situation and we're just saying that, "Hey, how can we respond after-hours? How can it be mandated that it is a child's right to be safe, but how can we keep them safe? How can we respond safe?" You know, the whole process after, I just think that we can do it better, all of us.

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Certainly our jobs are 9 to 5, but there is people that are willing to do that after-hours that need to do that and whether it's through Child Protection, the way they formulate their notification, how they work in with Victoria Police and how they communicate with communities around times and arrangements for children to be removed, but it goes beyond that. It's what do we do when there is a situation? For myself and others who do that voluntary after-hours work, all of a sudden we find that we have a duty of care to the children, not only to keep them safe, but also for ourselves to really do things more adequately in the referral, the advocacy, but all the time respect and that the whole objective of what we do is to maintain the safety of that child, but also to work with family.

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Most of the time the best time you can talk to family and communicate with family is in a crisis and that's the part of the referral, is how do we do that respectfully, culturally appropriately and where children can be safe? That's why I'm here today because over numerous times and incidents and we put so much effort 9 to 5 and it's like that every child that comes through the service, it's just like that there is a cost associated with that child, but the costs that needs to be looked at is at that point of crisis, not within the placement of the crisis at the time when it's needed because that's when the parents need help, that's when the family need help.

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We continue to see it and we're in a situation now where we've got to bring that in, but we just can't bring it. Just how we do that, we need support in doing that. How do we provide a safe, adequate service and response after-hours in a crisis situation, particularly where children are involved? I know we're fortunate, through Victoria Police, that we're mandated to receive a call to the police, but they're also mandated to notify Child Protection where there are instances with people, but we'd like to say today that maybe that Child Protection and DHS need to work closely, and whether it's changing legislation or changing the way they do things, let's keep our children safely out of police

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stations, but look at a coordinated response, safe response to removal of children after-hours.

5 We've got a community that don't need a phone or phone books. We know our community and we know the appropriate response that will keep our children safe, but at the moment after-hours we have no safe place to take them, we have no safe network to coordinate with. Our prime objective is the safety of children, but at that point of time, 2, 3 o'clock in the morning, we have no safe place for children and I'd just like to thank you for the opportunity today and
10 I'm mindful that that's the issue that I see that so much effort 9 to 5, but the response after-hours, that's the response that's badly needed.

15 MR CUMMINS: Well, Joe, thank you very much for your insights, which are very valuable insights into that critical element of the system that you have identified. It's a very important contribution.

MR DAY: Thank you.

20 MR CUMMINS: Thank you for coming forward. Any questions you'd like to ask?

25 PROF SCOTT: Yes, if possible. Can you say a little bit more about the type of service and the type of place a safe place for children after-hours in those family emergencies, what that would need to look like.

MR DAY: The first thing that it would need to look like is, it's your first point of contact and I'd like to think that's the first point of contact, but it becomes a social justice advocate and referral service for children. So that the first thing you would look, I'd like to think that, firstly, it's a response; then secondly, that
30 it's a safe response but it's also confidential. People need to know, particularly mothers and fathers, and the confidential aspect to that, feeling safe. Because after-hours not only do you have the privilege to be at that point of call, but you have a responsibility with confidentially what's happening.

35 The thing is firstly the response, that you respond, but you do it safely, safely for the children, mindful all the time that there might be situations that children - because if you're waiting for a DHS worker to come, in that point of time, that could take three to four hours before they can get somebody out of bed at 3 o'clock. The last thing that you want is children in a police station. The
40 other thing that you don't want to be waiting for is for the next morning for something to be activated, let alone be activated without the notification to community, which is more so what happens because they feel that it's a safe response because they don't want the children to flee, but what we would be saying is that, "Hey, our interests is always with the children." Not only that
45 we have a mandate to do that outside any law or legislation, but it's something

that we do. But for us I see that we need always to be reminding that it's always safety first for children.

5 It's one thing to respond, but then it's to have a place of safety, a network where you can keep children safe, not only children, but women, mothers, aunties, and even more so now, grandmothers. So that's a difficult thing and it's becoming more and more so. If we had a service that did operate after-hours, and particularly just did that, we would find people calling, but the silence comes because there's nothing after-hours and that's where the fear is, the
10 response that comes unannounced.

If there is such a service after-hours, at the moment there is community workers that duplicate that work, they work the 9 to 5, they work after-hours, and most of the time the referrals are self-referrals and our organisations and
15 communities have got great services, they've got great partnerships, but what we haven't got is that service after-hours, you know, that point of call. We've got a 24-hour service with the police, we have a 24-hour service with the emergency hospital department. If the children are brought in or mothers are brought in, we can respond to that through the police. You know, the network
20 is there, but for our communities, it's not there because more than likely, most likely if we're not in the loop that port of call doesn't come until later, you know, the notifications have gone through.

25 PROF SCOTT: So is it like in some other states, particularly in remote parts of Australia, there are safe houses to which particularly Aboriginal women and children are able to go, self-refer in a family crisis. Is that the sort of part of the service that you would be striving at?

30 MR DAY: It's not duplicating it. There is good services around the state, there is great services in Shepparton and no doubt other communities, but we haven't a service and there is not a network that you can - if I wanted to take a family from Echuca to Bendigo, just say it's a long weekend on a Monday and it's a Queen's Birthday weekend and not only is it a Queen's Birthday weekend, but it's a long weekend because of the Anzac Day. How do you respond and
35 how do you keep somebody safe for four days? It's not just that weekend, but it's any point of time - and that's no disrespect to any worker - but it's just the way that we work at the moment. We work from 9 to 5 and the resources are 9 to 5, but it can actually change a situation so dramatically that you can respond - because the response is not only a safe response, but it's a response in
40 counselling and at that appropriate time, giving the right information, giving the right referral and giving then the right choices to make at that appropriate time.

45 PROF SCOTT: Thank you.

MR CUMMINS: Joe, thank you very much for coming forward. Finally, ladies and gentlemen, we'd like to invite Imam Bardi to come forward. Thank you, Imam. If you'd take a seat and we'd be pleased to hear you.

5 MR BARDI: I apologise for the bit about my English translation, but first my name is Eljam Bardi, Imam, of Albanian and Muslim community for 30 years in Shepparton. Thank you for this opportunity to present on behalf of the Muslim community in Shepparton and surrounding region. I would also like to acknowledge Care With Me for bringing this opportunity to my attention.

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I would like to focus today on three points. The first point is lack of engagement with our Muslim community by people working in this area, lack of the preventative support and advice for our community, lack of recruitment of carers from our community.

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First point, halal food requirement of our community, addressing alcohol, custom, traditions in our community has a lot of requirement and we understand them well, but without not engagement by workers and carers we risk harming the children and their families. Families become angry if their children are not fed halal or offered alcohol. This can also cause families to not want help from these workers.

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Point two. There are lots of people from war from countries background, refugees living in this region and not know all the rules of Australia's culture and there is a law about protecting children. The question is why don't we have people coming to us to help our community with these problems? We have Sudanese, Iraqi, Kuwaitis, Bosnians, Kosovars, many (indistinct) people.

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Point three. We have many people in our community living in this for many decades, for example list what I said before. So why hasn't there been a push to recruit any carers from our communities. We also cannot get any numbers on how many Muslim children go into foster care with this.

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I conclude I hope on three recommendations: more funding for engagement, more information on children, more equipment and support for our community. We can build something here in Shepparton. We have very generous people and very respected people. We can do things. I learn many things in our refugees for camping in Kosovo, in Pukapunyal and also Bunyana and we have Afghanis people. Really they need a lot of help and if you work with them, it is very difficult and these people need because different culture, different customs and also I see many people suffering, particularly the children, and they not know they have regulation here and that they need help and communication with these things. Thank you very much for this opportunity and I see you are very caring. Any questions?

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MR CUMMINS: Imam, thank you very much. Your three points: lack of engagement of information and of equipment and support, each are very important points. I particularly liked your point as to recruitment from your community, I think that's a very positive point which I think has great potential.

5 Imam, it's very important to this Inquiry to hear your voice and voices like yours because we regard that as central to the Inquiry and so I do thank you very much for coming forward, as each of us does. I have no actual questions for Imam.

10 PROF SCOTT: I have a question, if I may, Mr Bardi. For many, many years families have come to Australia from a very different cultural background, have had a struggle when their children, our young people, and are half in the old culture from which they come and half in the new culture and the young people are sometimes struggling between two cultures in their head as well as

15 in the world. Sometimes those situations have caused deep conflicts between parents and their sons and daughters and sometimes those conflicts have brought that family into contact with the police, schools around certain issues and increasingly now the child protection system. To prevent children coming into the care of the state, how would it be best, in your view, in this community

20 to assist families struggling with those problems in that period of adjustment and transition to parenting in a new land and in a new cultural context? What's the best way to support and assist the children and the parents as they face these challenges?

25 MR BARDI: I thank you. These very important things which - really I have to introduce myself - I born in former Yugoslavia in Skopje and finished high school in former Yugoslavia. In 1969-70s, I been Damascus University, Arabic literature and also in northern Africa from 1973 to 1976, and also I been in army former Yugoslavia in Belgrade, and from 1977 to 82 in

30 Cairo University, finished Bachelor of Sharia Law and 1982 come, which Albanians really they call me to come through the international resources.

In this area what you are asking, we have different culture and it's not easy and exactly what you say, the parents, many people they become professionals,

35 they are lucky; but some people, example, we have Afghanis and, you know, Kosovars and this is a (indistinct) war and I have saw this difficult to find because children learning the freedom, and the people never know the freedom, and children return to the parents - and I know this happen - 1 o'clock in night-time they calling me, but Imam cannot call to the police because I put

40 myself in risk, it's not easy, and many happen these things and I don't know what to do. Just I take to my family really, they have, and my wife, she working for community in school and she know these things, but not easy, and really we not have communication over the care, which I learning when I working in Bunyana. This is a difficult happen between parents and family.

45 You see respect people, but unfortunately they not care for children.

You see the country people, for example, Afghan, they hitting the children. They need to protect these children and to advise correct, as some children they brilliant. Similar, the people come from Albania after communism after 90s, and happen in high school, they calling me to go to solve the problems. It's not easy. I think we need some place to be professional people to support and to have patience and not support to be, but individual foster care. Honestly, these are not easy for the people and also for parents because, one, they not know who is this person care for my kids, for their kids, and that create conflicts and that's not easy what I see, the children, the parents, they take the current generation to understand, that's not easy, yes.

MR CUMMINS: Mr Scales?

MR SCALES: Just one question. In relation to the lack of Muslim carers, why do you think that is? While you're thinking about that, as I was listening to you speak, I was wondering whether it's the way by which we currently recruit carers that might be part of the problem. For example, we generally recruit carers at the moment through a third party, through any community sector organisations, and that's the process that we use, not solely, but that's the main process and I suppose as you were speaking I was wondering whether - I haven't sufficiently engaged with community sector organisations in the Muslim community in the same way as a recruitment process for carers, but do you have any views about that generally?

MR BARDI: Honestly, in Shepparton, I not know.

MR SCALES: Okay.

MR BARDI: I discussing one time with principal of high school, Alan McLean, he is very close with my kids, now that my kids growing. I shocked that he says about 1500 people that (indistinct) around in Shepparton in region and this has happened two years ago and I see that they have many problems for the children. It's not easy. I find one time they call me, Shepparton High School, and the boy was big problems, and I like to put that boy in foster care, and we discussing with principal, have to do deal with this because the boy impossible to stay with parents and need these things to help. We need communication and support.

MR CUMMINS: Yes, exactly. Well, Imam, thank you very much for coming forward. We're very pleased you did and it's a most important matter that you have raised with us, so we are glad to hear your voice.

MR BARDI: Thank you very much and we hope we see again to make this important thing I think, protect the children, because really I never see in our

country this protect children, only here, and this is very, very good. Thank you, God bless.

5 MR CUMMINS: And good wishes. Well, ladies and gentlemen, I mentioned this morning that Uncle Ruben might have been held up. I'm informed that in fact the notification didn't reach him, unfortunately. So I regret that the notification didn't reach him and thus, of course, he was not here, through no fault of his. Ladies and gentlemen, I do want to thank you all for coming. It's been most important that we hear you and as, indeed, Mr Birrell said, too often
10 such an Inquiry doesn't come and have the benefit of hearing the regional voice here and we're very pleased we came and we've been benefited by it very much.

15 I'd like to thank, in particular, the Secretariat staff who do a lot of work to arrange for this properly to be presented as it has been and the support staff, the protective workers and the recorder and I thank, in particular, all of you for being here and we now conclude this Public Sitting. Thanks, ladies and gentlemen.

20 **INQUIRY CONCLUDED AT 1 PM ACCORDINGLY**