



SPARK AND CANNON

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THE HONOURABLE TIMOTHY FRANCIS CARMODY SC, Commissioner

MS K McMILLAN SC, Counsel Assisting
MR M COPLEY SC, Counsel Assisting

IN THE MATTER OF THE COMMISSIONS INQUIRY ACT 1950
COMMISSIONS OF INQUIRY ORDER (No. 1) 2012
QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY

BRISBANE

..DATE 5/02/2013

Continued from 4/02/13

DAY 41

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complaints in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

THE COMMISSION COMMENCED AT 9.42 AM

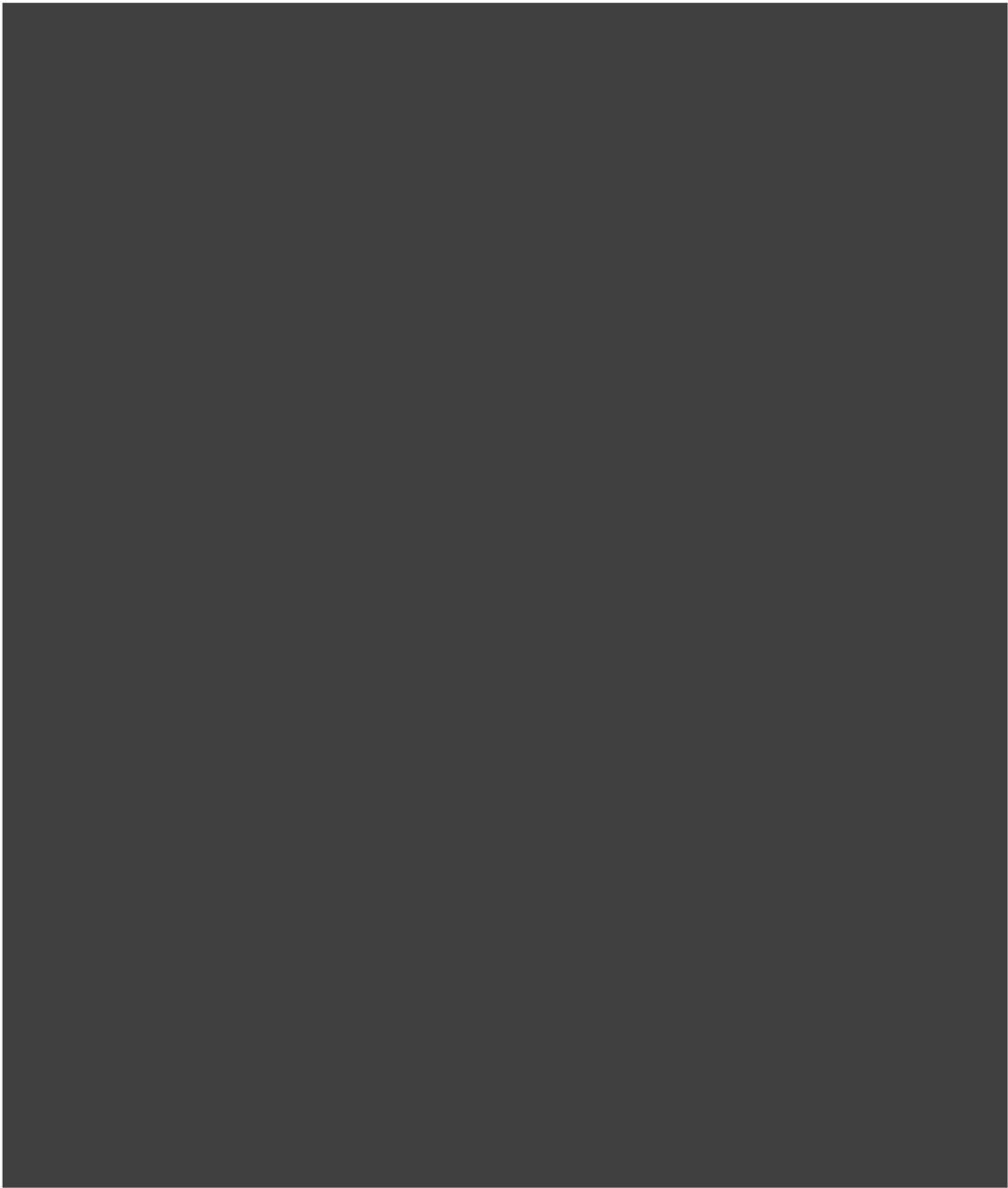
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COMMISSIONER: Yes, good morning, everyone.

MR HADDRICK: Good morning, commissioner. I continue to appear, Haddrick, counsel assisting. Appearances are as of yesterday, with Mr Selfridge for the crown. Ms Burke-Kennedy remains the witness.

BURKE-KENNEDY, DANIELLE:

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BURKE-KENNEDY, D. XN

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THE COMMISSION RESUMED AT 11.30 AM

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COMMISSIONER: Yes, Mr Haddrick?

MR HADDRICK: I call Kristina Farrell, Mr Commissioner.

FARRELL, KRISTINA affirmed:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Kristina Farrell, manager of supported accommodation services at [REDACTED].

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Please be seated.

COMMISSIONER: Good morning, Ms Farrell. Thanks for coming; welcome.

MR HADDRICK: Might the witness see this document, please, Mr Commissioner.

Ms Farrell, do you recognise that document?---Yes.

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What is that document?---That's a statement I made, yes, and signed.

And who's it signed by?---Signed by myself.

Are the contents of that statement true and correct?---Yes.

Are the opinions expressed in that statement your personally held opinions?---Yes.

I tender that statement, Mr Commissioner.

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COMMISSIONER: Ms Farrell's statement will be exhibit 154.

ADMITTED AND MARKED: "EXHIBIT 154"

MR HADDRICK: Thank you, Mr Commissioner.

COMMISSIONER: Can it be published?

MR HADDRICK: Yes, that can be published.

COMMISSIONER: Subject to the same restrictions.

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MR HADDRICK: Same orders made at the outset yesterday, Mr Commissioner.

COMMISSIONER: All right. I will direct its publication subject to restrictions I imposed yesterday.

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FARRELL, K. XN

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MR HADDRICK: Ms Farrell, thank you very much for coming along. I appreciate you have been sitting here for the whole of yesterday and obviously some part of today. My questions are going to be directed more to your activities or your responsibilities in respect of house A which we're still focusing upon, but first of all I need to canvass one topic that came up in the break in the last sort of 10 or 15 minutes. An officer of the commission brought to my attention that you received a telephone call. I need you just to indicate to the commission what call or what information has come to your attention in the last, say, 20 or 30 minutes?---Like, my CEO has received a message from Child Safety. They're concerned about the child Ben and the safety of his identity, I guess, during what took place here yesterday. There appeared to have been a journalist in the courtroom yesterday. I wasn't aware of that and there's some mention in the Courier-Mail this morning so they're concerned about the disclosure of his statement and his identity and his family's identity.

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Was there any other information about how that concern should be actioned?---No, not to my knowledge.

Is there anything in respect of any meetings that are to occur?---Well, we have to. We probably will be meeting about - a suggestion there will be a meeting to discuss about our relationship and our future relationship with Child Safety. I don't know what that meant or what - - -

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Was there any advice on who would need to attend that meeting?---The email was directed to my organisation and the email was with my CEO so I assume with him and probably myself.

What did your CEO tell you?---That's what he said. There were concerns about the child.

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Mr Commissioner, officers of the commission will examine the nature of that conversation and acquire further information from the crown in respect to what the purposes of that conversation was and perhaps the contents of that email which appears to, on the evidence before us, have come from an officer of the crown and I propose to get back to the commission, if I need to, either later today or some time tomorrow in respect of the matter.

Okay. Now, we return to your role. Can you explain in sort of ordinary-person speak what your role is with [REDACTED]?---I manage a section called "supported accommodation" which includes two residential care programs, a supported independent living program which is also a child-protection funded program and two specialist homelessness programs on the Sunshine Coast.

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FARRELL, K. XN

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When you say "programs", are they buckets of money that do services or are they facilities?---They are buckets of money so funded services, yes. 1

What is your role with respect to house A?---My role to house A is I am the manager so I'm the direct supervisor of the previous person here, Dani Burke-Kennedy. So there's the team leaders. I supervise them. I am responsible for budgets, operations and report to the CEO.

Who is that CEO?---Christopher John. 10

Sorry, what's his name?---[REDACTED]

[REDACTED] Now, that is the CEO of [REDACTED] is it?---That's right.

What is the nature of [REDACTED] Is it a company? Is it an incorporated association? What sort of organisation is it?---They're a not-for-profit organisation.

Do you know if it's a company?---Yes, we are a company because of the "Ltd", yes; limited, yes. 20

So do you have "Ltd" at the end of the name?---Yes.

So it would be presumably a company limited by guarantee? ---Yes.

Now, in addition to house A, can you tell us what those other particular programs or services that you're responsible for to [REDACTED] are? So there's house A?---Yes, house A.

What are the other things that you're responsible for? ---Well, it's an identical program. 30

So it's another house?---House B, yes, and then it's what we call a "supported independent living program" which is a transitional program for young people in care and moving into independent living and we got two specialist homelessness programs; one in Tewantin which is - they support young people up to 25 years of age in accommodation out in the community in units so that's external support; support workers coming in to have a case plan with them and work with them towards finding their own long-term accommodation. In Caloundra - and it's identical, but we also have a house for particularly the young ones so they have full 24/7 supervision where they might start off before they move into a unit. 40

Okay. Now, let's talk about the transitional care option as opposed to house A or the other house. Explain to us what services, what facilities, do you provide that

constitute transitional care?---Okay. With the supported independent living it's an option for young people before - when they leave residential care or foster care, they can move into their own accommodation. So we may rent - you have some housing we can rent and you also have some crisis accommodation program housing that we can access. Some young people move into their own accommodation but we continue the support. So it's a lot lower-level support than a young person gets in a residential care, of course, but it focuses on ensuring that they have all the independent living skills, the day-to-day skills, but also the connection into the community, the future pathways to education, training and employment. Family connection is a huge area in that program.

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Now, correct if I'm wrong as I go along and try and understand the nature of this transitional care. So it's a bucket of money to start with, is it?---Yes.

How big is that bucket of money?---It's around 50-odd thousand per placement per year.

When you say "per placement", you mean - - -?---Per young person.

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- - - per young person who Child Safety Services has in some way allocated to your organisation?---Yes.

How many young people are currently allocated to your organisation for transitional placement?---Eight.

So you have currently a bucket that's \$400,000 to do these particular activities - - -?---Yes.

- - - for those eight children at this point in time? ---Yes.

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Does that grow or shrink over time?---No, we're basically funded as a program for eight placements so it's the same bucket whether we have six or sometimes we have 10 young people in placement.

So you have only got to find transitional placements for six people?---Eight.

Well, just say, for instance, you have currently only got six people?---Yes.

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But you're funded for eight people?---Yes.

What happens to the remaining of that money, the other \$100,000?---Well, it will only be for a very short period of time that they have six. It wouldn't be for a year or anything like that. So sometimes there might be a little gap in between so one month we might have six and then we

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might to up to eight and then go up to 10 and then might go 1
down again.

So it can go over eight, can it?---Yes, we have had - the
last two quarters they've been over.

What happens to the bucket of money if you go over eight?
---We just have to reduce it really well.

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FARRELL, K. XN

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So the money has to spread thinner - - -?---Yes.

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- - - across 10 young people when you're only funded for eight young people but you've got to spread it thinner across 10?---That's right

So it's perhaps useful to your organisation to always stay at eight or perhaps less than eight where possible. I'm not saying that's a bad thing from your organisation's perspective, but it's useful?---It's useful, but we look at it from a little bit different angle, too, depending on the needs of young people have in the program. So if we have young people who - on the end of their placement and become quite independent then we might have capacity to put somebody else on.

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Yes?---And they overlap with a higher number for a short time.

What is the sort of things you do with that \$50,000 per placement? What sort of things do you provide the young people?---Most - it's gone - it's staffing cost, so we have staff employed; we also pay for housing, subsidised for young people; some young people may not - and this is about the Centrelink problem that can occur again, I guess - that most young people now appear to get the full youth allowance amount but we also have experienced young people who move into independent living in this program and Centrelink will only give them a living at home rate, which means that they have a lot less capacity to pay their subsidised rent, electricity and that type of thing; so that can be one area. They can be towards education and training; they can be towards transport; setting up the housing in the first place; they can be full crises, like we have do - - -

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When you say it pays for staffing, how many staff are connected with transitional places?---I've got altogether 1.75 position for the program.

Okay, so almost two staff are paid for?---Plus part of a team leader and management.

So that money also pays a portion of the salary of the management that covers all the different programs?---Yes.

Okay. But you've got, what, 1.75 full-time equivalent positions - - -?---Yes.

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- - - that are solely dedicated to these eight or so transitional places?---That's right.

How much of your budget does that take up? Without telling me what individual people get paid, how much of the 400 grand would go in the staff?---Usually salaries is at least 60 per cent of all our budgets, probably more, so that's a big cost in our program.

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So of the \$400,000 for the eight places, 60 per cent of 400,000 - and that's why I did law and not maths - is at least \$250,000 or so?---Yes. It could actually be a little bit less than 60 per cent in that program because we have a property cost as well, yes.

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Okay. So \$240,000 is perhaps absorbed through the staff and property costs associated with the staff for transitional places?---Yes, I haven't got the budget in front of me, sorry.

So of the remaining \$160,000, roughly speaking, that's the amount of money that you can purchase other things for the eight young people who are in placement. Is that correct? ---Well, not quite, because there's actually other costs around what you call a management fee, which involves it insurance, office accommodation for staff - - -

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So there's even less money that can go around at all? ---Yes.

How much money is there?---Probably around 12 per cent that goes into that infrastructure costs, yes.

Okay. The - - -?---Legals, or that type of thing.

So how much do we get to is band - or does your organisation get to spend on individual - - -? ---Individuals?

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When you take out all the expenses associated, how much do they get to spend?---On each young person, gosh, I wish I had them figures in front of me.

Ballpark figure?---That would sit around - I'm trying to remember - around at least 80 to 100,000 in the year across the young people.

Okay. So if it's 80 to 100 thousand a year of the 400,000 and you're servicing eight young people on average for that, that's about 10 or 12 thousand dollars per young person per year out of the 400,000?---Yes, that's correct.

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Now, we heard from Ben yesterday and you've heard Ben's evidence here and he spoke about what he wants, what's going to happen to him in the next, say, four or six weeks in terms of going and living somewhere else. What Ben spoke about yesterday is that one of the transitional care options provided by [REDACTED]?---That's correct.

So Ben is effectively jumping out of house A bucket and out of house A and moving across to another service provided by your organisation?---Yes, that's correct. 1

Now, we heard evidence - I don't recall whether it was Ben or whether it was the previous witness - but he's getting some furniture for this unit he's moving into. How much would we be spending on that?---Most young people get what they call a transition rent from child safety when they transition into an apartment or independent living but we often subsidise that with some of what we have. It depends. Some children have family who might want to give them something as well, so it's very, very different. There might be other costs in setting up the unit with food and things in the first place. They're often not really good at paying their electricity bills; there might be damaged property and that kind of thing as well that comes into this. 10

So of that 10 or 12 thousand dollars per young person per place per year - - -?---Yes.

- - - that money needs to cover any set-up costs if they are transitioning into a unit?---Yes. 20

It needs to cover some utility bills. That's correct, is it?---That's correct.

And most importantly, it needs to cover any damage - - -? ---That's correct.

- - - that the young person might still do to the premises? ---Yes.

From your experience does that damage bill - how much does that come to in publications?---We have had young people that have no damage bills at all and we have other young people where we have do, you know, pull out the carpet, repaint maybe three times in six months before we can settle the young person down, and it's often a peer issue because it's very lonely sometimes for young people and they find it difficult to say no. So that's a big, big learning curve for them when they become independent. So it's very difficult to say and it's very difficult to know when you do your planning as well. 30

But if you've got one young person who is, if I can put it this way, very well-behaved and does no damage to the premises which they have been transitioned to, and you have another young person who is not so well behaved and does considerable damage to the premises that they have been transitioned to, the well-behaved young person - the money allocated for them cross-subsidises and pays for the damage done by the not so well-behaved young person?---Yes, that 40

would occur, yes. So probably an average, say - I'm picking a figure of little bit out of the air now - it's 2 and a half thousand per year per client.

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In terms of what?---Property costs.

Okay. How long would you have a particular client or young person classified as a transitional placement? Are they on the books for one year, or do we carry them forward, or how does that work?---No, they can actually stay in the program until they turn 18 and leave care and sometimes - recently we had a young woman who got a disability so we made an agreement with child safety for her to stay and she finished year 12, which she did very successfully, and then got her own - and then got employment. So that support continued for her to she turned - she was a little bit over 18, 18 and a few months, and I think that was very well spent money. Other young people might - say, they returned to family members and we support them in that process and support them with the family. It might not need to continue till they are 18 because the placement back with the family settled in very well.

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What happens if there is a blowout in the costs of any one particular young person?

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Say, for instance Ben, who we heard yesterday, turns out to be more expensive than originally anticipated. Who picks up the tab?--Well, that's the organisation's responsibility. 1

So if Ben is coming into the transition system and he's a very expensive placement, does that mean that of the eight places your organisation might not be able to fill all eight places because they need two of those places to effectively fund Ben's services?---No, that won't be occurring. I believe child safety is actually looking at how they can find some extra funds to make his transition - improve that, and the same as an organisation in looking at putting in some extra money towards his transition because he has extra needs. 10

So your organisation is talking to Child Safety Services to source some extra money to fund the extra services that Ben is going to need in transitional care?---Yes.

Above and beyond what other transitional care placements require?---That's correct.

What sort of money are you looking for? How much have you asked for?---I haven't asked for an amount. I've been looking more how to meet the cost of Jabiru for this young person for him to become a farmhand. I think the issue is to find a long-term outcome for these young people. 20

Yes?---It's not about what a young person is doing up to 18, it's the next 60 years and how do we actually provide them with a platform to move into that part of their lives. Sometimes it's very difficult to estimate what that dollar value is because we can't foresee everything. You know, this can depend on is there a family member in the future who will put their hand up or not, is Disability Services going to come in to the party or not. 30

Obviously we've been focusing a lot on Ben because we had the advantage of hearing and seeing Ben yesterday, but there are other kids who are in transitional care who may not be - who Ben might not be indicative of. He might not - they might not be the same as Ben. Can you tell us about the other kids who are in transitional care and what are the characteristics of those kids?---I've worked in the supported independent living program since 2000, before they funded them, and I always found that they've been - working together with the department has been very beneficial. We have had times and our young people who need that extra resource to be able to cope into this independent type of situation, or more independent situation, at least, from the beginning, and we've been receiving extra funding to do so. We have pulled our own resources together, looked in other areas of the community 40

and see how we can, you know, bring the resources together. This young person we've been talking about, he's an extremely difficult young person. 1

Challenging, yes?---But I think too, you know, with these young people that we have, they've often got very delayed development. Due to their trauma they have disconnection with family and so on and that 18-year-old mark is in the wrong place. So there needs to be some sort of after care. What we get started with is actually moving towards something, a good outcome, long-term outcomes, for the young people. 10

What I'm trying to work out is whether of those eight children who are at any one point in time in a placement, a transitional placement, do they resemble Ben or are they different types of kids?---Some of them resemble Ben, yes, definitely, and some of them have been approved for disability services and we've been able to do that transition with Disability Services. In this young person's case it's not happening. I've seen successes at times and I have seen others that haven't been successful.

Are there young people who are in transitional places who do not show the significant behavioural management issues that Ben demonstrated yesterday?---Absolutely. 20

Are there young people who are quite placid in their demeanour?---Yes.

Is it fifty-fifty between challenging cases and not so challenging cases?---I think the number of challenging cases is increasing. They have over a few years now. I think one reason is that there appear to be a lot of - we actually have a lot of young men and even a few young women lately who come into care very late in life, so they might not fit into foster care or that type of situation. So they're connected with family, they come into care, they come into us, and they're quite damaged, angry young people. 30

What do you put that down to, from your observations of these young people?---They've obviously been in a family home for quite some time. Things haven't been working really well. If it's abuse or, you know, mental health problems of parents, neglect, coping skills, whatever, but they've been in that situation for a prolonged period of time. 40

Just moving away from the transitional programs that your organisation provides, I'm returning back now to house A, and you say there's another house as well?---Yes.

Without giving me the address of the house, can you tell me the suburb that that house is in?-- [REDACTED].

Okay, it's in [REDACTED] We know how many young people live in house A. How many young people live in the [REDACTED] house?---Four as well. 1

There are currently four there?---That's right, yes.

Is that house funded for four places?---Yes, it is.

What are the ages and genders of the children in the [REDACTED] house?---They've got a young man who is [REDACTED] they've got a young lady who is [REDACTED] one who is [REDACTED] and one who is [REDACTED] I think, yes. 10

Okay, so what, one female and three males?---No, one male and three females.

Sorry, I got it around the wrong way. How do they all get along with each other?---Up and down, but fairly well, yes.

There's nowhere near the challenges associated with house A in the [REDACTED] house, is there?---No.

The [REDACTED] house is, quite frankly, smooth sailing compared to house A, isn't it?---Yes. 20

How long have the residents in the [REDACTED] house been in that house for?---Just over 12 months, I believe.

Is that for each of the four residents?---Each of the residents? Sorry, no, they have - I thought the house itself. No - - -

So the house has been operational for 12 months?---Yes. They've all been there less than 12 months.

Okay?---Some of - one of the young people came in because of a breakdown in his kinship care arrangement. So he came in part-time to us first, but he's now full-time. 30

Yes?---It's basically elderly kinship carers within the family, and one young lady came in mid last year, another one came in a couple of months before Christmas, I think.

Are any of them from other residential homes, where they've gone from one home and then they've come into the [REDACTED] home?---No, I don't believe so. We have one young lady there who was with us and then went into the foster care but that wasn't successful so she's back with us, but the others, no. 40

Returning to house A, you've told us that you're the manager, or part of the management, of [REDACTED] How does [REDACTED] receive its money from the government for house A?---In quarterly instalments.

How is that amount of money arrived at? Well, first I should ask you, how much does [REDACTED] get for house A?--A bit over 800,000 a year. 1

How is that figure arrived at?--Well, that's based on departmental figure around the support needs of young people. There used to be a table saying the complex needs are so much, you know, this is this much, per year.

So a young person is classified into a category?--Yes.

Then they are multiplied or they're added up - you know, child 1 is worth X amount of dollars?--That's correct. 10

Child 2 is worth Y amount of dollars?--Yes.

That's added together. You just need to say yes or no - - -?--That's correct.

- - - because it's obviously being record. Then that comes out of the grand figure for the house, does it?--That's right, yes.

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Now, we have heard in house A that there are only two residents there currently, two young people who are in care there, yet that house is equipped for and structure for four young people. Does [REDACTED] get less money because there are less residents in the house?---No, we don't. The house is funded for four complex-needs placements and we have - due to we have these extreme-needs young person we cannot fill the house with the rest and there has been an agreement with the department that we are not putting in any more young people as long as we keep him - have him in that placement.

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I just want to make sure - - -?---So it's outside the scope of the funding but we have - - -

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Yes, I just want to make sure I understand the relationship between your organisation and the department in terms of what the department funds you guys to do. So correct me if I'm wrong. There's an agreement between your organisation and the government to fund house A?---That's correct.

And the payment that your organisation receives for running house A is based on a formula that the department worked out?---Correct.

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And that formula is based on the needs of the residents in that house?---That's correct.

And that formula is based on a presumption that there will be four residents in that house?---That's correct.

Now, when there are not four residents in the house, the funding still remains the same as if there were four residents in the house?---That's correct.

So what happens to the extra money that is no longer being used that would otherwise be used for the other two complex-needs children who don't exist or who aren't there? ---I guess to run something like a residential care unit it doesn't mean that you can have one child and they're only cost you quarter of the money because you need your 24/7 staffing. You need your management. You need your cars. You need electricity and - you know, all them costs are still there so I think there is possibly - in this case of this young man in the house the staffing cost has actually run over. The reason for that is - - -

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Sorry, the staffing cost?---The staffing cost has actually run over the last six months. The reason for that being is that we've got a young person with extreme support needs who causes - we have sleepover shifts of people. Staff go to sleep and get paid a sleepover allowance, but this young man keeps staff up a lot during the night which then causes us to pay a lot of overtime payment so there are no savings as such with the two young people.

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5/2/13

FARRELL, K. XN

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Okay. Let me just unpack a couple of things you said there. You said you ran over the amount dedicated for staffing in the last six months. How much of the just over 800,000 does your organisation budget for staff for the house?---Around 60 per cent of the funding, yes.

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Again I'm useless for maths. Somebody will work that out for me. So that's \$480,000 of the 800?---This is ballpark figures. I haven't got anything in front of me, I'm sorry.

So they're not precise but they're your best estimate as the person who is responsible for the budgeting of the house?---That's correct.

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Now, what happens when you run over the costs? Where do you find the money to pay for the extra staffing?---Well, it's something I need to plan with my team leaders from quarter to quarter or month to month actually. We monitor the budgets very, very closely and, yes, it's our responsibility, you know, of any additional funds or anything like that.

So you need to make some cutbacks somewhere else to pay for the overruns of these fixed costs?---That's correct.

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What are the other fixed costs? I think you identified a couple before, electricity, staff. What are some of the other fixed costs that don't change no matter how many residents there are in the house?---Yes, which is a management fee, of course, infrastructure, cost of vehicles, leasing vehicles.

We have heard there are two vehicles there at the moment. They're on some sort of lease-plan arrangement?---That's correct.

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And insurance for that and for the house?---That's correct.

And they're all fixed costs so it doesn't matter whether you have one resident there or 10 residents. That remains the same?---That remains the same, yes.

What is the cost savings that you make as a result of having less than four residents there starting with food? ---A little bit of food; a little bit in the client-related costs around their entertainment, their food; with working around seeing - now with this young man going away every three weeks to cut down the staffing. We try to cut staffing around sometimes because we also want him to become more independent and not rely on having a staff member next to them all the time, but, of course, they can make it and break it with a few nights.

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Now, you were here yesterday when I showed the previous witness a series of photographs of the house. I identified

in those photographs and the previous witness confirmed that there were a number of holes in the wall and damage all over the house as a result of the conduct of the young people in the house. What does it cost your organisation to make those repairs?---Well, I have around \$12,000.

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Sorry, I didn't catch you?---I budget for around \$12,000 for repairs and maintenance.

Over what period of time?---For a year.

Is that per child or for the house?---No, per property; per house, yes.

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Okay. So the damages - are they coming in - for the last year, are they in or above budget?---Around that amount, yes.

Now, does your organisation seek to recoup that money in any way from the young person who does the damage?---Yes, we have a situation I think this young person spoke about that he's actually paying back some for his damage. We try to engage young people in either paying for the damage or helping to repair damage and some things you can do but not - you know, it's not a large amount coming back that way. A carpet, for example - it's unrealistic to expect a young person to pay for thousands of dollars of carpet.

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How much have you been able to recover from Ben?---I can actually not tell you that. I'm not sure.

Okay?---I haven't looked at that figure recently.

Now, just asking generally about - if you have got a house like house A that only has two residents in it, am I to understand the effect of your evidence that your organisation simply can't afford to have a third and fourth resident in that house because the costs associated with the current two residents, in particular Ben, eat up all the money that would otherwise be used for resident 3 and resident 4?---Well, in a way. I don't think the staff group could actually manage any more young people, but one of the big issues is that the young person cannot cope with other children around. We have had many discussions between us and Child Safety what is the best option for this young person and it has pretty much come back to staying with us because otherwise he will be bouncing around different similar programs and that wouldn't improve the situation for him, as I believe. I think it's quite amazing that we have retained him for two and a half years, to be honest.

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Has Child Safety Services tried to place a third and fourth person in the house whilst Ben's been there?---Yes, there was four young people in the beginning when Ben was

there and it has varied and there was three young people up till some time last half of last year, I believe, and then when that young person moved out - and there was a lot of conflict between him and the other young person so - - -

Would it be fair to say that Ben drove the other resident out?---To an extent. I guess it's very difficult to staff to give any attention to other young people when he is there because he finds that difficult to accept and tolerate.

Once someone has left the house, so when that third young person moved out last year, was there any effort by your organisation or Child Safety Services to fill that one position so it would bring it back up to three?---No, I believe that Evolve and Child and Youth Mental Health - they agree that he shouldn't actually be in placement with any other child. That was their recommendations, but I believe that that wasn't an option that could be created around him, so I think it's a little bit he's stuck with us.

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Okay. Are you responsible for the payroll, the paying of staff in house A?---Well, I am responsible for the expenditure of the payroll, yes. I'm not - - - 1

You supervise the buckets of money - - -?---Yes.

- - - that pay the staff in house A and the other services provided by your organisation?---That's correct.

I just want to ask you some questions about staff turnover. How often you get new staff coming into the house - house A to start with?---I'd say in that house we'd probably have 50 to 60 per cent of the staff have been there for at least two years. 10

Do you ever find people who arrive and they only last a few weeks and then they go on?---No, not a few weeks.

What sort of time frame?---We have had people who stay for - just trying to think - maybe 12 months and then move on. Sometimes people are studying and they finish their study and then move on to a day job, and some people are the people who moved with their partners other places. I had a couple of people who I had performance issues around. 20

Do you ever have staff who burn out, if I can put it that way?---There's a high risk of burnout and it's a huge component, I guess, of managing residential care and it's also a cost to manage.

How do you manage or reduce the likelihood that staff will burn out?---Well, from my experience it is there care teams, so it's the team leader in our case, and the other care providers. If that functions, yes, good outcomes for the young people. So you need to provide training and that's required by licensing, which is an enormous cost to the organisation because it's not like us going to training during the day, we actually have to replace everybody on the shift to participate in training. Some of that is required by licensing and others is organisational development. We provide supervision every month. We make sure that shifts are overlapping a bit so people can have a debrief with each other. We have staff meetings every fortnight, so people participate in planning, the care planning around the young people. 30

What sort of costs are incurred by your organisation in terms of staff training?---All right. If I get a staff member who commences this year, first 12 months they will be required to have around 10 days of training, so that's 10 days of work plus 10 days of replacing them on their shifts. 40

Okay?---So that's 20 days' cost, more or less.

In addition to the cost of the staff member and the replacement of the staff member, do you pay for any courses?---At times we do. We might pay for people coming in to deliver the training, so specialists in the area. We try to provide our own venue if we can. We provide training to team leaders who's going to supervise the care team.

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I want to ask questions about how your organisation deals with the neighbourhood that house A or indeed the [REDACTED] house are connected with. Now, we've heard evidence that the neighbours to house A have quite naturally had concerns over a period of time about what happens in house A and how it is managed and the activities that go on in there and we've even heard evidence that some people suspect that the neighbours have been the ones calling the police on occasions for incidents that arise. How does your organisation from a management perspective - where you rest in the system - what do you guys do to respond to the concerns of neighbours around house A?---We have been in contact with neighbours, so with, like, team leaders and staff have contact with them, particularly if there've been issues they have raised. My phone number - my 24/7 phone number has been handed out and I've had a couple of times when they've called me.

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Are the neighbours understanding, or do they get irate? ---It varies. I mean, I know of one neighbour who works - has to get up early in the morning and get to work and of course she's irate if she kept up half the night from noise, no question about that.

Okay. How do you respond to - when a neighbour rings up either you or one of your officers how does your organisation respond to an irate neighbour?---Well, I find out (indistinct) something they ring me and they say, "This is happening right now," I immediately contact the house to actually find out what's happening. I have to call the police for disturbance because we receive complaints. Sometimes talk to neighbours about what they would like to see done.

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Are you ever able to substantively respond to the neighbours' concerns, or must you just, as a sheer reality of the situation, simply pacify them?---Often it is around pacifying them, I guess. Sometimes there have been issues about their engagement with the young people and they might need to set some boundaries themselves about their involvement with the young people. But yes, it's often around pacifying, and particularly - I mean, the other house is not a big issue because it's on a five-acre block and the proximity of the neighbours is very different.

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So we can draw a lesson from that, perhaps not of universal application but we can draw a lesson from that that a larger property where the house isn't so nestled amongst

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other homes, that there's less likely to be conflict or disturbing of neighbours?---That's correct. 1

Do you ever get any of the neighbours complaining for the [REDACTED] house?---I don't believe we had any complaints there, no.

How often would neighbours - and I'm not wishing you to identify them at all, so please don't - but how often would neighbours generally complain about - or the community generally complain about house A?---There has been one, I believe, in the last couple of months. Seems to occur in irregular patterns. They could be that we have a young person who is very loud or upset for a period of time and then disturbing neighbours, and then it can be nothing for six months. So it very much depends on the dynamics in the house at the time. 10

Does your organisation - or indeed can your organisation provide any information to the neighbours about what's happening in that house, who's living there, the care needs associated with the young people living in the house? ---They know that we are [REDACTED] and we are running as residential care program. They understand that we can't disclose any information about the young people, but we encourage them to contact the staff in the house or myself if they have any concerns or issues. 20

Do you see any value in organisations such as your organisation being able to give some information to the neighbours to help pacify their concerns or indeed on occasions protect the neighbours from possible conduct of the young people?---I don't think the neighbours are seeking information about the young person, they just want the disturbance to stop. They understand what our activities on the premises are, they have an understanding of that, but they are not telling about individual young people. 30

But say, for instance, you had a progression of young people living in house A, or indeed any house and that changed over time; there might be two, there might be three, there might be a particularly difficult young person and then some not so difficult young people. Wouldn't it be to the advantage of the neighbours to sort of know that that one difficult young person is on their way out of the home?---Yes, to keep them happy, but it would also be very difficult to raise with them that it's a very difficult young person moving in. 40

Yes?---So I think - - -

They certainly wouldn't like to know at the start of it, would they?---No.

In your statement on page 2 you refer to, "Some complaints have been around noise, particularly at night. Other complaints have been around food items have been thrown over the fence." How often does that occur?---Food items I haven't heard anything for at least eight months or so. That's the noise - as I said before, there have been - I think there has been one in the last couple of months. It comes in groups of complaints when there's a young person being unsettled.

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What relationship does your organisation have with the Queensland Police Service? Do you keep them informed about who is in the house? Do you alert them that your organisation has opened up a house that they might eventually become interested in? How do you interact with the Police Service?---I think we have a good relationship. They have a good understanding of what we are doing and what our limitations are, I guess. When we moved house B to [REDACTED] from another area we contacted the police then, introduced ourselves so they were aware of us. I believe my operations manager has got a phone call from [REDACTED] asking us to inform them more about our homelessness program as well so they have an understanding of the needs of the clients there.

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Do you ever find the QPS bringing young people to the house at all in the terms of - you just mentioned the homelessness program you have?---No.

So they are only called out in response to incidents? ---Yes, that's correct.

They don't become involved in the house of their own volition?---Yes, or is they - if the young person - they might be checking in on a young person who has a curfew condition or something like that.

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In your statement again on page 2 you identify effectively the evidence we've received in the last day and a half, that you have a house, house A, that has only two young people, and for that reason - for the reason that one of the young people has quite extreme support needs and it translates into behaviour affecting staff, resources and wellbeing of other young people. As someone who is in charge of or in the management of a provider of this type of residential house, indeed two of them, and other services associated, like transitional places, do you see any value in a further care option being established whereby there is greater restriction imposed upon a young person from coming and going from the premises?---Yes, I believe there are times when a young person is destructive to themselves and to other people around them and property and quite out of control. I think that would be really good, to have somewhere where they can go and be in quite - in a protective place for a little while.

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Who should be providing that service? As someone who is involved in the management of a not for profit service provider with various care options, do you believe that your organisation is in the position to provide what might be described as secure care, that is, care where there are restrictive practices, more discipline associated with the care?---Yes, I think if it be - led into a model which is still, you know, responsive to their therapeutic needs as well as being able to put discipline and boundaries around them and structure around them, yes, I think that's a model that most of the current service providers are able to run and provide.

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It would be difficult for the current service providers to provide secure care, wouldn't it, because of the level of training and physical interaction that would be required to effect the secure care of those young people who require secure care? It would be difficult for your organisation to provide that service, wouldn't it?---It would be a completely different service and a different set of skills and different set of staff group, I'd say.

It would be a real challenge, wouldn't it, for your organisation to expand its operations to provide that high end secure care, wouldn't it?---Yes, overnight, definitely. It would be a difficult process to be able to achieve that in a positive manner, I guess, in the good practice - - -

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Of all the services that you've identified at the start of your evidence that your organisation provides, house A is perhaps the most difficult service, isn't it, the provision of house A?---Yes.

That's a result of predominantly one but both of the occupants in house A?---Predominantly one, yes.

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So to provide a service that was more intense than house A currently provides would be quite a strain on your organisation, wouldn't it?---Yes.

If not your organisation, who do you think should be providing a secure care form of care where the residents aren't free to come and go as they see fit?---To be really honest, I'm not sure about that. I haven't really thought around that much.

Certainly, okay. Can I take you over to page 4 of your statement? Do you have a copy of your statement there? ---No, I haven't.

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We'll just see if we can grab you another one so I'm not taking you by surprise. If I can just take you to page 4 and in paragraph 23 right at the start there you say, "Staff have the responsibility to cook," and then you go on to further describe how that's done and some of the activities. Why do the staff have the responsibility to

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cook the food in house A?---One is to ensure that the standard of the food provided is what we can expect, and it's also depending on the level of skills and development of the young people in the house to what level they can participate.

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Go down to paragraph 25, and again you say, "The staff have the responsibility to do the laundry," dot, dot, dot?
---Yes.

Why do staff have the responsibility to do the laundry?
---Again, it's depending on the development and the age of the young people. That's a learning curve, like any normal - any child being at home as well, to participate at a different level, has to grow up and develop.

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Just bear with me, sorry?---But the staff's responsibility is to ensure that the laundry is done, hopefully through young people participating in that task.

Now, you sat here all day yesterday and heard Ben give his view on cooking and laundry. His view was not so charitable, if I can put it that way. He saw the staff there as his to do his tasks that he wished when he wished. I think his words were, "They bow down to me," or words to that effect. Is that a true representation of what occurs in the house?---A lot of young people will try that. At the end of the day, as I said, you know, young people - you're trying to engage them any way you can and do things with them to engage them in learning skills and taking some responsibility, but again, you know, often when this Centrelink payment comes in at 16 there's no incentive. They don't need the pocket money, they don't need to do - we have a minimum pocket money that they always get and then doing some extra chores they can actually build up their pocket money. You don't need that when you get \$500 a fortnight from Centrelink.

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Yes?---So that's really difficult.

It's pin money, the - - -?---Yes, and, you know, this young person - he does do things, both cooking and laundry, but - yes.

Well, he gave us a very clear picture yesterday that he only does it when he wants to do it. He very sharply, if I could put it this way, understood the obligations upon your organisation to provide care for him; in fact to the point of saying it's your duty of care to provide his cooking and his laundry. Doesn't it become a problem with the young person understands the rules so well that they can manipulate the rules to their own benefit?---Yes, and you often get them statements from young people about what the staff are there for.

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Okay, and we heard some of those yesterday, but how do you as part of the management of the provider require or instil upon the young people who are in your organisation's care the degree of both self-respect and self-responsibility that we expect of young people living in these facilities? What do you do to respond to Ben's cavalier attitude to cooking and cleaning?---I had discussions with young people many, many times about what is in the job description. I also explained that I actually write the job description and they don't and, you know, I think - I don't actually know where this comes from from a child in care because if you compare them to young people who are homeless, they don't have the same attitude at all and it's quite prominent in children in care. They're very demanding about their rights and - - -

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Is there anything you can do to, quite frankly, make Ben lift his socks and do his own cooking and cleaning?---We use a lot of incentive and sometimes incentive can be that - - -

What sort of incentives? It sounds like you don't have many incentives or tools?---Yes, there is, because we don't underestimate the incentive of, you know, when they build a relationship with a worker and to have the opportunity to do things. You know, if your worker has got a relationship with a young person, you can say, "Let's clean up the house and do the chores and then we go out fishing," and that works. A lot of young people - that's what they do. That's a person they role model on. That's the people they have the relationship with and want to please.

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It only works to a very limited degree with Ben, doesn't it?---Probably not as limited as he says.

He might be taking us for a bit of a ride, do you think? ---Yes, I think there was a little bit of bravado in some of that; yes.

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Enjoying his day in the theatre of this place?---Yes.

Okay, but more generally when Ben says, "I don't have to clean up my room. That's their job. They get paid to do it," is that the way the staff view the arrangement?---No.

At what point when Ben calls bluff do the staff do those functions?---Well, when it becomes a health issue, we go in. I mean, there are things like, say, "Listen, I'm going to clean up your floor. You better get your things off the floor or they go in the rubbish bin." That usually gets young people moving, you know, things like that. You know, it doesn't mean you're going to throw everything out, but engagement for young people - that's the important part and for these young people, that level of trust before you can engage with them can take a while, and I see this young

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person particularly. He does participate in things sometimes and otherwise he don't. 1

We all saw Ben yesterday. He's on one level an extremely intelligent young man. He calls bluff quite regularly, doesn't he? He calls your employees' bluff quite regularly. I'm not trying to say that rudely or you have failed in some way?---No, I think - yes, I think - - -

But the position he has in that respective house puts him in a position of, quite frankly, command, doesn't it?---At times it does, but that's usually through his threatening behaviours and his physical force. 10

You mentioned "threatening behaviours". Do you have any regard to the gender or age of an employee that you're going to place with Ben or another resident?---Yes. With that particular house we have - due to this young person we have changed the staff group and we have very limited female staff there and the female staff who work there usually are more mature staff and we prefer to have a male worker on - at least one male worker there.

At all times?---Yes. 20

So Ben will always have a male somewhere around the house who's an employee?---I think there is a couple of occasions when - - there have been a few times, I think, that we haven't been able to achieve that. We had two females at the house, but, yes, we have a male staff on board usually.

Just going back to your statement on page 5, paragraph 35, you make reference there that children often get laptops from the department. What do you mean by that?---It's often laptops. They can either get it through transition for educational purposes - - - 30

Sorry, through transition?---Transition funding, yes, so they have something the department might provide to them as part of their transition.

I'm just confused as to what that means. You said "transition funding", but then it's the department. Who's picking up the tab for - - -?---Child Safety.

What bucket of money is that coming out of?---The service centre's bucket of money. 40

So that's not coming out of your \$400,000 transition payment or any other - - -?---Not usually, no.

- - - grant of funds that you have received from Child Safety Services?---No.

COMMISSIONER: Is that the financial help that is set aside by the department to transition under section 75, about \$1200, is it? No?---I'm not sure actually. I don't know.

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Mr Selfridge, is that a practice of the department, generally speaking?

MR SELFRIDGE: I have some personal knowledge in relation to it and an understanding of it, but I can't give any evidence - - -

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COMMISSIONER: I can take any information from any source regardless of the - - -

MR HADDRICK: Do you want to jump in the witness box?

MR SELFRIDGE: I can't give any. I don't know. I can get instructions in relation to that specifically.

COMMISSIONER: I thought there was a sort of fund around \$1200. You know under section 75 they get help for transitioning, including financial help.

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MR SELFRIDGE: That's right. I don't know the actual figure as such. I don't know it to be \$1200.

COMMISSIONER: It might 1200 or 2000.

MR SELFRIDGE: I will find that out certainly?---If children are going to undertake education today, they need access to a computer. That's unavoidable.

COMMISSIONER: Yes, but you said "transition funding", didn't you? Is that what - - -?---I thought it came out of some sort of transition bucket from the Child Safety Service Centre.

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Can you see if there is such a bucket?

MR SELFRIDGE: Yes, Mr Hanger is in the back of the - - -

COMMISSIONER: Is her nodding or shaking his head? He's nodding.

MR SELFRIDGE: He'll find out, I'm sure, for us.

COMMISSIONER: Thank you.

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MR HADDRICK: Where I'm going with this question is access to the Internet through the computer. So has Ben and the other - we have heard evidence that Ben and the other resident have at various times computers and we have heard evidence that Ben has lost his computer or sold it. It's disappeared somehow at various times, but it's always been replaced through some mechanism or another. Are you aware

of who replaces Ben's computer if it disappears, either being sold or somehow it goes missing?---I believe he replaced it himself with his Centrelink payment by buying second-hand computers after that, yes.

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Now, I know it's difficult in this day and age to monitor Internet access, but it is a component of parental responsibility what a child can access on the Internet. What does your organisation do, if at all, if possible, to ensure that Ben and the other resident of house A or indeed any of the residents in the [REDACTED] house have safe access to the Internet, safe and appropriate access to the Internet?---That's very, very difficult. We don't provide sort of free Internet access through the house. We provide pre-paid and under supervision for educational reasons. I mean, they can get - - -

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What does "under supervision" mean?---A worker being present. So they might sit at the dining table and do some homework and they're around. They're not sitting in their bedroom.

But if Ben or any other resident had their laptop in their bedroom and they had the prepaid thing, they would have carte blanche access to the Internet?---If they manage to get their own prepaid set-up, yes, it would be difficult for us to be aware of. They can go down and sit in McDonald's and they can get wi-fi on their phone.

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I appreciate there's difficulty for all parents, no matter what the family structure for that child?---But I think it's about teaching, too, about how to use it appropriate and the risks and the - - -

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Do the young people - does Ben or any of the other residents ever find themselves getting into trouble with the use of the Internet? We've heard evidence yesterday that Ben had, in respect of comments that he placed on his Facebook site, [REDACTED] [REDACTED] ---Mm.

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Do any of the other residents misuse the Internet to your knowledge?---No, I hadn't - I can't think of anything similar that has occurred in any recent time.

Okay. Going - - -?---We had a similar thing in our homelessness program, but it was actually somebody who put a comment on a web site that support young people with self-harming behaviour, and they somehow contacted the police in Queensland and knocking on the door for the same reason.

Going over to page 6 of your statement, we've heard some evidence - I'm referring to paragraph 44 and the last sentence in that - we've heard some evidence that police are regularly called to house A to respond to all sorts of challenges from one end of the spectrum, significant chances of assaults or further damage to the house; and the other end of the spectrum, disputes over which TV channel should be on on the main TV. We've heard that evidence in the last 24 hours. What is your experience of the QPS - Queensland Police Service - having interactions or being called to the [REDACTED] house? How often does it occur there?---There has been very few occasions. We had a young person there for a little while who was a violence. It was a bit more frequent during that time, but otherwise it's the missing person report. But we don't - we had one young lady who we'd done a couple on, but it doesn't occur that often any more, they don't contact us for 24 hours.

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So it's a fair assessment that it's not really the house structure or the way the care option is structured that results in the requirement of police attending upon the premises, it's the unique characteristics of the young people who are in that particular care option?---I believe so, yes.

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And so would you agree with me that that underscores the need for a particular form of secure care that is directly targeted at those young people who quite frankly are far more dependent upon the police than other young people are?---Yes, I in agreement with that, but still to keep in mind that somewhere along the line these young people turn 18 as well and going to transition out to our community. And that's similar to when young people leave detention,

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they actually function really well in this very structured environment, and the step back into the community is often very, very difficult. So it's all fine with some secure facility, but then what are the steps to actually come back into community and take on the whole responsibility of self again?

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When children are placed in the [REDACTED] house what order are they there under? Are they there under an order under the Child Protection Act or could they be children who are there who have orders associated with Youth Justice?---No, they're all under orders under the Child Protection Act.

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Okay?---But some young people might have Youth Justice orders as well.

So at the same time they'll be subject to a child protection order but they also have their own problems with the law?---Yes, that can be an additional factor, yes.

Okay.

COMMISSIONER: They call that being under dual orders, don't they? That's when they're under a dual order.

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MR HADDRICK: Thank you, Commissioner.

Now, also in paragraph 45 in the second-last sentence - I quote it - I just need you to explain what this means. You say, "Now, we don't have to call and report young people missing every time a young person absconds." What do you mean by that?---It actually used to be reported - every time a young person disappeared for a little while we had to report them missing to the police and - - -

What do you mean "disappear"? An hour?---Yes, and I think the limit was two hours, even if they were - we knew pretty well where they were. Now we don't report them missing unless they have - if we think there's a high risk of some reason for this person, or if we haven't had any contact with them for 24 hours, then they get reported missing.

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COMMISSIONER: So it's missing in the sense of missing from the placement, not that you don't know where they are? You may know where they are, but - - -?---They're not missing if you know where they are.

Well, I know - - -?---That's what police are saying.

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That's not necessarily missing from where they're supposed to be, even if you know where they are. But the question is you have to, under your service agreement, report them as missing to the police even if you know where they are. That's right, isn't it?---If we haven't had any contact with them for 24 hours, yes.

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That's under your agreement?---That's the directions we've been given with the policy from child safety.

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Yes?---Unless we actually really worried about the young person, might be - you know.

Doesn't the Children's Charter - do you comply with the Children's Charter?---Yes. It had been acquired - - -

Been a while since you read it?---Yes, probably. I think it was about three years ago, they changed, three - around absconding.

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Yes, I thought there was a provision - it's not under the charter - I thought there was a provision that if they're not physically in your custody you had to report it. Anyway?---We report it in writing in a written incident report.

Yes?---Yes.

Okay.

MR HADDRICK: I just want to sharpen up my understanding of when you report a child as missing, whatever missing means. You said before that it used to be the case that if they were missing for up to two hours you made a report. Presumably that report is to the police?---To child safety first and to the police.

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Would it always go to the police at that stage?---It usually does, yes, but that's what the change - I think it was around three years ago.

Okay?---So we can monitor the child, we might be in phone contact with them.

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What's the current rule as you understand it?---As I understand it is that if a child absconds - I'm talking now a child 14, 15 years of age, they have that as a regular behaviour, often takes off - we have some sort of phone contact with them. We do a written report called a critical incident the following day to the department that the child is missing but we do have contact. We don't need to lodge it in the middle of the night to after-hours child safety and we don't need to report them missing unless we have a concern or unless the child hasn't been in contact with us for 24 hours.

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Okay. My final topic is in the event that a child is subject to criminal allegations and needs to attend upon court or be involved in the court process, what do you, your organisation and those who have the care of the child, do to provide protection to the child whilst they go through that process?--Well, we work together with the child safety officer around those issues. If you've got to deal with a guardianship - with a care order, the child safety officer attends these situations, otherwise as being the care organisation with authorisation to care we support the young person through the process and keep the child safety officer informed about what is happening and the outcomes.

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So if a child is charged with an offence and needs to front up to court to answer to that charge it's the child safety officer, an officer of the department, who manages the child through that process?---No. I'm talking about if there's an issue around the child's care order, so child protection order, then the child safety officer is always there. If it's a - - -

No, no, I'm talking about a different situation?---A criminal charge.

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Where, okay, say for instance child X was charged with wilful damage of a shop down the street, needed to turn up and answer to that charge in the Children's Court?---Yes.

Who attends with that child and helps that child through that process?---Usually the team leader or another worker in the program, yes.

I have no further questions, Mr Commissioner.

COMMISSIONER: Thank you. Mr Selfridge?

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MR SELFRIDGE: I have no questions for this witness, thank you.

COMMISSIONER: Thank you. Ms Stewart?

MS STEWART: Can I just bring you to paragraph 37 of your statement? You talk about the educational support plan in place via Child Safety Services and you receive a copy. Given you've got the responsibility to transport the children and young people to school, extracurricular activities, what involvement do you have in developing that educational support plan that forms a part of their case plan?---Just to clarify, because I'm not sure everybody understands the system, is that the case plan is the responsibility of child safety and our role as carers is then to turn that into a care plan, implement the case plan.

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If I could just stop you there. Do you attend the case planning meetings, or a representative from your organisation?---A representative from the organisation attends, yes. 1

Okay, and that forms a part of your residential plan, does it?---Our care planning then with the child, yes.

Do those plans complement each other?---Well, that's the idea, yes, absolutely. It reflects the case plan, what they implement, absolutely. 10

The witness that gave evidence before said that at times there's some disagreement about how to respond to certain behaviours between stakeholders. How do you as an organisation resolve that?---I think it's - you need to sit down and put the child in focus and work it out. There's nothing else to it. I think, though, that it is an extremely complex process, particularly around the transition planning for these little bit older children. For, you know, a child to have lead and participate - it's difficult for us, so you can imagine the child, how they feel in being part of this planning around the rest of their lives. It is difficult. Everybody is passionate about it, everybody has - putting knowledge into it, but it's - so many tiers and there's so many different aspects of it. It becomes a very, very complex process. 20

Take the basic idea of meeting the young person's therapeutic needs, and just giving the example I gave before, if there's a dispute how to meet those needs and it's difficult to resolve, how do you do it, or is it the case it's too hard and it's not done and those needs aren't met?---Well, I think it's not about - I think what the problem usually is, that there's lack of services. So say, for example, where we can see very clearly that the young person needs disability services when they transition from care but is not eligible. That can actually be very difficult, because who is going to pay for that in the future, how are we going to this? That can put up barriers. I don't really think that there is - - - 30

Can I just stop you there?---I can understand what situation you're looking for, because my experience is that everybody is trying to (indistinct) for the resources.

I understand what you're saying, but from, I suppose, a practice point of view the case plan is normally provided to the court when they make an order and it's to be reviewed every six months?---That's correct. 40

We look at the child's strengths and its needs, parental strengths and needs if unification is a goal?---Yes.

We look at the educational support plan, we look at the cultural support plan, and I would think that that would be the guiding document?---That's correct.

1

Considering the chief executive has the custody and guardianship of this child, but it appears from the evidence I've heard that it's one of many documents that guides how you work with your young people?---Well, I believe that as part of a case plan a young person, if, for example Evolve fly in, and that means that they support us with management strategies. The case plans don't really do that that comes from the department.

10

Well, I would suggest that it should?---Well, it should.

If there's an identified need in a child or a young person say of behaviour - - -?---Or should the case plan sit with the service provider and make it a lot smoother really happen? I don't know. I think who should do what is very unclear.

Well, someone should do something, I think is my point? ---That's right.

20

If we've identified that there's a need in the child, that he needs either therapeutic intervention, he needs something, should that not be identified in the case plan as something to meet this child's need and then that should filter down to how that is provided to that person on the ground?---That's right, and if - I guess that's where we can become stuck at times and that's why planning and the progress of the planning stops.

The only other question I wanted to ask you, you were asked - and correct me if I'm wrong - if you support the idea of secure accommodation. Are there any particular safety measures that you would suggest should be put in place if we were to move towards an accommodation model that can so severely restrict a young person? I ask you that question probably in the context of Ben, who we've been discussing, who we've identified has an acquired brain injury but doesn't meet the criteria for disability services, has had the support of Evolve but that appears to be in order to address issues of grief and loss associated with losing his father, but everyone agrees he's a high needs person. What would you put in place as a service provider as a safety mechanism?---See, I'm not sure how this young person would actually benefit long term in a secure facility, because then what would happen? I'm not really sure that it's the solution for him.

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So who is it a solution for then if it's not going to benefit the young person?---I think if the young person who is out of control say due to drugs - I mean, I've seen a lot of young people who are a lot more violent than this

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young person and you cannot - because it's harming staff and other people in the immediate surroundings, and we cannot provide for them any more. I don't think it's a long-term solution for young people, because somewhere along the line they're going to be back into the community unless you're planning to keep them for the next 60 years in some sort of secure facility, but I doubt that.

1

So in secure accommodation what do you see as the purpose of it, why they're there?---To be able to contain a young person and maybe remove them from an environment of crime and drugs and that type of situation and be able to connect with them and engage with them and be able to say, "Okay, these are the boundaries. This is the structure and this is how it is," and stop and think. As I see it, these young people are pushing and pushing the boundaries and that is not stopping. They are not going to stop - consider changing behaviours and making different - taking different options and learning different ways of dealing with it.

10

I have nothing further, commissioner.

COMMISSIONER: Thank you. Yes, Mr Capper?

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MR CAPPER: No questions, thank you.

MR HADDRICK: No re-examination, but before, Mr Commissioner, you release the witness it's probably incumbent upon me in terms of my inquiries in respect of the first matter that was raised at the outset of my examination-in-chief that the witness mentioned an email that was the subject of the conversation that she was referring to and in order for me to examine that issue I formally call for that email, which I understand exists and is easily obtainable. So I call for that email and I ask the crown to produce that over the lunch break.

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COMMISSIONER: Okay. Will you do that, Mr Selfridge?

MR SELFRIDGE: Absolutely. My instructions are that I have a copy of the email and there's no problem with releasing that. The email will speak for itself and it might be we'll make submissions after the luncheon adjournment.

COMMISSIONER: Good idea. All right. We'll do that at quarter past 2. Is that okay?

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MR SELFRIDGE: Yes, absolutely. Just before you do rise, Mr Commissioner, you asked me a question in relation to this transition to care and the budget in relation to section 75 but which also relates to section 159 when you read it in context, or which are intended to be read in

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tandem. The budget, on my instructions, is between 1200 and 1500 dollars per child. It's called the transition from care for kids. The age bracket is 15 and a half to 17 years and the money comes from the Child Safety Service centre budget.

1

COMMISSIONER: Yes. I also understand that if they need - if they're within that age bracket and they need something they can borrow against the fund.

MR SELFRIDGE: Yes, there is some process for that. I have that knowledge as well, yes.

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COMMISSIONER: Yes, okay. Thanks very much for that.

MR SELFRIDGE: Thank you.

WITNESS WITHDREW

THE COMMISSION ADJOURNED AT 1.01 PM UNTIL 2.15 PM

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THE COMMISSION RESUMED AT 2.16 PM

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COMMISSIONER: Ms Stewart?

MS STEWART: Yes, I'm happy to take the next three witnesses, commissioner.

COMMISSIONER: We are missing a player. We haven't got a coram. Mr Haddrick, nice of you to join us.

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MR HADDRICK: The support act has arrived, Mr Commissioner. I was just speaking with Mr Wall and he's on his way in here now. Also before we broke for lunch, Mr Commissioner, I called for a document from the crown in respect of the matter raised by the previous witness. That document having been produced to counsel assisting and having seen that document and perused the contents thereof, I am satisfied that it raises no issues that require this commission's attention and does not touch upon the proper conduct of this commission's Order in Council. It's to a level where I don't even think it's necessary to tender the document. I have had a discussion with my friend Mr Selfridge and I assume that his position is identical to mine, that it does not raise any issue of concern.

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MR SELFRIDGE: Just for the purposes of the record, if I can, Mr Commissioner - and I think my learned friend will agree in relation to this. There is no malice. There's no intention to interfere in the commission's business and the document is quite innocuous and it's self-explanatory in the case of the document.

COMMISSIONER: I don't need to be bothered with it. There are plenty of other things to be thinking about.

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MR SELFRIDGE: Yes, thank you.

COMMISSIONER: So I will trust your judgment on that, gentlemen. Yes, Mr Haddrick?

MR HADDRICK: Thank you.

WALL, GREGORY STEPHEN sworn:

ASSOCIATE: For recording purposes please state your full name and your occupation?--My name is Gregory Stephen Wall. I'm currently service manager for Churches of Christ Care.

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Please be seated.

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WALL, G.S. XN

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MR HADDRICK: Mr Wall, you are the manager of what is described and known to this commission as house B. Without identifying the street address of house B, what suburb is house B in?---It's in [REDACTED], which is beside [REDACTED]

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Just beside where?---[REDACTED] so Logan area.

Okay. Now, what is your formal title in the organisation?
---Service manager.

Are you head of that particular house?---Yes.

10

Now, can you tell us - Churches of Christ Care pathways residential programs - that is the program run by, I assume, the Churches of Christ?---Correct, yes.

Could you tell the commission what that organisation - it's obviously a religious organisation. Can you tell us very briefly its heritage?---The church is a conglomerate of churches run under the Church of Christ beliefs so they come together to form a group to, I guess, control across the state how they run their service and churches and as a part of that the social services that care provide.

20

Broadly speaking, it's a protestant church of the Christian faith?---Yes, correct.

Would it be described as Pentecostal in features?---No, I don't think so.

Now, how does the church come to be involved in the provision of residential care?---That started probably, I think, about 25 years ago. A church in a local area identified a group of young people - a family who had been separated through the death of their parents and that the young people had been farmed out to various areas so the church decided that they would access a house, bring the children back together to live as a family and put a group of the church parishioners together to run the house and manage it.

30

So it grew almost organically out of the circumstances of one particular family?---Yes.

And when did it sort of branch out and start providing services more generally to children in need of protection?
---Probably about 20 years ago. They developed further, you know, group homes, as residential were called then, and then probably more recently about 15 to 16 years ago started providing foster program services.

40

Now, how many individual homes does the church provide or operate at any one time?---I think it's 13 residential homes we have around the state.

And they're what, all around the south-east corner or right up to - - -?---Predominantly south-east Queensland corner but we have residential services in Townsville and Mount Isa as well. 1

And that's in addition to other services that you provide like transitional-type placements?---Yes.

So you were sitting here for the previous witness and just like the previous witness said that her organisation provided complementary services, be it transitional places and homeless services, does your organisation provide similar services?---Yes. 10

Now, in respect of all 13 homes, are you in charge of the one home or all 13?---I manage four of the houses and two of semi-independent programs attached so I cover those as well.

You manage house B. What are the localities, just suburbs or general localities, of the three other premises that you manage?---The other three are Bundamba, Forest Lake and Greenbank. 20

How many residents are there currently in house B? ---Currently four.

How many residents is the house funded to take?---Five.

How long has the house been operational in the sense it's a residential care home?---It's been operational for about 22 years.

Did it have a function prior to it being a residential care home?---No, it was a purpose-built facility. 30

You say it was purpose built. What were the things that were done in the building of this home that might be different or unusual to where a house is acquired for the purposes of residential care?---The house was built using, I guess, more damage-prevention-type property so it was built out of Besser Block and rendered so that it still had an appeal to it. It was made very open plan so there was a lot of ability to provide observational monitoring of young people and then it was also set up with some separate segregated areas so that you could break groups up so you could put different people in different areas. 40

Of the four residents that are currently in house B, can you just step us through, to your knowledge, what are their defining features or characteristics, age, gender, their circumstances?---Okay. They're all males ranging in age between 12 and 15. Most of the young people have, I guess, more difficult behaviours which is why they're in residential care placement. They're behaviours that wouldn't be sustainable in a fostering placement.

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What is their classification? You heard the witness before talk about a young person by the name of Ben that lives in house A. We found out that Ben is classified as extreme needs?---Yes. **1**

What is the classification of the four lads in house B? ---Three of them would be assessed as complex and one - I believe he was extreme.

What is the defining features between the one that's classified as extreme as opposed to the three who are classified as complex? What are the characteristics that would make that individual stand out?---He has a lot of self-harming behaviours and some suicidal ideation, so he's actually attempted suicide. **10**

In terms of how they interact with each other - you heard from the previous witness that that house was only able to be run in a fashion where there were two young people living, those particular two young people living in the residence. Why can we run four in house B, whereas we can only run two in house A? What makes yours work with four? ---I believe the training that we give our staff and the model of care that we're currently using. I don't know the difference of what theirs is but I know that our model is a very good model for helping young people deal with their behaviours, with their trauma and also helps staff actually deal with the issues that are confronted with them on a day-to-day basis. **20**

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In terms of managing the person who's classified as extreme needs, are there particular additional features or services that you wrap around that particular young person to assist them?---We incorporate some counselling for that young person and obviously, you know, in the event of any of his self-harming we look to emergency services to assist with the provision of medical treatment and assistance.

1

If I was one of the three complex needs individuals would I know who the extreme needs person is and what I see a difference in the way that they're treated in the house vis-a-vis me?---I don't believe so. We strive to treat all of our young people on their needs. We strive to provide the same level of service. So yes, this young person does have behaviours that would attract more attention, but we make sure that the other young people still maintain and get their fair share, so to speak, of the attention of staff. So we allocate particular one-on-one time for our young people so that they have their focus of attention at some point in time through the day.

10

How long have each of the residents being in residence at house B?---The longest of the young people currently there would be about eight months; the shortest - - -

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Sorry, eight?---Eight months.

Eight months, yes?---The shortest that's currently there is about a month.

Typically what is the longevity of a residency in the house?---It's a bit hard to answer. We certainly had young people at that service that have been there for three and four years, and then obviously at different times had young people therefore a lot shorter.

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I should also - I neglected to do something I always do at the start - get you to identify your statement. Can I just get you to have a look at this document, please. You will have obviously seen it's your statement and you'll recognise that when it comes to you. Is that document that the Commissioner's associate just handed you your statement?---Yes, it is.

Is that your signature at the bottom of each page?---Yes, it is.

Are the contents of that statement true and correct?---To the best of my knowledge, yes.

40

And are the opinions expressed in your statement you're held opinions?---Yes.

Okay. I tender that statement, Mr Commissioner. I tender that statement and I just ask it to be returned to my officers to ascertain whether a non-publication order should be made in respect of the attachments to it, Mr Commissioner.

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COMMISSIONER: Mr Wall's statement will be exhibit 155.

ADMITTED AND MARKED: "EXHIBIT 155"

MR HADDRICK: Sorry, I was asking you questions about the longevity of - how long a resident stays in the facility. Can you tell us what the longest period of time you've had a resident there for?---From memory I would say four years.

10

How old was that person when they entered the house?
---12 or 13.

COMMISSIONER: Theoretically is the idea of a residential to be a short term rather than a long-term placement?---It depends on the plans that are being put together for the young person. The service is actually a medium to long-term residential facility as per its funding so it depends on the case plan and on the way that it's worked with the department and the young person as to how long they stay.

20

So you're not therapeutic essentially, your - - -?---We're not a - - -

- - - you provide living arrangements?---We're not a specified therapeutic services. We do, however, have a therapeutic programme.

But that's a management tool rather than a function?---Yes.

MR HADDRICK: Are you responsible for or have any knowledge of finances or the terms and conditions of service agreement - - -?---Yes.

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- - - between your organisation and the State government?
---Yes, I am.

How much does your organisation get from the Queensland government to run house B?---Approximately 1.2 million.

Okay. Are you aware of how that 1.2 million is calculated or achieved? The basis for that quantum?---As previously discussed it's based on the assessment of the claim levels. However, the service has been running for a long time and has - I guess what you would say - old-style funding. So the funding that we are provided is more holistic probably than what other services are getting.

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What do you mean, holistic?---Well, our service is funded to provide a lot of expenses provided for the young person, so we have funding within our service to provide therapeutic needs. So if we need to get counsellors or psychiatrists or someone like that we have the funding within our service to do that, we don't have to go back to the department and ask for extra funds for that to occur. And that works the same in education costs, living skill costs and clothing and things like that.

1

Has that always been a feature of your funding agreements with the state of Queensland?---It is for that service. As I said, it is an older service with older style funding.

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When you say "that service", you mean the service of house B?---Yes.

That particular facility?---Yes.

All right. Now, if it's just over 1.2 million am I to understand that it's roughly calculated at 250 grand per kid?---Approximately, yes.

Okay, or just under, sorry, \$250,000 per kid. Does that fluctuate at all?---Doesn't fluctuate in a sense, it does increase with CPI funding increases.

20

What if I was a kid in the facility and I was no longer in need of protection and I returned home and I vacated my bed in the house there and my bedroom was empty for a couple of months, does that affect your bottom-line?---It doesn't affect our economic funding in such that we don't get a reduction in funding because we don't have full capacity, but it doesn't save us a great deal because there's obviously only limited savings in having one less young person.

30

And quite frankly, if there was - if you did get a cut to your current funding if I left the house, that would be a prospective disincentive for you hurrying me out the door back to wherever I need to go to?---Yes.

Go back to?---Yes.

Which would be contrary to the purposes of the house, wouldn't it?---Yes.

Now, how do all the kids get along with each other at the house?---Generally they get along relatively well. Staff work very closely with young people, we spend a lot of time with the young people to help them get along. We have scheduled meetings of the young people every week where they can talk about issues that are happening between themselves, so they have an opportunity to talk about it rather than necessarily getting into physical fights or anything like that.

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WALL, G.S. XN

What happens when there is a physical altercation?---Staff intervene as best they can, separate the young people. We have a training program that we use, therapeutic crisis intervention, which is a well-recognised program that teaches staff how to intervene in a situation and how to actually identify an issue escalating so that we can step in pre a crisis state of actually having an outburst. It also incorporates a debriefing session called a life space interview so that staff will then sit down with the young person and talk to them about what was happening for them, what was their understanding of what was happening, what happened to them that they got to a point where they maybe lashed out at another young person, and then talk through different strategies that they can use in the future so that they don't have to do that again.

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Okay. I'm going to take you through a series of photos which were taken in house B and I'm just going to get you to identify what we're looking at and take this through some of the features of those (indistinct)?---Sure.

So what are we looking at there?---That's a picture of the property from the front road.

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When you say "the front road", that's the public road back here, is it?---Public road. That's a small bridge that runs across a drainage culvert.

So that the road is clearly set back from the frontage of the property to some degree?---Yes.

Are there other homes around the house?---We have one neighbour, it's a rental property. The other properties that border the site are church - - -

Yes?---Actually, two churches, one behind us and one beside us; and then the other properties that back onto us re domestic houses.

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When you say back on to you, do they back directly on to you?---No, it's about a five-acre block.

Okay?---So with got quite a lot of space.

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So there's a lot of space between the actual dwelling of house B and the boundary of the property house B is on before you get to another domestic dwelling?---Yes. 1

So the potential for problems arising as a result of neighbours having concerns if something goes wrong on the property is diminished?---Yes.

Similarly, I assume that's just a close-up of what we just looked at?---Yes.

I'll just put these in order. What have we got there? ---That's a photograph of the back - direct backyard of the house. So the back pergola area of the house is on the left-hand edge of the photo. 10

So that's the house there, is it?---Yes, that's the back edge of the house. Through the back we have two lock-up garages.

Out there, yes?---Yes, so that's where service vehicles, sporting equipment, things like that, are all stored away, and then the closer area is actually a small undercover area for our young people so they have a bit of an area where they can get out of the house, be by themselves but still be able to be sighted by staff. 20

Within eye-shot?---Yes.

Sorry, they're sticking together. That, I assume, is the reverse view?---Yes.

Looking into the other direction on the backyard?---Yes.

What's that room there?---That's one of the young people's bedrooms on that back corner. 30

Okay, and all this is what, here?---That's just vacant land. That's part of our property.

That, of course, is the seating area, if I can call it that way?---Yes.

What have we got there?---That's an internal photo of the house. That's the lounge room and TV room.

Is that where all the young people gather around to - - -? ---Generally, yes. So that's where they'd sit and watch TV at night. The doorway just to the left of the - - - 40

That one there?--- - - - entertainment unit there, yes, that goes through to another games/activity room that we have.

Okay?---The sliding door on the right-hand side opens into a room that we have gymnasium equipment in.

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Now, I see there's a healthy-sized flat-screen TV there? 1
---Yes.

Is that the only TV in the house?---No, there's one in the games room as well.

There's only two TVs in the house?---Yes.

There's four kids currently?---Currently, yes.

What happens in the unfortunate circumstance where kids 10
have disputes as to what channel it's on and all that sort of stuff?---Staff work with them to actually identify and plan out what we're going to be watching for the evening. If there's debates it comes down to working out what are the most important shows to be watched, but to be - - -

What does that mean, democracy rules or the house manager decides?---It could be either depending on the situation. So depending if someone is wanting to watch something that was, you know, potentially inappropriate, we would be saying, "No, you're not watching that" and then it would go back to the other shows. Yes, it has to be looked at, so we look at ratings of shows and things like that so that we 20
can make sure that it's appropriate viewing for our young people.

What's that room there?---As I said, that opens up into a little gymnasium room.

Okay, we'll come to that in two secs. The furniture there in that shot all looks relatively spick and span and I can't see any marks on the walls there. Am I to take it from those two observations that you don't really have a problem with the young people damaging the property?---We 30
don't have a great deal of problem with it. As I said, the house was purpose built, and built using Besser block construction, so that makes it quite rigid in the way it's built. It's not, you know, particularly easy - like, it's not going to be punched.

But of course the roof is not Besser blocked?---No. No, it's not.

It's lined. The chairs are either leather or fake leather, or one or the two?---Yes.

They can sustain damage, can't they?---Yes, and do from 40
time to time, but we look at buying furniture that's quite rigid in its construction so that it's, you know, firm enough to take a bit of a hit if it does actually get one.

The mere fact that there is a placement of photographs on the shelves there: I assume those photographs are either of residents or people who have lived there in the past?
---Yes.

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WALL, G.S. XN

Or people who have worked there at some point in time? 1
---Yes.

It demonstrates a degree of either pride or ownership of the area to the point that people are happy to reside there?---Yes, and it's certainly part of our programming that we try and get young people to be happy about where they are. So we put things up on the walls that they like to have and like to see so that they do have a sense of ownership. Each of their bedrooms has, you know, their own artwork or things that their interested in put up on the wall. 10

What do we have here?---As I said, that's the small gymnasium room that we have.

Get much use?---A fair bit. It depends on young people that we have placed with us. Some young people aren't as into it as others and so it sort of varies depending on the young person. They're all encouraged to use it, though. It's a good way to burn off some energy.

Is it? Okay. 20

COMMISSIONER: You'll have to take his word for it, Mr Haddrick.

MR HADDRICK: I shall. Expert opinion, I suspect, that I don't have. What am I looking at there?---That's the hallway down through the bedroom area. The back door is an emergency fire exit.

Now, these doors here, or certainly that one, seems to have a more secure lock on it. Why is that the case?---That one is one of our staff bedrooms. It has equipment in it and things like that that we don't want young people having access to. So like the alarm keypad is in there, fire extinguishers are in there and those sorts of - yes. 30

I notice up here there's a camera, or appears to be a camera. What is that?---No, it's a sensor on the door. So while it's a fire exit door, so it has to be ununlockable from the inside at all times, but we need to know if a young person is going to slip out the back door so it's fitted with a rear switch alarm. So if they open the back door and slip out through the night the alarm will sound and the staff will know that someone has gone out that door. 40

So that's a staff room or bedroom - or office room?---Yes, bedroom.

Bedroom. What's that room there?---That's a young person's bedroom.

What about the one that's sort of just noticeable there?
---That side of the hallway is actually a staff bedroom.
Both those doors open up into that area. When originally
built that section was actually a semi-independent living
unit so it's actually a self-contained unit on that side of
the wall.

1

Where are the three other rooms that the three other
occupants live in?---Back up the hall behind where the
photo has been taken from.

So the residents live in the same part of the house on the
same floor immediately next to where the carers' abode?
---Yes, that's correct.

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Does that provide any benefits or challenges?---I think it
definitely provides some benefits. Staff are in the areas
so they hear young people if they're, you know, moving
about or coming in and out of their rooms during the night,
particularly if they're trying to elicit other young people
to get up through the night. Originally when the house was
built the staffing areas were further up to the other end
of the house and staff just didn't hear if activity was
happening through the night.

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What are we looking at there?---That's inside the office.

Yes?---So that's just a photo of our video and Foxtel
equipment. That's actually inside the office.

So that's the equipment that provides entertainment.
That's not videoing the residents?---No.

It's not some sort of security, it's just the provision
of - - -?---Yes, so we have that in the office - - -

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- - - recorded entertainment?---Yes. We have that in the
office and you can see the cabling behind it goes over to
the TV, so that the staff actually control what's being
watched. So if the young people want to watch a show
that's coming through either of those devices, so if
they've got a movie they want to watch on DVD or if there's
a show on the Foxtel they're wanting to watch, the staff
have to turn it on for them.

That gives you the ability to shut things off as and when
you deem them inappropriate?---That's correct.

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In a place where they don't have access to switch it back
on?---That's right.

Okay?---On top of it, sorry, is one of our reward programs.
So we use Monopoly money as a reward system for our young
people.

Does that translate into anything other than Monopoly money? What do they get for that?---Yes, from that they get rewards such as vouchers and credits at stores or things like that.

1

Foodstuffs?---No, not food.

What am I looking at there?---That's a shot of the other side of the staff office. On the left-hand edge you can see part of a whiteboard. That's our daily routine plan for our young people. So any appointments, activities that they're needing to do get put on the whiteboard so that staff are aware and can really quickly easily identify who is needing to do what when.

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Do the residents have access to this room?---No.

Ever?---I wouldn't say never, because sometimes they do get into the office, but they're not - - -

But incidental and supervised?---Yes.

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I notice there's an airconditioning unit at the top of that wall there?---Yes. 1

Is the whole house airconditioned?---Not the whole house but most of it is.

Are the bedrooms airconditioned?---No, bedrooms aren't. They only have fans in them.

Are the staff bedrooms airconditioned?---No.

Do you see any value in having all the bedrooms airconditioned?---Yes, but unfortunately costs are - we're working on it, but certainly having airconditioning in the house helps with some of the tension and issues, particularly on very hot summer days. 10

That's an issue I want to tease out. One of our previous witnesses indicated that the provision of airconditioning in the bedroom of at least one, if not both, of the residents in house A had a positive, indeed calming, effect upon those residents that assisted with creating a better environment for everybody. Is that something your organisation is aiming to try and achieve?---It's certainly what we're looking at, yes. 20

Okay?---Some of our other houses certainly have airconditioning in all the bedrooms.

And do you notice the difference?---Yes, I think it does make a difference; yes.

A difference in the way the kids behave?---I believe so because I think that, you know, when they sleep better at night - when you get those really hot, sticky nights, they can have the airconditioner on so they sleep better and when young people sleep better, then they tend to behave better. 30

Just as an aside, the other three homes that you're responsible for as part of your organisation - is this home indicative of the way they are presented and are set up? ---Relatively, yes. However, the other three - well, one was purpose built, but it was built before this house was built so there were some learnings from it when they built this one so it's built with standard construction walls. The other two houses are purchase of domestic houses that we've converted into using as residential houses. 40

Just returning to the neighbour question, those two that you have converted, do they have other domestic homes immediately next to it?---One does, yes.

And how do you find the interactions with the neighbours at that particular residence?---From time to time it can be a bit problematic.

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In what sense?---Well, when our young people start to misbehave and create a fuss, sometimes it does impact on them so they contact us and complain about it.

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And how do you respond to the neighbours?---Either myself or the team leader at the service would contact them, talk them through the issues and see if we can organise to meet or have some sort of discussion about what the issue is and if there's a way we can provide some resolution to it.

But by and large you're really just pacifying them, aren't you? I'm not saying that rudely, but you are, aren't you? ---I don't believe so. One of the houses that we had a problem at - one of the issues was the fencing between their property and our property so, as an organisation, we took it upon ourselves to replace the fence with a more sturdy, solid fence rather than what had been there. So that was certainly an issue for him. He was, you know, seeing kids running around; you know, they are throwing things over - you know, sort of through the fence and doing different things and stirring up his dogs so we built a better fence to alleviate the problem.

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Keep going with the photos. What do we have here?---That's the kitchen at the house.

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It looks like a rather modern and clean kitchen?---Yes.

Is that the way it always looks?---Pretty much, yes.

Who does the cooking?---Well, staff supervise and work with the young people to help them learn living skills so one of those is about cooking. So depending on the young person, how long they've been with us, what their age is and what their skill level is, would depend on how involved they are. So we would start them out, you know, doing things like peeling vegetables and cutting them up and helping them learn those skills, developing through until they're up to a point where they can actually be cooking on the stove and - - -

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Is that every day?---Yes.

Do they get a night off at all in terms of - you know, a treat in terms of going out for a meal or having junk food brought in or however?---Yes; no, we have a takeaway night once a fortnight so that they, you know, get to do things a bit different and sort of appeases their junk-food wanting.

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Now, I asked you who does the cooking. We heard in a previous witness that in house A at least one of the residents knew how the system worked so well and knew that ultimately it was for the staff to provide the food and also do cleaning and laundry that that particular resident

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milked it for all it was worth and effectively got staff to wait on him 24/7. Why doesn't that occur at - does it occur at your premises and, if not, why not?---I think there have been times when young people have probably tried to start that sort of a position, but I guess we work closely with the young person but also with their departmental officer and we would have a meeting if they were starting to not be engaging in some of those activities. We would be meeting with the department representative to say, "This isn't good enough" and start to develop some plans around what we're going to do about that. 10

How often is it the case that you get somebody in residence who has been in another residence or somebody who leaves your residence to go to another residence, so house-hopping, so to speak?---I guess it's somewhat regular that we'd have young people coming from another residential and moving on sometimes to another residential.

Are they characterised by being the young people that provide you with greater difficulties in terms of their care?---I guess generally, yes, they would be. They would be the more difficult young people to manage, but it's not always the case. 20

Do you ever find some young people are almost - no, not almost, deliberately seeking to engineer which house that they're at?---I have heard people say that they believe a young person is trying to get kicked out so they'll go to another house. I don't know that that would actually work for them. There's no guarantee that they'd be able to get to the other house that - if they had a specific house they wanted to go to.

But if they wanted to just leave that house because any other house would be better than that house, has that sort of situation occurred?---I wouldn't want to say it never happened, but I'm not aware really of young people deliberately doing things to get themselves kicked out. I think where that more happens is that young people know the expectations of them for our house and through want of doing other things decide not to be engaging with our program. 30

When was the last time you kicked a young person out of the house?---Probably about three months ago. 40

For what reason?---He was engaging in drug use and trying to encourage other young people to engage with him.

In what sense was he trying to encourage; saying, "Here take some," or - - -?---yes.

So he had drugs in the house?---He was accessing them externally, bringing them into the house and then trying to give them to other young people.

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Over what period of time did you forbear that situation before you took the drastic action to eject him?---Probably about two, maybe three months where we worked with him and with his departmental officer.

So for that period of time - this might sound bad, but for that period of time the other residents of the house were exposed to his criminal and dangerous conduct? ---Potentially, yes.

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But it was in a partially protected environment through yours and your employees' supervision?---Yes.

What happened to that child?---He moved on to another program called [REDACTED]

So another residence?---Yes.

Is that a residence provided by you or by another provider? ---No, it's another provider.

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So he's someone else's problem, for argument sake?---Yes.

Was that place filled almost straightaway?---Didn't take too long to be filled, yes.

Do you notice any change in the dynamics of the remaining kids when a troublesome kid, if I can put it in that way, is removed from the group?---In that instance, yes, because there was one other young person that was definitely, I guess - - -

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Susceptible?---Yes, susceptible, but also the person that that young person was encouraging to join in with him. So when the young person exited, the young person that remained very quickly changed his attitudes and behaviours and became more engaging with the program.

So how old was the exiting young person?---He was 16.

How old was the susceptible person?---14.

And so by removing the exiting young person the 14-year-old got back on the straight and narrow?---Yes.

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Okay. Does that young person remain on the straight and narrow at the moment?---Yes, he is going very well. 1

Now, house B: you've told us they're all males. Do you, in any of your other three facilities, have co-gender houses or co-gender arrangements?---As an organisation we've take the stance of not doing co-gender. We do have - one of my other services is a female house but we don't do - - -

COMMISSIONER: So what's co-gen - same gen? 10

MR HADDRICK: Both genders.

COMMISSIONER: Mixed?

MR HADDRICK: Yes, another way of - - -

Sorry, keep going?---So we don't do a mixed gender house, so we won't have boys and girls placed together, we'll have either, so we're not service specific, so our service doesn't say we only do boys all we only do girls - - -

No, there could be - - -?--- - - - we do what needs the department has at the time. 20

There could be a number of reasons for that. Why does your organisation take that policy view?---The position we've taken is that from, I guess, previous experience where we originally under the house parent model did do co-gender at different times, we found that the self-esteem of young girls placed with boys suffered greatly, so they would be affected by the comments and statements that the boys would make about them, you know, when they talked about how they looked or their appearance or at different times, unfortunately, you know, different acts that they would like to do with them. It greatly affected the young girls' self-esteem. 30

Was it only to the detriment of female residents that they were mixed gender homes?---We didn't see a great deal of issue or response from the males to what girls said. It tended to be more that one-sided aspect that the girls took on what the boys said a lot more than the boys taking on what the girls have said.

Could it have been more of an age thing as well in terms of being in a sensitive age for that sort of conduct - - -? ---Quite possibly. 40

- - - you know, about 13 or so?---Yes, quite possibly, yes. But we had boys and girls from across the spectrum of age of placement, so from between 12 and 17. So we've had them different ages in the service and we found that that was an issue. It didn't seem to matter whether they were 12, 13 or 15, 16; it seemed to affect them very similarly.

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And naturally by separating the genders it probably lessens the chances of sexualised behaviour?---Yes. 1

Of the four homes that you are in charge of what is the youngest age of a resident there currently?---Currently is 12.

What about in the past?---Have had a 10-year-old once.

Is there any particular conditions or rules associated with those younger years that your organisation needs to rise to?---Well, from a service agreement point of view having someone that young is outside of that service agreement, so the service agreement is for 12 to 17. 10

Okay?---So having someone of that age, we have to have particular approval from the regional director to say that they're approving that young person being placed. From a service delivery point of view we don't have any special requirements, but obviously it needs and requires a different approach to working with that young person to help them and help them maintain being in a residential with older young people. 20

Now, talk to me about schooling. Sorry, before I get schooling I've got two more photos I need to show you. What's that?---That's a photo of one of the young people's bedrooms.

Do all bedrooms look like that? Do they all look like that?---Pretty much the same, yes.

So the sort of cooling they get is a couple of fans?---Yes.

And I've got a chest of drawers?---Yes. 30

Besser brick wall?---Behind the photo is a wall cupboard and - - -

So back of the year, is it?---Yes, behind where the photo would be taken from, yes.

Okay. Is that the general state of a room seven days a week, or is that a presentation room?---No, that was just an empty room on that day they were there. Generally they look fairly well like that. Obviously we have different young people that have different standards of what they call tidy. 40

Yes?---But staff were pretty closely with them to, you know, keep their rooms maintained relatively well on a daily basis.

When a young person comes to the house do they have many personal effects?---That depends on the young person. Sometimes they do, sometimes they don't.

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Does anyone arrived with several suitcases?---I wouldn't say several suitcases. Certainly I don't recall that ever happening, but certainly a couple of bags sometimes, yes, they do. More often than not they come with maybe a bag with some very - - -

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A backpack or something like that?---Yes.

And that's the only effects they take to their your home? ---Yes.

Okay. Things they don't have; toothbrushes, that's all of staff?---Yes, so - - -

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You supply all that?---Yes, we do. When they come in we do a bit of an entry pack, so they'll get a toothbrush, toothpaste, shampoo, soaps, you know, hairbrush, that sort of thing. Each of the young people as they come in, we in the first few days will talk with them and sort out how they'd like their rooms set up so, you know, we get doona covers based on colours they like or patterns or things that they might have, posters for their walls, so we'll work with them over the first few days to try and make their room their room.

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Are they at liberty to put things over the walls? If they want to put a picture of Elvis or whatever there, they can do that?---Yes. Within reason, obviously if - - -

If that's what young people do these days?---If it is an inappropriate picture we don't let them have it up.

Yes?---But certainly anything that's appropriate for them to have on the wall, yes, we let them have it on the wall.

Okay. What have we got there?---That's the bathroom. It's a separate toilet, bathroom and shower area.

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Is that the only bathroom that the young to have access to? ---It is. The house actually does have two bathrooms. As I said, originally it was ability to take boys and girls, so there's a boys and girls bathroom. That one is the one we have open at the moment. The other one is locked up and used as a chemical and cleaning storage area.

Where are the amenities for the staff?---In another area in the house, so within the office space there's a toiletry area.

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Okay. What about the staff who are staying over there, if they have to use a bathroom - a shower - that's the shower they use?---No, there is a shower in the office bathroom.

Okay?---As I said, it was originally set up for a house parent model so there's a full bathroom in there. There's also a full bathroom in what was - well, it's one of the

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staff bedrooms now but I identified earlier that it used to be a semi-independent flat. 1

Now, correctly if I'm wrong, but that's just one toilet unit there?---Yes.

So there's only one toilet unit available for the young people?---Yes.

And there's only it looks like one shower well there? ---Yes.

That's the only one available to the young people?---Yes. 10

Is there another basin around this corner?---Yes, there's two basins on the bench.

Okay. So that's the totality of the toiletry facility for the four or five young people at any one time?---Yes.

Think it's all that clean?---Our young people do. Part of their daily routines to do chores within the house, so bathroom area is an area that gets tidied every day. 20

Does the chores regime ever fall over?---Occasionally. Staff work with the young people, though, to keep them on track with it.

What is the consequence is if someone doesn't pull their weight?---They lose some of their pocket money.

What are the pocket money do they get?---\$20 a week; 25, but five of it goes into a savings plan.

We heard from an earlier witness - sorry to keep doing this, but it's useful for us to compare and contrast between homes, which is the point of this week - that when a child turns 16 they may have access to Centrelink benefits and it comes directly into the child's pocket? ---Yes. 30

Does that ever occur for any of your residents?---Yes.

Can you tell us about when that occurs and what are the consequences of that occurring?---Often it can be difficult but it depends on the young person. They can certainly say, "Well, I don't need to do any jobs any more because I now get my own money," but we work closely with them and try to get them to realise that you're still living in the space, you still need to share the space, you still need to clean it. And as I said before, again, if we have that sort of a problem we would start the meeting with their departmental CSO and start talking about the problems that we're having and come up with some strategies and plans to deal with that. But, you know, we work closely with the young person to maintain them doing their jobs and chores. 40

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Because your \$20 a week really doesn't matter a job to some kid who's earning between 100, 200, 300 dollars or whatever from Centrelink?--Yes, that's right; yes, but we - you know, obviously we're still providing a lot of things for them. We still provide them with, you know, transport to get places, to different activities on things that they're doing. So if they're going to be part of that then they still need to be part of doing their jobs around the house.

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COMMISSIONER: I don't get that. Doesn't the federal money get offset anywhere in the system?

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Like, does your service agreement or the grants that you get from the department take into account that at 15 these children will get their own income and would that be reflected in the agreement or not?---No, it doesn't. 1

So what's their entitlement at 15? What is it, Newstart or something?---It's 16 now.

16?---But they - yes, it would be Newstart job allowance - job seeker, unless they go to school, in which - - -

In which case unless they get Abstudy they don't get anything. 10

MR HADDRICK: Youth allowance, commissioner?---Youth allowance they get at school.

COMMISSIONER: They get a youth allowance, do they?---Yes.

What, after 16?---Yes.

Is that means tested or something like that?---I believe it is, but our young people would qualify. 20

So what's the difference between the youth allowance and the Newstart?---Newstart. It's the program and what the program requirements are. So for youth allowance they have to be engaged in educational programs.

Yes, so someone at school who is 16?---Yes.

How much do they get compared to someone who is not at school and 16?---Off the top of my head, I think it's about \$250.

What, the difference?---No, youth allowance is about \$250 a fortnight. 30

A fortnight, yes?---The Newstart jobseeker is about 300, 350.

So they get paid more not to go to school?---Yes, but you have to meet the requirements of looking for a job.

Well, how does Ben meet the requirements?

MR HADDRICK: I'm not seized of that information. I could look into it. 40

COMMISSIONER: What are the requirements?---For youth allowance?

Newstart?---Newstart, you have to be actively seeking a job. So you have to submit that you've attempted three or four job applications. You also potentially have to go to

training programs that your employment agency - may be identified for you to attend. 1

And you don't get it if you don't do those things?---That's right. It gets cut off.

So after 16 they get paid to go to school or try to get a job?---Yes.

And you get paid more to try to get a job and fail than you do to do well at school?---Yes - I think. That's off the top of my head, sorry. 10

MR HADDRICK: How does a young person come to your attention that they're going to come into your house?---We get a referral from the placement services unit which is part of child safety.

So that's a sub-unit of Child Safety Services who calls you up and says, "We've got one"?---Yes.

What do they give you as part of that handing of the child over to you?---They would send us a referral. 20

Which is a document?---A document, yes. We would have a look at that and do some - do an internal matching document. So that assesses the young person being referred to us, what their needs are, so what we can identify out of their referral. It looks at the service and programming that the house has and the needs of the other young people that are currently placed as to whether this new young person fits into the program and fits in with the other young people that we have. If there's issues identified we go back to the person from PSU and look to - usually we would look to organise a meeting with PSU and the CSO to actually sit down and talk further and try and get some more detail about any issues that we identify. 30

Do you ever find that the PSU sort of forces or puts pressure on you to take somebody?---They do at different times, yes.

What sort of circumstance, when there's just nowhere else for that child, or that they're a particularly troublesome child?---Often both are the same issue. Because it's a particularly problematic young person it's often very difficult to place, so if you've got a vacancy then they will really try and get you to take it. 40

But success begets problems, doesn't it? The better you run your service the more likely it is that PSU is going to try and fill places in your service with more harder cases one after the other?---Yes.

So there's really no incentive for you to efficiently run the service because you're only going to be lumped with greater and greater challenges?---Technically, yes, but as a service and as an organisation we pride ourselves on providing a good service.

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COMMISSIONER: What is the chief executive's power over managing the property of a child in care under a guardianship order? Just so I understand, they get this money from the federal government and nobody tells them what to do with it or whether to invest it or look after it for them. Is that right?---Sorry, I don't understand.

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You don't understand. Well, you don't have anything to do with managing their money, these people who get the youth allowance or the single job seeker allowance?---No, we don't. We work with the young people and encourage them to manage their money, work with them on budgets and we try and get them to set up different bank accounts so they can work towards saving money, but ultimately we have no control over it.

Well, it looks like the chief executive can ask that the - or tell the public trustee to manage the property of children. Section 93. According to what I've got - this might not be right, but the youth allowance under 18 living away from home is \$407.50 a fortnight?---Yes. Our young people don't qualify for that level because they're identified that this is their home.

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Right?---So when they're placed with us that's their home so they're only - - -

So they're living at home?---The interpretation by Centrelink is that when they're in a residential that's their home.

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Do they get a rent allowance?---No.

But if they're not on youth allowance but ostensibly looking for a job they get \$663 a fortnight?---Okay. I wasn't aware it was quite that much, but if that's what - - -

In terms of transitioning them to independence and in terms of the chief executive's function in section 7(1)(e) of helping and encouraging children in their development into responsible adulthood, this would be a good opportunity, wouldn't it, to show them how to manage money?---Yes, it is, and we work hard with young people to do that.

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Yes?---As I said, we encourage them to develop budgets for themselves, encourage them to have savings goals, so putting money aside so that they're saving things. We get them - - -

Someone who follows your example would leave the care system with a few thousand dollars in their pocket? ---Sometimes they do, yes. 1

They get 1200 to 1500 from the department as well?---Yes, and there's also a TILA allowance which wasn't identified earlier today which comes from the federal government.

What, that's transition - - -?---Transition to independent living.

To independent living. How much is that?---I think off the top of my head it's three and a half to four thousand dollars. 10

Yes, in a lump sum?---Yes.

Yes, go ahead.

MR HADDRICK: So, Mr Wall, do you see some advantage in yourself or your employees or anyone in the position of a carer in a residential facility being able to have some legal entitlement to control that money for the benefit of the resident?---I guess in some circumstances, for some of our young people, yes, it would be an advantage to be able to, you know, manage or have some control over what they - how much they get and what they do with it. 20

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What sort of things have you observed where a young person has gone from getting \$20 a week pocket money to perhaps 10 times that amount in discretionary spending? What sort of consequences has that led to?---Unfortunately for some of our young people it's led to illicit drug and alcohol use and that's obviously a very concerning behaviour.

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So a Commonwealth government entitlement, a social security benefit, is used for the purposes of funding a drug habit? ---Unfortunately for some young people, yes.

On one reading of the scenario or situation, those young people don't need that money because everything else they have or need is supplied as a result of the house?---Yes.

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Do you see some advantage in perhaps a staggered approach in terms of increasing the amount of money that a young person has?---I guess, yes, it would give them some ability to get money and then sort of learn how to manage it better before they got a very big amount. A lot of our young people do manage their money very well. I guess, you know, young people using it for drugs and alcohol, as I spoke, is a fairly minor outcome in my experience.

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COMMISSIONER: So money management isn't one of their high needs?---Not for young people that have got a lot of it, yes.

But the residentials are for children and young people with high complex needs?---Yes.

In your experience, how many of the young people in residential care that you have been involved with have held down a stable job between 16 or 15 and three-quarters, whatever it is, and 18?---Possibly 10 to 15 per cent.

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10 to 15 per cent. What proportion of children and young people in your experience in residentials go to school after 15 until they transit out?---Probably 20 to 30 per cent.

So the remaining, let's say, 60 per cent - is that right? Is that fair, 60 per cent?---Something like that.

What do they do?---Well, they work on looking for work. Our staff certainly, you know, encourage and work alongside them to try and get - - -

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Presumably if they found it, they would have been in the 15 per cent?---Yes.

So they don't find it?---No, often they don't. Unfortunately educational levels for lots of our young people don't help in them identifying and finding employment.

So what are their prospects when they leave care? They haven't got an education; they haven't been able to find a job in two years?---Unfortunately for some of our young people not a great outcome.

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Do you have much contact - what percentage of your young people who have gone through your residentials do you maintain contact with after they're adults?---Probably 5 to 10 per cent.

And what are their prospects, those 5 to 10 per cent? How are they going?---Some of them are employed. Most of them have their own housing accommodation option, so whether that's through Department of Housing or they've, you know, got some sort of job and, you know, got - you know, just general renting; doing different things. Some of them have started families.

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MR HADDRICK: I just want to return a little bit to the issue of how a young person comes into the house in the first place. Is there any information that you would have liked to have had but you didn't get when a name is sent to you from the PCU or whatever it's called?---PSU.

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PSU?---Often it's just, you know, more information, not necessarily any other specific. It's just often the information you get is quite limited and not very full.

Do you ever reject a name that's sent to you?---At different times we do, yes.

How often does that occur?---I wouldn't say very often. It wouldn't happen that often.

Now, a young person stays here for whatever period of time, according to their case plan or the court order or indeed the chief executive's decision, given the child is in the care of the chief executive. What do the kids do with their time while they're there?---On a day-to-day basis?

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Yes?---Well, hopefully they go to school. We work really hard to have all our young people engaged in schooling.

Of the four who are living at the house at the moment, are all four of them in schooling of some variety or another? ---Three of them are.

When we say "three of them", are we talking about formal schooling?---Yes.

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A state school or some other formally established school? ---Yes.

What's the fourth one doing?---The fourth one - we're working to try and get him into a school. In the meantime, we're doing program activities with him at the house.

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Is he the extreme-needs chap?---Yes.

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Why won't he go to school?---When he came to us, he didn't have - he wasn't engaged in schooling so we've had to try and establish a school for him, so that's identifying, locating and getting him enrolled at a school.

What age had he completed of schooling? What level of schooling had he completed?---I think he'd done year 8.

From that point onward there has been no formal schooling?--I don't believe so.

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What do you do to try and get a young people into formalise schooling?---We work closely with the schools in the local area so we try and identify - depending on the needs of the young person, we'll approach the various schools and try and organise enrolment interviews for him to attend. While he's at home though we'll have work sheets and different programs and we use computer education systems to try and help him develop his educational skills.

It just seems to me that if I was one of the three who was attending school and I was disinclined to attend school and if I knew another one of the young lads who lived at the house didn't have to go to school and I didn't the maturity to appreciate the circumstances, that might actually rub off in a bad on myself. Do you have that problem of one person not going to school and therefore the other three are disinclined to attend themselves?---At different times we have, yes; not with the current group fortunately or not to this point yet anyway, but, yes, having someone home is a disincentive for the other people to attend school.

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Who does homework and who supervises it?---For those young people that do get homework - it's not a common thing any more for young people to have homework from school, but when they do have homework - - -

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More's the pity, yes?---When they do have homework, the staff would help them work through and supervise them doing their homework.

Do any of the residents form particular attachments to individual staff members?---Yes. Most young people will attach to one or two of the workers and have a closer relationship with - - -

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What appears to be the gravamen of that attachment? Is it similarity of interest, gender, age in some respects?---It could really be a variety of things. It could be, you know, gender. It could be, you know, commonality of interests; you know, it really varies, depending on the young person, as to what they're looking for in someone that works with them.

Are any staff members particularly assigned to be responsible for any individual resident?---Not unless we identify that someone seems to be developing a good connection with someone; then we would actually say, "Well, you, you know, focus on working with that young person."

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COMMISSIONER: Is there a minimum age of entry to a residential?---As a young person?

Yes?---Yes, 12.

So that's the youngest you will find in a residential, a 12-year-old?---On occasions there will be younger, but that's done with special permission.

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Could I be 12 and stay in a residential until I was 18? ---Potentially, yes, although I would believe that, particularly within our programs, we have semi-independent services attached to our - two of our residentials so we would focus and transition a young person through into those programs as they got older.

What are the chances of me getting a step-down service? Once I come into a residential, what's the chances of me going back into the foster system?---Probably not very good. It does happen occasionally but not very often. Most of the time once a young person is placed in a residential service, due to their age alone most foster carers wouldn't have them.

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Yes, and most of them - that is to say, when you're above 12 - and again, what's your experience? Are most of them new entrants into the system or have they been in alternative out-of-home care for some time before they come to you?---A mixture, but predominantly would-be young people that have been in out-of-home care programs previously. So whether that's another residential or fostering placement, yes.

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Are most of them under the guardianship of the chief executive?---Yes.

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Have you ever seen a situation where the entity - service provider - is actually the guardian?---No.

Can you do that?

MR SELFRIDGE: I don't believe so. Not to my knowledge, Mr Commissioner. I don't know that there's any provision in the act for that.

MR HADDRICK: We did cover this topic a little while ago - - -

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COMMISSIONER: We did?

MR HADDRICK: - - - I recall, and we had the same sort of exercise of that determining who could be a beneficiary of an order. I vaguely recall taking you, Mr Commissioner, to the provisions - I think was 80 something - - -

COMMISSIONER: 82 is the placement provision where the chief executive can place a child in care of an entity, which is presumably a service provider. But, see, once the chief executive or anyone else gets guardianship, after that the statute steps back and doesn't have too much of a regulatory input, does it?

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MR SELFRIDGE: Yes, we're touching two different issues here. The first one being a section 59, 60, 61 details the court's - - -

COMMISSIONER: Yes.

MR SELFRIDGE: - - - powers to make orders in respect to children, whether it be custody or guardianship.

COMMISSIONER: That's right.

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MR SELFRIDGE: Thereafter in 82, 82(1), et cetera, and 82(7) through, we talk about administrative decisions of the chief executive in terms of how that child's care is provided for.

COMMISSIONER: I know, whether the chief executive is the guardian or not.

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MR SELFRIDGE: Yes, irrespective of whether the guardian - 1
it's an administrative decision whether it would be having
custody of the child or guardianship of the child.

COMMISSIONER: Yes, but you can have custody for a short
period, but you've got to ultimately go to court to get a
child protection order for - apart from a section 18 - - -

MR SELFRIDGE: Yes.

COMMISSIONER: - - - you've got to go to the court for the 10
chief executive to be granted custody, either under an
assessment order or a temporary order. But if you want
ongoing it's got to be a child protection order.

MR SELFRIDGE: Yes.

COMMISSIONER: Right?

MR SELFRIDGE: Yes.

COMMISSIONER: And you can have a custody for two years, 20
after that you need short-term - sorry, yes, you can have
custody up to two years or short-term guardianship up to
two years.

MR SELFRIDGE: That's correct.

COMMISSIONER: And then after that it's - - -

MR SELFRIDGE: Long-term guardianship.

COMMISSIONER: - - - long-term guardianship up to 18.

MR SELFRIDGE: That's correct. 30

COMMISSIONER: Righto. So on 12 I've gone into this
residential.

MR SELFRIDGE: Yes.

COMMISSIONER: I'm going to be under somebody's
guardianship, presumably the chief executive if I'm in a
residential.

MR SELFRIDGE: That's right, yes.

COMMISSIONER: Right? I just don't understand, why 40
would - - -

MR HADDRICK: Can I take you to, Mr Commissioner,
section 61 on page 95 of the Act on the authorised reprint.

COMMISSIONER: Yes.

MR HADDRICK: And it sets out there the suite of orders, who they may be made in favour of. 1

COMMISSIONER: Yes.

MR HADDRICK: In terms of 61(d) a custody order can be made to either the chief executive or a suitable person.

COMMISSIONER: Yes.

MR HADDRICK: Short-term guardianship - you're entirely right - it's only in favour of the chief executive. 10

COMMISSIONER: Yes.

MR HADDRICK: But a long-term guardianship under 61(f) may be made in favour of the chief executive or variously described through two different Roman subsections, "a suitable person."

COMMISSIONER: Yes, and then if you look at the Acts Interpretation Act that could be a company.

MR HADDRICK: Yes. The definition of the word person includes company, yes. 20

COMMISSIONER: Yes. So, that's what I want to know.

MR SELFRIDGE: Can I just pick up on that point Mr Haddrick is raising is this, that section 61 sub (f)(ii), arguably it's possible under that.

COMMISSIONER: Is what, sorry?

MR SELFRIDGE: It's arguably - that which you suggest is possible to be dealt with under that sub-provision (ii). 30

COMMISSIONER: Yes.

MR SELFRIDGE: "Another suitable person, other than a member of the child's family, nominated by the chief executive."

COMMISSIONER: Yes. And if you read "person" as including a corporation - - -

MR SELFRIDGE: That's correct. 40

COMMISSIONER: What would be wrong with a court ordering guardianship to an entity apart from concerns about bankruptcy and stuff?

MR HADDRICK: Well, it does have a hint of the Orwellian state about it in the sense of a - - -

COMMISSIONER: It wouldn't be the only thing in the system. 1

MR HADDRICK: That's true. We are dealing with effectively the state intervening into families under this statute. Of course, in interpreting the word "person" in that section 61 one must have a purposive interpretation in mind. Whilst the Acts Interpretation Act might include corporation or such other entity within the definition of the word "person", I'm not convinced at first blush that the word "person" in section 61 includes entities other than natural persons. 10

COMMISSIONER: Well, unusually if you don't want to include a corporation you say "an individual". That's how you get around it. But just looking at this again, section 82, "The chief executive may place the child in the care of" - who's the child in that - no, it applies to, "The chief executive has custody or guardianship of the child under the act."

MR SELFRIDGE: Yes, that's right.

COMMISSIONER: So the chief executive could only place children she's the custodian of or the guardian of. 20

MR SELFRIDGE: That's correct.

COMMISSIONER: And that means, if we go back to section 7(2), that's what is - a child in the chief executive's custody or guardianship is a child in care.

MR SELFRIDGE: Yes, I agree.

COMMISSIONER: So you've got the option of the court making a child protection order including a long-term guardianship order in favour of the chief executive, some other appropriate adult, or arguably an entity. 30

MR SELFRIDGE: Yes. I've never come across a situation where - - -

COMMISSIONER: No.

MR SELFRIDGE: - - - entity.

COMMISSIONER: But then you've also got sitting beside that, once the chief executive is the guardian or the custodian, presumably under a child protection order, she can place the child with an entity - - - 40

MR SELFRIDGE: Yes.

COMMISSIONER: - - - including a licensee. Right. So obviously that's what happens, it becomes an administrative act. Once the chief executive becomes the guardian - - -

MR SELFRIDGE: Yes. 1

COMMISSIONER: - - - which you'd expect, she's the substitute parent at this point.

MR SELFRIDGE: Yes.

COMMISSIONER: She can place the child wherever she sees fit, effectively.

MR SELFRIDGE: Yes.

COMMISSIONER: Why couldn't the court do the same thing? 10

MR SELFRIDGE: From my perspective, undertaking a legal analysis of section 61, as feasible, I suppose, I would have to look at the Acts Interpretation Act and I'd have to take some instructions in relation to that. But it seems feasible, at least at face value.

COMMISSIONER: I'll tell you why I'm asking; because it's been put to me that the figures suggest that there are too many guardianship orders being made for the chief executive and that not enough use is being made of guardianship to other, including in the indigenous communities a community-based group where - and I think some of the submissions argued that you could make a community group responsible for the placement and wellbeing care of a child in, say, Aurukun or somewhere else, and that way you would not have as much controlling influence of the chief executive. 20

MR HADDRICK: Can I just draw a section to your attention that we haven't discussed in this dialogue, Mr Commissioner? The making of a child protection order under section 61, a long-term guardianship order, 61(f)(ii) it says, "Another suitable person," or indeed in (i) is "a suitable person". There's actually a definition of the expression "suitable person" - - - 30

COMMISSIONER: Suitable person.

MR HADDRICK: - - - and that suitable person is on page 314 of the authorised reprint. That sets out the sorts of categories that could be the beneficiary of that order. It appears to - just scanning through it at the moment - identify providers of care as possible repositories or beneficiaries of the order made under 61(f)(i) and (ii). 40

COMMISSIONER: Yes, non-person providers you could be able to do that. What do you say about - is that ATSIILS idea, that guardianship orders made in favour of a community based group or corporation in some indigenous communities, or not? 1

MS STEWART: I think I'd have to take some instructions on that?

COMMISSIONER: Would you mind?

MS STEWART: I don't know if we've turned our mind to that. 10

COMMISSIONER: See, I could see it being possible. Whether it was viable or advisable is another question.

MS STEWART: Perhaps we could put it to the witness, what he would think if he was given that responsibility.

COMMISSIONER: Yes, I guess you could answer that, couldn't you? What do you think? If you're say - what is it, Church of Christ?---Yes. 20

If the Church of Christ rather than the corporate service provider - is that what happens, you've got the church and then underneath it you've got a corporate structure that provides the services?---Yes.

Yes, okay. Well, what about instead of the service provider, just in case they go broke, the Church of Christ; let's assume they're an enduring entity, was made the guardian? Is that feasible or sensible, or what do you think?---I guess from my point of view the difficulty would be where a young person was required to - and maybe this would be a situation that would prevent it being granted, but where a young person had to leave a service, I would think that would cause a fair bit of trouble if the service was named as the guardian. 30

No, not the service, the church. That's what I mean, not the service?---I guess the thing there is that the church only provides that service in relation to providing the service, without - - -

Yes?---So if the service was to be closed up, shut down, whatever - - - 40

You'd be stuck with the child, as the guardian of the child?---The church - yes.

Yes, I know, but what I'm looking for, what I'm trying to tease through here, is a couple of things. One is people complain that there's not enough use of guardianship (indistinct) then there are impediments, practical

impediments to that. People also complain that the chief executive is too controlling and on the other hand I can see why the chief executive would be controlling if she was the guardian, because she's carrying 100 per cent of risk. So if you wanted to share the risk, if you wanted less control than the chief executive, you'd have to be willing to assume a bit of risk?---Yes.

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MR HADDRICK: Two contributions to this particular topic, if I might, commissioner. First of all, the definition of "person" is section 32D of the Acts Interpretation Act 1954 subsection (1), "In an act a reference to a person generally includes a reference to a corporation as well as an individual." (2) "Subsection (1) is not displaced merely because there is an express reference to either an individual or a corporation elsewhere in the act," and then it goes on to cite examples of other ways of describing "person" - another, anyone, no-one, one, party, person, someone, whoever. So that supports your conclusion of your musings earlier that by person it includes corporate bodies could be recipients of long-term guardianship orders, and very much displaces my gut reaction that the purposive purpose of section 61 is to give the power to a natural person.

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The second small contribution I wanted to make to this topic was you asked Ms Stewart about ATSILS' position in respect of who might be the recipients of powers to replace the chief executive in respect of certain indigenous children who are subject to protection orders of various kinds. It's my recollection of the evidence that that issue has been ventilated on a number of occasions earlier, that it would be advantageous but it is yet to be an idea that has crystallised with any great clarity, that it would be advantageous that in certain communities, particularly Aboriginal and Torres Strait Islander communities, there might some advantage in identifying an elder or a person of some stature in the community who is better placed to perform that legal function the chief executive has rather than the chief executive based in George Street, Brisbane.

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COMMISSIONER: Well, there's two ways you could do it. You could make that person or that entity the nominal guardian or you could make that person or entity a delegate of the chief executive.

MR HADDRICK: The obstacle that you have to jump after you get to that point is the resource issue. It's all well and good to put the brass plate up on the door, but as soon as the chief executive has to perform functions and provide resources, well, who does that other person other than the chief executive who has, as they say in the Commonwealth terms, the vast resources of the Commonwealth, the vast resources of the state, to dip into?

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COMMISSIONER: I suppose theoretically it's not - I mean, permanency is obviously an issue. You want stability. You don't want, you know, companies that come and go and things like that. On the other hand, there's no guarantee that any child is going to have an intact family for long any more.

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MR SELFRIDGE: Just whilst we're on that topic, if I may, I'll seek instructions from my client, from the Department of Communities in particular, in relation to that very topic so that if it's going to be ventilated any further that they have that input, as such.

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COMMISSIONER: Yes, I think we need to look at it, even if to dismiss it.

MR SELFRIDGE: Yes.

COMMISSIONER: I think it's one of those things people would expect at least given some serious consideration to.

MR SELFRIDGE: Up to this point at least, my understanding of the evidence that's been before the commission is that accusation or that allegation was not a consideration given to exploring other potential persons or entity - sorry, persons in relation to where guardianship can vest - has been that, about persons. I've not heard anything yet before the commission in relation to particular entities other than that just mentioned by Mr Haddrick.

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COMMISSIONER: Okay.

MR HADDRICK: I just want to move on to a couple more topics, if I could, please, Mr Wall. I asked you about homework. The family intervention or family involvement in the house, how often do you have the families of the residents come and visit the house?---It depends on the nature of the relationship between the young person and their families and obviously the impact that that may have on other young people. So I guess for the most part we try and encourage, you know, open contact between the families at neutral venues, or depending on the situation, back at the family's home.

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So do you too find that family contact at the home can be more often than not problematic?---More in light of obviously considering the needs of the other young people that are placed. So, you know, if they're having to be there while family contact was to occur that would be problematic if, you know, they miss out on something, or perceive to miss out on something, because they're having to wait for this other young person to have family contact. In saying that, though, we do have times of the year where young people's family do come to the service. You know,

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for birthdays we've had young people's family come over. Just recently we had a Christmas party where family members from different young people came along.

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This brings me to the next logical proposition. If family members can come over or have contact with the residents then they are probably at liberty to give things to the residents that either remain at the house or come home to the house with the resident?---Yes.

Does that ever become a problem?---On occasion it does. Sometimes some of the things that are given are inappropriate for them to have or - whether they're given or whether they're just brought back with the young person.

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What sort of things are we referring to here?---At different times we've had young people return with lighters, knives, different implements from people's household which, you know, in a normal house are relatively - - -

Which they may or may not have been given?---That's right. They may not have been given to the young person but they've returned with them.

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But they've certainly returned with it?---Yes.

Does it ever - say, for instance, I was returning back to the house, if I was one of the young people, and my family gave me a small wad of cash to help me through or for whatever reason, or some other item that other residents would be jealous of. Does that become a problem and how do you manage it?---It can do, and certainly if it's cash we certainly work with the young person to leave it with the staff in the office so that it's safe and secure and so that the other young people don't pressure them to spend it or use it or try and take it off them.

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Do you have Game Boys, Xbox, Nintendos, all that sort of stuff?---Yes.

Just one sort of set of that equipment or multiple sets? ---We have one that we have set up in the house. It's in the games room. So they have, you know, sort of - there's some controlled usage of that given that it's in a lockable room.

So you regulate the amount of the access to that?---Yes.

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Nobody sits on that for sort of 24 hours straight getting square eyes?---No.

What's that we're looking at up there?---That's the rear pergola area of the house.

Okay. What's that we're looking at up there?---That's the rear pergola area of the house so under that covered area obviously, as you can see, we have a pool table. 1

Yes?---We also have a ping-pong table that goes out in that area at different times, depending on what young people are wanting to do and play, and then on the edge you can also see a barbecue.

On the right-hand side?---Yes.

I imagine this is not far away given the barbecue is in the background?---That's right. 10

That's the laundry?---That's the laundry area, yes.

Is that where everyone does their laundry?---Yes.

What about the staff? Do they launder things there, their own - - -?---Generally they don't. They obviously bring stuff with them and take it home with them when they leave their shift.

So a staff member arrives with their linen, makes their bed, sleeps in it, gets up, strips the bed and leaves? ---Yes. In most cases, yes, that's what they do. 20

Okay. The staff member who stays overnight - are there any particular features of that staff member, age, gender, disposition?---Not particularly; it's just a rotational roster that we use so it could be any one of the staff team. We have obviously rostering rules that fit within the - I can't think of the term now.

Within the service agreement?---No, with industrial award conditions of how often and how regularly they can work. 30

If you don't mind me asking, what do the staff get paid? What are the pay brackets?---Off the top of my head it's roughly between about 30 to 38 dollars an hour.

Now, at the outside you identified Churches of Christ as the parent body that provides this service?---Yes.

And it does it over at least 13 homes?---Yes.

And it has a number of other wrap-on sort of services like transitional care and other services attached to that? ---Yes. 40

Now, you're a not-for-profit entity obviously, being a church-based or faith-based entity?---Yes, that's correct.

I assume that you aim to provide pastoral care?---We don't directly. Within the Child Protection Act it stipulates

that you can't. What we do though is we do allow and encourage young people to identify any faith and beliefs of their own.

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Now, of course, there are two meanings of "pastoral care" and by answering it in that way you have ascribed one particular meaning?---True.

"Pastoral care" could have a religious-free meaning - - -? ---Yes.

- - - in the sense that a teacher or state school provides pastoral care over their flock, their flock being those who they are charged with?---Yes.

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But at the same time a Catholic priest provides pastoral care over his parishioners?---Yes.

How do you walk that fine line between fulfilling functions under a contract with the state government which presumably does not come with any requirements to provide any form of ecclesiastical or ecumenical services and also keeping true to your organisation's heritage and reasons for being?

---Well, I guess it's very common knowledge and certainly very expressed within the organisation and discussed with the church that we're not in a position that we can - - -

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Proselytise?---That's right. So we can't force young people to go to church and we don't. However, as I said, where young people do become engaged with a church organisation or something like that, we do encourage it and assist them to attend.

Are there any particular qualifications, features or backgrounds of the staff that accord with your church's fundamental tenants?---The church puts out a code of conduct and obviously other policy statements around the way in which our staff will behave and act. However, none of them require them to be of a Christian faith basis or that we're going to impose that on our staff or our young people.

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Now, I mean, this absolutely and utterly very respectfully, but I just want to explore how your organisation's faith and particular denomination of faith impacts upon the service delivery. I'm not saying it's a good or a bad thing, but I just want to tease out whether you think in charge of four of the homes provided by the church that the ethos of the provider has a positive effect upon the residents of the home?---Well, I believe it does because I believe that, you know, our code of conduct and those, you know, points identify, you know, a positive way of being, of being non-judgmental, you know, accepting people for who they are, assisting them to develop and grow and the same for our staff around those issues.

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But there's nothing wrong with being judgmental or indeed prejudiced as long as they are directed at appropriate targets. So, for instance, I presume your organisation, like any other provider, is judgmental in terms of poor behaviour by the residents. Isn't that the case?---Yes. 1

How do you see the values of your organisation - your church that's the parent of your entity percolating down into the operations in an acceptable fashion in terms of the residential care provided?---Well, I guess it sets out really just a way of being in the way of being a service and, you know, achievements and goals that we're looking to see in our young people. 10

The Christian faith being one of the great faiths of the western world, quite frankly, has a set of values and principles that underpin the doctrines of the faith. Do you see your entities, the operator of house B - given that it has a faith-based heritage, do you see it translating down into the discipline in the house in any sense? By that I mean because those who run the house at the very top have a particular mind set about the world, does that result in a house that is - and I say this quite positively - held to a higher standard?---I believe it does. Like I said, I believe it sets out, you know, a set of standards for workers to abide by and that works its way through the whole organisation and through to our young people. 20

In what way do you see that manifesting in comparison to how you understand other homes that are not faith-based operations?---I guess that's hard to answer because I haven't worked in other residential houses so it's only what I've seen and heard on bits and pieces, but I guess where services don't have that background, they don't have that ethos of - you know, from an organisational point of view. Individual workers - you know, I wouldn't, you know, discount their thoughts and care and highly probable that they have some sort of religious background themselves because a lot of people with religious backgrounds are drawn to this type of work, but in saying that, where the organisation itself doesn't have that framework and that ethos, I think it loses something in its translation through its services. 30

Do you ever find the faith of the operator, the religious heritage of the operator, becomes in any way a stumbling block to the operations of the facilities?---I guess at different times it has. 40

In what way?---I guess one that comes to mind is quite some time ago when we were looking for funding and looking for extra funding for services. The church as an organisation made a decision that it wouldn't accept money from the government's gaming fund levy so obviously that's a quite large sum, a pot of money, that we have no access to so - - -

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Can I give you two examples and ask you to comment upon whether you see your organisation as having difficulties or doing things differently to the way other organisations do? Young people in the ages of 14, 15, 16 and 17 develop relationships of an intimate nature with the opposite gender and indeed the same gender. Do you see those young people's special friends, so to speak, visiting the house? ---On occasion that's happened. I guess as a service and that program, we encourage young people not to have those sorts of friends come to the house, so we'd look to try and work a way that they can still have contact with those people but not on site. I guess that really goes with the majority of young people with having their friends - whether they're boys, girls, whoever - actually attending the site. It poses a few issues, I guess, in relation to checking permission and approval for that young person to be there from a point of view of, you know, checking with their family as to whether they know that there are coming to our place and then having to talk to them about what our service provides so that they have some understanding of the possible risks of their young person being on our site.

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Would a 17-year-old boy living in your facility be able to have a 16 or 17-year-old girl stay over the night?---No. 1

Okay. Now, you told us before that you also operate a home that is all females?---Yes.

Are there any special challenges associated with or additional rules or where pools might be applied more stringently than they might be in other homes that are associated with running an all-girls house?---I don't believe so. We operate under the same rules and same policies within our organisation, so we don't have anything that we, as you know, put in place differently for all girls' residential. 10

If a 17-year-old or 16-year-old girl wanted to visit a doctor or go and get the morning-after pill and they were in your care, would they be able to do that?---We would assist them to go to the doctor's. If they were looking for some of that type of service then we'd certainly be talking with their child safety officer to let them know that that was occurring. And obviously that's not something we can give permission for. 20

Is your organisation happy to facilitate that if indeed it is the choice of that individual girl?---I believe so, yes.

I'm not trying to be rude or offensive, I need to explore the way these homes are operated and the challenges associated with implementing service agreements, quite frankly. Would your organisation have difficulty implementing the wishes of a girl in that situation?---I don't believe so. I think as an organisation we take a stance of people have to make decisions for themselves, people have to make decisions about what is right for them. Obviously we would also be looking at education around all opportunities and all options that exist, but ultimately, you know, people have to make those sorts of decisions for themselves. 30

Okay. Now, I showed you some photos before and the very first couple of photos were external shots of the house from a distance. Is there any stigma attached to the residents who live in that house as a result of them going to school and coming home from school and everyone knowing that they live in that house?---I don't believe so. Our young people generally attend different schools, not necessarily the one just around the corner, so depending on what school they're at, most of their friends and peer groups wouldn't necessarily know who we are or where we are or where that young person comes from unless they - - - 40

Unless they themselves said it to their peer group?
---That's correct, yes.

Which brings me to the obvious question, do the people in the house have many friends?---Most of them do. I think for a lot of them they're somewhat superficial friends. I don't think our young people necessarily have the interpersonal skills to really develop strong friend relationships. They seem to burn through friends very quickly so their friendship groups are constantly changing.

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Do you encourage friends to come visit?---As I said before, we don't encourage it. At different times it has happened, but in most cases we would look to encourage the young person to spend time with their friends maybe at their friend's house.

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I just want to explore that last point. Why wouldn't you encourage - I mean, it seems to me from my recollection a normal incident of growing up that you would have your peers - predominately use of your own gender - would visit you at your home on occasions in the afternoons after school, whatever, come over and use the predecessors of XBoxes or whatever?---Yes.

Why wouldn't you want to encourage that?---In answering that, the first thing, at times it does happen but we wouldn't encourage it because of course firstly then we would need to talk with the friend's parents to say, you know, about the young person coming over, who we are, what we are, what we do. And potentially then identify the young person, you know, to his friend as being in care, as living in the residential.

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So you - - -?---So we're trying, I guess, in a way to maintain some confidentiality for them.

So that you don't have to warn the friend's parents who you are?---Yes, and potentially because the young person is going to come to the house, the other young people that are in the house.

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Okay. Vehicles; what sort of vehicles do you have at your disposal for transporting of the young people?---The service has three vehicles; two on site all the time, one is a seven-seater four-wheel drive - four-wheel-drive vehicle, the other one is just a five-seater sedan.

How do they get to and from school?---It depends on the school and where they're going. Some young people - and on the young person themselves - so some young people attend a school that's close enough to walk or they ride a bike. They might catch the local bus to school, or depending on where they're going and if it is difficult, the staff may drive them.

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So the house B van doesn't pull up, sort of 10 to 9 in the morning and 10 past 3 in the afternoon and collect all the house B kids and go home?---That's right.

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Okay. The QPS: would you ever have reason to call out the police?---Yes, at times. 1

Can you tell us when that last happened in house B?---I'm trying to think now. I can't recall of the top of my head when it was.

What sort of things you call up the police for?
---Particularly violent or aggressive behaviour. At that house we don't have a lot of property damage so there isn't a lot of call-out about that. 10

So it's kid on kids sort of violence?---Yes.

Do the employees - the carers - ever become victims or intertwined in the violence?---On occasions, yes.

Do the police get called every time there's violence?
---I wouldn't say every time. If it appears to be significant then yes, they are, but there's often, you know, little fracasas that we can internally deal with.

So the staff use their discretion - - -?---Yes. 20

- - - as to when it arises to determine an occasion requiring the police?---Yes.

Do the young kids all have mobile phones?---I wouldn't say all of them do. It's certainly common for young people to have mobile phones, though.

Do they become a problem in the management of the house at all?---On occasions, yes. Some young people spend all night on their phones rather than sleeping, and of course that affects their behaviour that next day and routines of getting up and things like that. 30

COMMISSIONER: Mr Wall, one of the chief executive's functions is to collect and publish information and statistics about, among other things, the life outcomes of children in care?---Yes.

Has your agency ever assisted the chief executive on that function by providing information or statistics about the outcomes of children that have been in your care?
---Probably not directly. Through our quarterly service reports we do discuss young people and their progress and development, young people that are in care, our services, and why they're exiting services. 40

Let's deal with the ones that are leaving because they're old enough?---Yes.

You told me before that you keep contact with about 5 per cent of them?---Yes.

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How could you meaningfully contribute on that basis to giving the chief executive statistics and information about the outcomes for those children?---I don't believe there's any system in place currently around that.

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Yes, there isn't so far as I can see. There's no way that we can tell longitudinally whether giving a child the benefit of public care has been a net benefit for him? ---Mm'hm.

That would be the object of the system, wouldn't it?---Yes.

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Because if the net result of giving this child public care was more detriment than benefit, you wouldn't bother, would you? So how do we know whether we should be bothering or not if we don't keep track of what happens to them?---Now, I don't know. I can't answer that question.

It's a good one though, isn't it?---Yes.

Yes, Mr Haddrick, have you got any good ones?

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MR HADDRICK: Yes, just a few more questions,
Mr Commissioner.

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Transitional placements: they're also run by your church,
aren't they?---No, we ceased doing that.

Why did you cease doing that?---Because the department was
pushing for lower cost in that placement and we believed at
lower cost we couldn't provide positive outcomes.

So it's just a straightforward economic decision that you
were compelled to make?---Yes.

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So you were previously running transitional placements?
---Yes.

What sort of money were you getting to run those
transitional placements in the past?---I don't know. I
wasn't involved in those programs.

When did you give up in the field - sorry, when did you
cease to provide services of transition?---Two years ago.

Okay. Now, in your statement on page 2 at paragraph 10 you
identify one of the residents is indigenous at the house?
---Yes.

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How old is that chap?---He's 14.

Do you identify any problems or any opportunities
associated with a house with indigenous and non-indigenous
children?---No. I guess the young person doesn't
particularly identify with his culture so at this point in
time it doesn't present any issues for us.

What role does your organisation play in terms of
transitioning the children out of the homes?---Well, as I
said, I guess the advantage for this program is that they
have a semi-independent living program attached to the
service so young people coming through the residential are
informed, know about and see that program and are
encouraged to develop their skills so that they can move
into those sorts of program. From there they continue to
develop their own skills of living more independently
whilst still being supported by the program to a point
where hopefully they can source and move out into their own
and fully independent lives.

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I don't think I have any further questions,
Mr Commissioner.

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COMMISSIONER: Thank you. Mr Selfridge?

MR SELFRIDGE: Yes, thank you, Mr Commissioner.

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Mr Wall, I have only got a couple of questions for you and they relate to this - first of all, before I go there, in terms of your statement you make mention of a couple of abbreviations or some jargon. What does "TP" mean?
---Transitional placement.

And at paragraph 42 you talk about "Sanctuary"?---Yes.

If there is such a thing, what do you mean "Sanctuary"?
---Sanctuary is a model of care that our organisation has adopted so it's - - -

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In short, what does it mean?---In short, it's a trauma-informed therapeutic program that identifies that for workers and the organisation to work well and look after young people that it needs to be a well organisation and your workers need to be healthy and well.

So it's a trauma-informed therapeutic model, in effect?
---Yes.

So everyone has to be working in tandem?---Yes.

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Okay. Now, if I can just contextualise something in this way, at paragraph 2 - I'll just ask you to accept what I'm saying just now - you talk about a five-person residential care facility?---Yes.

Then at paragraph 11 you talk about your former employment as a house parent model?---Yes.

Engaged in a residential under the house parent model system?---Yes.

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Yes, and then at paragraph 12 you compare and contrast the two?---Yes.

Do you recall doing that?---Yes.

And then at paragraph 18 that's just a further explanation of your current system, the youth workers and the qualifications they have there?---Yes.

Now, it's clear at paragraph 12 that you're an advocate of the former regime of a house parent model and you go on then at paragraph - sorry, paragraph 11 and then you go on at paragraph 12 to give us some examples of why you see that model as a better model and it's more in tune with children's needs as such and addressing children's needs. Is that a fair analysis?---Yes, but I don't believe that I was trying to advocate for that particular model.

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Okay?---I was just really outlining some of the differences between the two models.

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All right. So it maybe negates the need for my following question. I was just going to ask you if there is any empirical evidence? Maybe it applies to Sanctuary as such because you're an advocate of Sanctuary's service because that's the model you have adopted at paragraph 42 when you say that your organisation has adopted - Churches of Christ have adopted it?---Yes.

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Is there any empirical evidence or longitudinal studies or anything that would support or add some substance to what you say there in terms of it's a better model or is to be applied?---I believe that one of the issues really around residential care in Australia is there hasn't really been any great studies into residential care in Australia.

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Yes?---Most of the models and programming of - I shouldn't "models", but most of the studies into residential care are more done out of the UK and America so we haven't got a great deal of evidence of Australian residential care to actually say that we've really done a study to say which is actually better.

Okay; and do you believe that there are some studies, some evidence, empirical evidence, that would support that which you put in your statement about that generated from America?---I guess that in my statement is more my view and my experience.

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So it's put forward anecdotally in terms of your experience and your knowledge?---Yes.

Based on 23 years in the service?---Yes.

The next question I have for you is this - and please don't think for one minute there's any judgment call, certainly not on my part, in terms of purely contrasting how your organisation deals with young persons as opposed to the evidence of the previous witness as such. I'm talking about children with complex or more extreme needs as such? ---Yes.

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When I look at your statement at paragraph 4, you say - I will quote you the parts that I'm relying on. At paragraph 4 you say, "Placements can be terminated after a young person absconds. Usually these placements are terminated one or two weeks afterwards"?---I guess in saying that, that termination is usually a decision made by Child Safety, not by us.

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Okay, because the child has absconded from the residential placement?---Because they've not been utilising the placement available for a period of time, Child Safety will ultimately say, "Well, we're going to end that placement because they're not utilising the place anyway."

So we're talking about if a child absconds and doesn't come back?---Yes. 1

Sorry, I misinterpreted that. I thought if a child was absconding from the placement that after a short period of time it would be determined that they were no longer - the placement shouldn't be available at all to them?---No, it's after they've absconded for that period of time, at that sort of time frame, the department would usually say, "We're going to end the placement because they're obviously not using it." 10

Okay. I could see a different flavour on it. Paragraph 6 - and I'm referring you to the last line there, "If after this process the information does not indicate a good match" - and I'm talking about PSU here?---Yes. 20

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You've made reference to it when Mr Haddrick asked you some questions?---Yes. 1

"A good match, we will say no to the placement." Is it my understanding, did you say to Mr Haddrick that that's infrequent, it doesn't happen very often?---It doesn't happen that often for that service, no.

Again at paragraphs 45 and 46, this is where you were talking before about someone who was involved in drugs and the last time, to use the vernacular, as you did - or Mr Haddrick did before, about when was the last time a young person was kicked out, you said three months ago. The person was involved in drugs. They went to Logan Cottage?---Yes. 10

That's outlined at paragraph 45?---Yes.

Essentially it becomes someone else's problem, yes? ---Essentially, yes. I guess that's not the way we view it. We look at it that our service isn't able to meet that young person's needs, and particularly in that situation the young person's behaviours were beginning to impact on other young people in placement. 20

Yes, so I suppose coming full circle then, and you heard the evidence of the person here before the commission prior to yourself that there's a recurring theme of problems upon problems upon problems in this young child who had extreme needs and they've just got to deal with it, as such?---Yes.

I made mention to you, I gave you that caveat or that qualifier, that I wasn't by any - and I'm not in a position to be judgmental as such, but it seems that they're saying, "We'll hold onto this young person. It just is what it is and we've got to deal with it"?---Yes. 30

Whereas you're saying, "We try our best, but ultimately a decision has to be made at some point if it's not in the child's best interests to be with us," so to speak?---Yes, that - - -

Is that a fair analysis in relation to it? There's no - as the commissioner has pointed out before, there's no solutions base here at all, it's all about one organisation dealing with it in a certain way and another organisation dealing with it in another way and it is what it is?---Yes. Well, we definitely look at it that if we're not meeting their needs and they're showing that by their behaviours, their attitudes, what they're doing, we will obviously - and with that young person we spent quite a long time meeting with the department, talking with the young person about the behaviours, about the ultimate outcome if he continues to do those sorts of behaviours. 40

Yes?---Really making him responsible for - "If you want to stay her then you will need to start looking to change these behaviours," and giving him the options and the ability to change and obviously the support to change, but at the end of the day if he's not wanting to be with us and he's not engaging in our program, particularly in this case, where he starts to then impose his behaviours and encouraging other young people to join in - - - 1

I suppose that's the point I was coming to; you beat me to it, and it's this: when you compare and contrast the two, irrespective of what your personal belief is as to how you deal with personal - or your professional belief, the reality is this, when you look at the means or the manner in which both organisations deal with children with extreme needs, in the one sense you've got a placement where it's not full and that child has been taken in within that placement, or you've got a placement that is full and operating optimally, arguably, because there comes a point where you draw the line in the sand, isn't it?---Yes. 10

Yes, thank you. No further questions.

COMMISSIONER: Ms Stewart? 20

MS STEWART: In paragraph 10 you just stated that you have an indigenous lad in your service and you were asked the question about is there any unique needs there. You've said that he doesn't identify. Does he still have contact with family?---Yes.

Family and the wider community?---Yes.

The Aboriginal and Torres Strait community?---I guess that's a bit more difficult for us, but we certainly encourage him to do so. I guess once he has contact with his family that's where he has that community contact. 30

Does that occur at the residence or outside the residence? ---Generally outside the residence. So he generally goes to - and his main contact is his grandparents. So he has unlimited contact. Whatever can be arranged between himself and his grandparents for contact is fine.

Okay, because I've listened to your evidence about the difficulties in having visits from family occurring at the house because of the particular dynamics. There's certain sections in the act that encourages Aboriginal and Torres Strait Islander children to have contact with parents and the wider community in order to remain - preserve their culture. How do you get around that as a residence?---I guess we just look at what community engagement we can actually have for our young people. So certain particular community events that are occurring we'll take our young people along to. We have a couple of indigenous workers, 40

so they're there as someone that the young people can talk to and having that cultural understanding, and as I said, we encourage the contact with family. 1

In paragraph 48 - I assume this was at the point that you were actually doing the transitional housing, that you said that a number of young people exit and return home?---Yes.

At that time did you put anything in place to help develop protective factors in the young people?---Well, I guess our program focuses heavily on their own independent living skills, so for a lot of our young people it's about teaching them how to look after themselves, teaching them how to budget their own money, so that they have the ability to be independent. So for a lot of our young people that do choose to return to their home they have a lot more skill base to call upon to actually look after themselves and not be reliant on their family. We also encourage, you know, that ongoing contact, so we allow them and encourage them to call us and check in with us, talk to us about how they're going. We have lots of young people that do that. 10

I mean more like the child protection concerns that probably led to the order and the young person being placed in care, whether that was drug and alcohol abuse or exposure to mental health affecting parental capacity, what kind of resilience you can build in the young person to make sure they're not drawn into pressure to, you know, say, abuse alcohol and drugs?---I guess just our general programming and things that we do with our young people, we do group work on a weekly basis where we focus on particular topics and work with them. We have other agencies that come in and present information and talk with our young people around different topics so that, you know, hopefully we're giving them understanding, knowledge and skill to be able to manage those sorts of things. 20 30

Just one last question. In your statement; I think it's at paragraph 36, you just touch on the need for secure care. In your experience, the type of young people that would benefit from a type of secure care, what type of behaviour would you think that they should be exhibiting?---Well, I guess the thing in my opinion with secure care would have to be that it needs to be very clearly identified, the focus of what secure care would be about. For me, I guess some of those behaviours are where we have young people who put themselves at high risk when they're out in the community, so our chronic absconders, young people that go out and source alcohol and drugs and those sorts of things. I can see that those sort of young people would benefit from a secure care facility, but you would have to be very clear about what it is you're trying to work on while they're there. I think there's a high potential risk that a secure care facility could then start grouping young 40

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people together that have those protective needs in with people that have, I guess, the acting out behaviours. So, you know, potentially if you've got people that are more threatening and violent and aggressive and bordering on the youth justice type issues so that they're not heading to a detention centre but they need to be protected and put in here, if you were to mix those sort of groups that would be, I think, a really negative outcome, potentially.

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COMMISSIONER: There would be a few things, wouldn't there? There would be protection of the child, so the security would be for their own protection?---Yes.

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Then there would be security that protected other people from the child or young person?---Yes.

What you're saying is you shouldn't mix the two cohorts and in any case you shouldn't have punitive secure care?---Yes.

It should be protective of one of those interests, either themselves or some other person?---Yes.

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MS STEWART: Alongside offering therapeutic intervention while in secure care?---Yes. 1

The type of children or young people that you think of that would benefit from that - and you've just described the absconders and I think the other one was young people that are using drugs and alcohol - those type of children, in your experience are there mental health issues?---Quite frequently, yes.

Do you think the mental health system adequately deals with - - - ?---I guess in my experience there aren't a lot options within the mental health system for young people with those sort of behaviours, particularly if they're not willing to say, "I've got a problem and I need help with it." You know, there are programs out there but it's not by choice, so the young person has to want to go into the program. 10

Are you familiar with disability services and there are certain restrictive practices that you can apply to - I believe it's the tribunal - to make an application to apply a restrictive practice, and there's seclusion, containment, and it's quite regulated. Are you familiar with that? ---Only to a very limited degree. 20

Okay?---I haven't had that experience of doing or being engaged in that myself or with our service.

Would you like to see that type of regulation?---I guess for me - and it's probably what this whole process is about - is I think we've got to look at what options are there and if those options are a benefit. If there's a benefit to that option being applied for a particular young person then it should be explored. 30

COMMISSIONER: There's always a real difficulty in the means justifying the ends argument?---Mm'hm.

And I said before you've got to look at the net benefit and you just said the same thing. But on that argument it wouldn't be hard to mount a theoretical justification - it wouldn't be a big step from a containment and security model that you're talking about to a slight variation where - again for therapeutic purposes or protective purposes - the state intervened coercively - that is involuntarily - to prevent a young mother from potentially damaging an unborn child she was pregnant with because she was drinking and putting that child at risk of life-long foetal alcohol syndrome disorder?---Yes, you're right. 40

Or it wouldn't be a big step to - where if you had a violent father, to remove the father from a pregnant woman during pregnancy for fear that his violence might hurt the child?---Yes.

It's a very fine line when you start talking about the pre-emptive actions of the state, you know, acting preventatively to stop somebody from doing something they might do but actually may never do?---Yes.

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Because you've got to balance stepping in too early with not stepping in at all or stepping in too late. Somewhere there's a line there that you've got to stay on the inside of?---Yes.

Ms Stewart.

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MS STEWART: I have nothing further Commissioner.

MR CAPPER: I have no questions, thank you.

COMMISSIONER: Yes, Mr Haddrick.

MR HADDRICK: No further questions, but I should tender the photos that I took the witness through. I tender those photos, Mr Commissioner.

COMMISSIONER: Just give us a number on the back and I'll order it not be published. Is it up the top?

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MR HADDRICK: I tender the photos and the two top photos should not be published.

COMMISSIONER: The photographs will be exhibit 156.

ADMITTED AND MARKED: "EXHIBIT 156"

COMMISSIONER: Photographs A and B not to be published, otherwise the balance of the exhibit can be published.

MR HADDRICK: That's the evidence of this witness. Might the witness be excused, Mr Commissioner?

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COMMISSIONER: Mr Wall, thank you very much for your very helpful evidence. Much appreciated. And appreciate the time that you have given up to come and help us. You're formally excused from your summons?---Thank you.

WITNESS WITHDREW

MR HADDRICK: Now, housekeeping, Mr Commissioner. The line-up for tomorrow - and the witness statements are physically on their way over here to be given to the other parties - it's proposed to call Mr Paul Glass, a young person, and a Mr Darren Frame as witnesses tomorrow, which were the witnesses associated with, I think, house C. And those statements are going to be delivered to the other parties briefly, but I just thought I'd identify who are the witnesses tomorrow. And I understand it's convenient for the commission that we resume here at 10 o'clock tomorrow morning.

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COMMISSIONER: Yes, okay. Well, I'll adjourn till 10 am tomorrow morning, thank you. 1

MR SELFRIDGE: Mr Commissioner, before you do there are two quick housekeeping points, if we can call them housekeeping points. You asked about section 93 and there was that (indistinct) provision available to the chief executive in managing children's property.

COMMISSIONER: Yes.

MR SELFRIDGE: When they're subject to CPO, obviously. I'm instructed that's right and it's applied on a frequent basis. 10

COMMISSIONER: Yes.

MR SELFRIDGE: And it is at times successful in saving a young person's financial resources. It's obviously highly dependent on individual circumstances. So that's the provision that's generally applied.

COMMISSIONER: Yes. 20

MR SELFRIDGE: The second thing is this, there was a summons issued - I've discussed with Mr Haddrick - in relation to the young person Ben's file.

COMMISSIONER: Yes.

MR SELFRIDGE: That file is being collated and it's not insubstantial, as I'm sure you'd understand. It is being couriered here and it will be with the commission by Thursday morning. In that same regard what I thought was the case might be the case is true, Ben has been subject two child protection orders in the past; the first from 16 November 2010 for two years, so short-term custody; the second being from 16 November 2012, so just recently, for approximately 15 months, which takes him up to his 18th birthday. And the person recorded on the file as having harmed him is his mother. So the file will speak for itself, but I just thought I'd give you that heads-up, so to speak, in relation to this thing. 30

COMMISSIONER: So it wasn't risk of harm, it was actual physical harm?

MR SELFRIDGE: That's my understanding of it. I'm a bit scant on instructions so far. 40

COMMISSIONER: Thanks, Mr Selfridge. Thank you.

MR HADDRICK: For completeness, given that an information summons was issued, it is my instructions that that is sufficient to comply with the information summons, that it be extended until close of business Thursday for the actual

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file, and that the information provided today is in compliance with that information summons. 1

COMMISSIONER: So you issued a document summons and an information summons?

MR HADDRICK: You signed it - - -

COMMISSIONER: Yes, I would have remembered.

MR HADDRICK: - - - earlier on today, Mr Commissioner. 10

COMMISSIONER: Of course I did. Thank you.

THE COMMISSION ADJOURNED AT 4.33 PM UNTIL
WEDNESDAY, 6 FEBRUARY 2013

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