



SPARK AND CANNON

TRANSCRIPT OF PROCEEDINGS

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THE HONOURABLE TIMOTHY FRANCIS CARMODY SC, Commissioner

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

BRISBANE

..DATE 6/02/2013

Continued from 5/02/13

DAY 42

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 10.08 AM

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COMMISSIONER: Good morning. Mr Haddrick.

MR HADDRICK: Good morning, Commissioner. Appearances are the same as they always are. I call Mr Paul Glass.

GLASS, PAUL JOSEPH affirmed:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Paul Joseph Glass; house manager.

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COMMISSIONER: Good morning, Mr Glass. Welcome?
---Thank you.

MR HADDRICK: Mr Commissioner, might Mr Glass see this document, please?

Mr Glass, do you recognise that document?---Yes, I do.

What is that document?---A witness statement.

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Whose witness statement is it?--Mine.

And the signature at the bottom of each page, whose signature is that?---Mine.

And by signing it are you confirming that the contents are true and correct?---Yes, I am.

And the opinions expressed in the statement are your held opinions?---Yes, they are.

I tender that statement, Mr Commissioner.

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Just before the statement leaves the witness, on the back of the statement there is an attachment which is a diagram, isn't there?---Yes, there is.

Can you just describe that diagram, given that it doesn't have a heading?---It's kind of a flow chart of how I think child safety or residential care should flow.

Okay. I tender the statement including the attachment and there's no reason for that statement not to be published at all.

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COMMISSIONER: So the attachment is like a road map.

MR HADDRICK: That might be a way of putting it in terms of the order in council.

COMMISSIONER: Good. I've got to do one of them.

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GLASS, P.J. XN

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MR HADDRICK: You've got one; one we prepared earlier. 1

COMMISSIONER: Do you explain it in the text of your statement, this diagram?---I can, or have I?

Have you?---Not in the statement, no.

Okay, well - - -

MR HADDRICK: I propose with my copy here to put it up on the screen and get Mr Glass - - - 10

COMMISSIONER: Run through it.

MR HADDRICK: - - - to run through aspects so that we all understand the principles that he's trying to impart to us.

COMMISSIONER: All right. Mr Glass's statement will be exhibit 157.

ADMITTED AND MARKED: "EXHIBIT 157"

COMMISSIONER: Is it publishable? 20

MR HADDRICK: Yes, it is, Mr Commissioner.

COMMISSIONER: I direct it be published.

MR HADDRICK: Okay, Mr Glass, you are the house manager of what the commission and the parties to the commission are calling house C, aren't you?---That's right.

In your evidence I must ask you not to mention the actual street address of the house or the correct names of any of the residents at the house or former residents of the house?---Okay. 30

Now, what suburb is house C in?---It's in [REDACTED]

Okay. How long has house C been around for as a residential care facility?---This is the third year.

Who operates house C?---I'm the manager of the house.

Who's the entity or the corporate body that collects the money to run the house?---Silky Oaks Children's Home.

Okay. Who is Silky Oaks?---Silky Oaks is an organisation - that got a few fingers in different pots. One of the operations that they run from Silky Oaks is residential youth care. 40

Do you know if that's a company, an association; is it a for-profit organisation or not-for-profit organisation? ---There are elements of it that are for profit, so some of

the programs that they run, like a child care centre and other programs, counselling, that are for profit but other areas are not for profit. So I couldn't tell you whether it's a company or - - -

1

Without telling us the addresses of any facilities, can you tell us what you understand to be the totality of the operations of Silky Oaks. We know they operate house C; what else do they operate?---They operate four other placement homes for young people; they also run a women's shelter down the back; they run - - -

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What does "down the back" mean?---Down the back of the property. So there is - - -

Of house C?---No, of Silky Oaks Children Haven, the main campus.

Okay?---So down the back there's four units down there for generally single mothers.

Yes?---They also run a child care centre - - -

Yes?--- - - - at the front of the property; and a counselling arm. They also run parenting courses and that from the main campus as well.

20

Now, which arms do you understand to be the not-for-profit aspects of the operations?---The not-for-profit, as far as I'm aware, is the residential care - the youth residential care site.

Are there any other not-for-profit aspects?---There could be, I'm not sure.

Okay, we might ask other witnesses in respect to those matters. Do you know how many employees Silky Oaks has? ---I think last - I think there was about 70 - - -

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Seven zero?---Seven zero, yes, and 50 of those would be youth workers.

Okay. Now, I asked you, you said it was a - some parts were for profit and some parts were not for profit but you didn't answer my question in regards to was it a company or an association. Do you know what the corporate structure of it is?---I believe it would be a company. It's run by a board of directors and then with a CEO underneath that, so I believe the company.

40

If some parts of it are for profit, do you know what happens to the profits of that company?---No, I'm not sure. I couldn't answer that.

Will ask someone else about that. Okay, turning to house C, what I propose to do is two steps: take you through a series of photos and get you to tell the commission is all about house C and how it operates; and also taken through your statement and identifies some certain salient features of your statement and get you to elaborate on those particular aspects. So I'll start with the show and tell aspect to start with. I'll start at a logical point. Now, if the house was around for three years, what was it doing prior to that, to your knowledge? ---It was just a residential home.

1

How long have you been the house manager of the home?---For three years.

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So you were there from its establishment as a resi care facility?---Yes.

Okay. Starting from there, what am I looking at there? ---You're looking at the next door neighbour's house and a portion of our fence.

So that's - the corner of the resi care property is there? ---That's right.

20

House C is there?---Yes.

And that's the neighbour's house there and subsequent neighbours' houses. What am I looking at there?---You're looking at the front of our house, just inside the gate, and our car.

It looks very nice. In fact that one almost looks like a real estate picture. Is it always in that sort of state? ---Absolutely.

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Who keeps it in that state?---My youth workers, yes.

Okay. We'll come back and explore that in more detail. Just so we understand the layout of the house, what have we got along the front level ground floor here?---Well, that's just - - -

What rooms are they?---Okay, so far right is the sleepover workers' bedroom.

Yes?---They'll stay in there. Just to the left of that I guess is the main doors that stay closed at all times, but it is a fire exit if required. And then the next window to the left there is the lounge room. And then further to the left was a converted garage. That's now our office space.

40

That is that room there, is it?---That's right.

Yes?---That's our office space and our intake room, so when young people enter our facility they come in through there.

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Now, there are two vehicles photographed in there. Are they vehicles of the business or the premises - sorry, house C's vehicles?---They are, yes. 1

Okay. And does it always have two vehicles?---Yes. Now it does, yes.

What are the vehicles used for?---So the Cruze there on the left-hand side - that's used for the client support services, so from 9 am a youth worker will take the young people out and drop them off at services or take them and help them engage in other services; The VW van over on the right-hand side that we can just see the nose of it, that's used for the street team, so three days a week that goes - - - 10

Okay. We going to come back to the street team and what all that is very shortly?---Sure.

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I'll make sure I've got the right photo in this order.
Okay, what am I looking at there?---That's our lounge room.

1

Again, it's nice and clean, almost like a real estate shop?
---Sure.

Is it kept like that always?---Absolutely.

Who congregates in that area?---The young people and youth workers.

I notice it's airconditioned. Are all rooms in the house airconditioned?---Downstairs they're all airconditioned and, yes, there's no airconditioning upstairs.

10

Do you see any advantage of having upstairs - presuming upstairs has bedrooms, upstairs being airconditioned?
---Yes. We have spoken about that, getting them airconditioned. At this point we've got fans in each of the rooms, but, yes, no airconditioning.

Do you see climate control as having any beneficial effect upon the residents who come and go?---Yes, sure.

20

In what way?---Well, I guess if people are hot and sweaty and irritated, well, then they're probably going to act out in that way.

What have we got here?---That's our TV, yes. So that's just looking from the other end where we saw the lounges just before that. It's all facing the TV where we have a - we normally have a PlayStation in there. It might have been removed.

Removed as in put away or removed as in there's a problem with it?---Well, it was removed by a client a couple of weeks ago.

30

Okay, well, we'll come back to that. Is that the only television in the house?---Yes, it is.

I suppose that ties in with the PlayStation. Young people, as they are wont to do, need entertainment?---Yes.

We've heard evidence from other witnesses that in those particular facilities they either have or attempted to have TVs, flat screens, large flat screens, in every bedroom of the facility. Would you see that as an advantage or disadvantage if you had it?---A disadvantage.

40

Why?---Well, we want our young people to engage with the youth workers. We want to teach them some life skills, I guess, or grow in some life skills, where - - -

Switching on and off the TV is a life skill. Why not a TV? 1
---Well, in their room it doesn't help them to engage, it
doesn't help them to share with other residents that would
be in the house, which are natural, normal skills and
abilities a young person needs to learn for independence.

Now, what happens if I'm young person A and I like watching
Masterchef and young person B likes watching My Kitchen
Rules? They're on at the same time. It's a real life
problem in my household. How do you resolve that dispute?
---Well, generally a youth worker will make that decision. 10
So, yes, we try and get them to negotiate about it and a
youth worker will make that decision if they can't come to
the conclusion.

You might sense that I'm jesting about this aspect, but
we've heard evidence from other witnesses that in other
homes choice of TV channel is a point of major
confrontation in the house to the point of calling out
police to assist in arbitrating, if I can put it that way,
such minor things as that. Do you ever have need for -
does the choice of TV channel, such minor things, ever rise
to a point of being a major issue in the house?---No, it 20
hasn't, and I guess that's because we make it clear with
our young people that, "This is our house and you're a
guest at our house. You're more than welcome to make
yourself at home and feel comfortable, but this is our
place so we reserve the right to make those decisions."

I suppose that sort of centres around the nature of the
tenancy, if I can put it that way?---That's right.

Can you tell us how long residents stay at your house?
---They can stay as long as they require, but what we do is
they come in between 3 and 6 pm. If we have a vacancy 30
we'll bring them in at any time of the night, but generally
we tell our young people to check in between 3 and 6 pm,
but at 9 am they leave the house. So they'll leave with
the support service youth worker and that youth worker will
drop them off somewhere prior to 12 o'clock and then return
to the house, so the next day they have to check in again.

So like a hotel, you've got to check in and check out?
---That's right.

So that structure in itself is - doesn't break it up; I'm
using the wrong words here, but diminishes the ownership
the individual resident has in respect of their tenancy? 40
---That's right.

Because they know that they're quite frankly at 24-hour
cycles?---Yes.

Do you find that that has advantages or disadvantages? 1
---It has some advantages, I guess, and it has some
disadvantages. The disadvantages would be the house isn't
a placement, so it's never home for them.

What do you mean, it isn't a placement?---Well, a placement
would become their home. It's where they reside
permanently.

So it's better to describe house C as providing almost
emergency or drop of the hat care?---Yes. So we go between
emergency and short-term accommodation. 10

Even though a child must check out by a certain time the
next day, how long do most children who stay in the house
continue through that cycle? So would they be doing it for
a week, a month, a year?---It does vary. It's a little bit
hard to put a finger on that one, but some young people
will just stay, you know, maybe a couple of days every
couple of months, but then some young people before they
get a placement may be there - like, we've had a young
person there now every night since 23 December.

Would it be correct to describe the attendance as 20
transient?---Yes.

Just turning your mind to say the last seven nights, can
you tell us what the occupancy rate has been?---The last
seven nights we've probably averaged between three and four
young people, so at full capacity.

Is that the sort of average over the last three years the
house has been operating?---Not over the last three years.
Especially since Christmas, we've been very busy.

What do you put that down to?---There was a - I don't know 30
why, but there was a bunch of young people that were
released from juvenile detention just prior to Christmas,
and that happens some years. So a lot of them were bailed
to our house.

Now, that brings me nicely to the question of what is the
composition of the points of origin of the young people?
Can you tell us how the young people come to be in house C
in the first place?---Well, again, that's a little bit
varying there. We've got - some of our young people will
come out of detention and that's an address that they can
go to prior to being placed or re-engaged with their 40
family, so it's a bit more of a transitional home. Some of
our young people are just - well, stay on the street and
just every now and then they need a bed to go to, or they
need a shower or need a feed or they're not well so they
will come to our house, and if they're a young person from
the south-east region with a child safety order then they
can come and stay at our house. Other young - - -

Can I just hold you there? I just want to break those two groups up. You said there's some on a child safety order and some who live on the street, I think were your words at the start of your answer there?---Yes.

1

That to me identifies two groups. That identifies a group known to the Department of Communities and who are subject to a court order?---Sure.

And a group that are unknown to the department, or at least aren't in any formal sense obligated or subject to a court order?---All of our young people are from the south-east region. They have to - in order to stay at our house they have to have a child safety order. So they're all known to the department.

10

So that's a threshold to stay overnight at - - -?---That's right.

What if I was a young person and I arrived on the doorstep at 9 o'clock, I wasn't subject to an order but I needed emergency shelter? What do you guys do?---Initially we used to take those young people in if we had a vacancy, but we've been instructed that we're not allowed to do that any more. It has to be a child safety young person from the south-east region.

20

Why have you been instructed? Do you have any knowledge of the - or who gave you that instruction to start with?---The zonal director, because we're often told Brisbane region have their own funding. If they want a house like that they can build their own house.

So in a sense your house or the operation that you run is special, in that other places don't have a facility like you?---That's right, yes.

30

What is special to your house that isn't common to other resi care facilities?---I think the ability to take a young person on at the drop of a hat. It's a great transitional piece. It's an assessment piece. We can assess the young person. It's great for respite for a young person. So if they're in a foster placement and, you know, they need - the carers need a break for the weekend, that they could be referred to our house.

Are there any other homes that you're aware of, without telling me the exact locations, in the south-east region or indeed in Queensland that offer the same service you provide?---There is another one on the Gold Coast. I'm not sure if they run their service exactly the same as us, though.

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But in the sense that you have doors open at all hours to take in effectively emergency accommodation or children who are subject to orders, does that house on the Gold Coast also provide that service?---I couldn't answer that question.

1

Okay. So what do you say to someone that comes and taps on the door and says, "I need emergency care. I found out about your house or emergency accommodation. I'm not subject to a protection order. Can I stay here"? How do you react to that?---We would call Crisis Care and let them know that this young person is here, that they're not allowed to stay at our house, and we would try and get another referral through Crisis Care after hours.

10

Even if you have a spare room in the house on that night?
---Even if we have a spare room.

That seems like a waste of resources, doesn't it?
---Absolutely.

Do you ever have difficulty in turning people away?---Yes, well, my heart was to - you know, if we had a vacant bed, we would just take those young people in, but again I've been instructed not to so - - -

20

Okay?---And we have to give a report every morning of who stayed there and a part of that report was to find out whether these people were from our region or not.

Continuing on with the photos, what do we have there?
---That's our - well, that's our backyard. It's looking a bit dry there. Normally it's green. It's green right now. That's our veggie garden with no veggies in it at the moment.

30

What, at the top there?---Just inside that flowerbed brick deal that you see.

Okay?---And that's our cricket pitch as well.

What do we have here?---That's the communal laundry.

Who uses that laundry?---Staff and young people.

If young people need to check out by a certain time the following day, when do they get the opportunity to do their laundry?---So we encourage the young people when they check in that they do their laundry straightaway because we're washing all of our sheets and all - you know, the night sheets in the morning so we tell them, "As soon as you check in, if you've got any laundry" - we remind them, "If you've got any laundry, let's go and do the washing now."

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Do you have emergency clothing and other personal effects there?---We don't keep that at the house just because of limited space, but we do - Silky Oaks also runs an op shop so if the young person desperately needed clothes, we could take them to the op shop the next morning.

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Now, who does the laundry for the young people?---The young people will do their own laundry in terms of their own clothes. The youth workers do all the linen.

Self-explanatory, but could you explain it?---Kitchen - it's a nice actually big kitchen space. We often have all the young people standing around that island bench there in conversation so in the afternoons what we'll do is put down some cheese and Jatz and biscuits and fruit so the young people can have some fruit in the afternoon prior to dinner being prepared.

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Who does the cooking?---The youth workers. The young people can join in if they choose, but they don't have to.

Do you find that any of them actually want to?
---Occasionally some of the young people enjoy cooking
so - - -

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Do any of the young people mistreat the privilege that they have in staying in the house?---Occasionally.

In what way?---That's a pretty broad answer, that one. To mistreat the house, if they were to punch a hole in the wall, if they were to damage property, if they were to go to the fridge - like, we had one young person went and took a box of ice-creams up to his room. We would see that as mistreating the privilege.

What happens to them if they steal food?---If they steal food, they would be taken to the office and we would explain to them that, "It's not your food to take".

30

Are there any consequences other than an explanation?---Not immediately. If it was to happen again, then there would be consequences.

The more serious circumstance you say if they punch a wall?
---Yes.

If they do damage to the property, does that - how often does that occur?---Well, very rarely so we've probably had four incidents in three years where a young person has damaged property.

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What do you put that down to?---The first one was a psychosis that a young person was having. The most recent one was a young person that was frustrated about getting out of bed and leaving the house by 9 am so in his frustration he punched a hole in the wall.

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What were the ramifications for those young people?---The first young person who was having a psychosis there was no ramifications. There was \$20,000 worth of damage, however, but, yes, no ramifications because - - -

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No ramifications for him or her?---For her.

Okay?---She wasn't a well young lady that night. The young man who got frustrated and punched a hole in the wall - he was given a 24-hour ban.

And did he come back after 24 hours?---Yes, he did.

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And how long did he remain coming back for?---Well, he was there two nights ago so he's one of those young people that's rather transient between family and when he overstays his welcome, he comes back to our house every now and then.

So he's a young person who's subject to a protection order of some variety?---Yes, he is.

But how old is this young person?---He's 16.

20

But he in some sense self-manages himself?---Yes, he does.

In choosing which location he's residing at in any one point in time?---Yes.

Okay. What have we got there?---That's the street.

Okay?---Yes, that's our street, neighbours.

Problems with neighbours?---No, we haven't had any problems with neighbours.

30

If I could say, that's unusual.

COMMISSIONER: Maybe the question should be: have they had any problem with you?---No, they haven't had any problems with us. We do live in an interesting part of

MR HADDRICK: Okay. Am I to understand that there are social characteristics of your residents that are in common with the surrounding environment, if I can put it that way?---Yes, well, we've got some

who like to have all-night sing-alongs out the back so it's kind of the culture, I guess, of our neighbourhood there. We've got some people across the road who like to party pretty hard.

40

So the neighbours might be keeping you guys up rather than the other way around?---Yes, but I think it just - you know, it's just all - people just - it's part of the community.

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GLASS, P.J. XN

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The melting pot of Australia?---Yes. 1

Okay. What have we got there?---That's just the other half of our backyard.

What's that? That's just a shed, what, with gardening equipment in it or - - -?---Yes, that's right; yes.

Again almost like a real estate shot. What have we got here?---That's the portico or undercover area that we have out the back so generally that's where our young people like to hang out, barbecue, yes. 10

Do you use the barbecue much?---Yes, we do in summer. We often have a barbecue.

Okay?---That's just inside the office area or intake area so to the right of that that's where - it was a garage. That's been converted into an office space.

What are those containers there?---They are for the four young people that will be staying there the night. They can put their belongings, because when a young person checks in, they can't take a suitcase or, you know, a TV and often young people will show up with out of - you know, out of a placement so they have to leave that there but they can lock up their valuables in that lock. 20

What do you find is the usual amount of personal effects that a young person arrives with?---Generally they'll come with a bag or a suitcase filled with clothes and what not, but we make it clear if they're coming from a placement that we will not - that the CSO will have to hold onto their TV's and everything else that they have.

Imagine I was the transient individual you're referring to who was there a couple of nights ago and has been on and off. Am I able to store any of my stuff at your place, at house C?---No. 30

So I must when I leave each day exit with all my worldly goods?---Look, we're pretty flexible with that. We don't encourage people to leave all of their belongings at the house just because it quickly banks up and then you've got to have a full logistics system in order of labelling and working out who's stuff is who and so we encourage them to take their stuff when they leave or only show up to our house with a suitcase with some clothes that they may need. 40

What are we looking at there?---That's the client bedrooms upstairs down the hallway.

1

Okay. So what is that room there?---That's one of the client rooms.

Now, do we call them all clients? Is that the residents are called?---Young people, generally.

What's that one up there?---That's another young person's room.

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And I assume this and other one on that side there too? ---Actually the bathroom is just to the left-hand side of that. So there are - right in the far right-hand corner you can just see the corner of the door there. So there's four bedrooms that are all exactly the same.

Okay. Where is the sleeping accommodation for the carer? ---The sleepover worker is downstairs.

So the kids live upstairs staff downstairs?---Sleep upstairs, yes.

20

Sorry, yes?---Yes. And there's an overnight worker that's awake; so one is asleep and then there's an awake worker.

Okay. I'm going to ask you some questions about staffing in a sec?---Okay. And just to add to that picture back there, there's a sensor light so when young people step out of the room that light comes on, and there's also a sensor chime downstairs. So during the night if the young person exits their room the chime goes off so that workers know that they're up.

What consequences flow from that?---Generally a youth worker will go upstairs if there's a lot of movement up top and just tell them to go and sit in the room, might put a chair upstairs for a little while and wait until the house settles. Generally the young people that we have actually want to go to bed. They want to have a bed, otherwise they would have gone off to their friends' place.

30

Okay. What are we looking at there?---That's the unmade workers' bed.

And is that made every day by the worker who turns up at their shift?---So in the afternoon - because we do all the washing, all the linen gets washed first thing, it's straight after the - when the young people leave the house at 9 am all the linen is washed and dried, obviously, and then the afternoon shift worker will come in and make up all the beds.

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Okay. What are we looking at there?---That's one of the client bedrooms.

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GLASS, P.J. XN

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Is that typical of how they're usually presented, rather sparse - colourful but sparse?---Yes. 1

And that's - the window and the fan is their only form of cooling?---Yes.

Again I imagine that's another young person's room?---Yes.

Do you see any advantage in wooden floors rather than carpets?---No, it was just a feature of the house that we purchased.

10

Okay. What have we got there?---That's the young people's bathroom.

Who cleans that each day?---The youth workers.

What if I was a young person and (indistinct) I was intoxicated and I was throwing up in the bathroom, as young people have a habit of doing?---Yes.

Who cleans up that?---Depending on what level of intoxication the young person is suffering from. If young person was just sick but functioning personally I would encourage the young person to clean it up; if they were just totally passed out I would have to do that or the youth worker would have to do that, essentially.

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COMMISSIONER: So is that common or uncommon?---It's uncommon in our house because one of our four expectations is that there's no intoxication, so that could be any substance. So we wouldn't accept them into the house intoxicated. We also do a bag search when they come in so they can't bring in any alcohol or glue or whatever it might be.

30

Okay, let's just tease that out. You have responsibility for the care of these young people who are all under 18? ---Mm'hm.

You have an expectation that they don't become intoxicated? ---Yes.

They can't legally become intoxicated outside the house? ---Yes.

But you don't let them back into the house if they become illegally intoxicated outside?---Yes.

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Where do they sleep that night?---Well, if a young person presented and they were intoxicated to the point where they were vomiting then we would call the ambulance to have them assessed, or if they've been sniffing glue we would call the ambulance. Often what we have done in the past is when a young person has presented like that a youth worker will

sit outside with them and monitor them until they're at a state where they can enter the house. We also have a special room out the back that if a young person was to be presenting some signs where we thought that they may have been intoxicated but weren't sure about that, that they could stay in the back and be monitored.

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So if someone in residential care under the guardianship of the chief executive has the discretion to become intoxicated to the point of incapacity or not?---Does someone have - - -

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Have got the discretion. It's the young person's choice whether to become intoxicated to the point of incapacity or not?---Yes, it is.

Do you see your role as being a substitute parent for that young person?---No, I see my role as being the carer for that young person.

And you're caring for that young person of behalf of the state?---Yes.

And that young person is normally under a long-term guardianship order for the chief executive?---Yes.

20

Well, you've got the day to day control, management and responsibility for the child?---Yes.

So who is the substitute parent if you're not?---Well, I would say the CSO has that responsibility. The CSO has employed - has sent a young person to us to care for them for the night.

Well, on an ongoing basis under a service agreement?---Yes.

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Does the service agreement provide for discipline?---Yes, it does.

What does it say?---Well, the service agreement - I don't have it here on me, but that was stipulated in there that - those expectations were stipulated in that service agreement that if the young person was to become intoxicated at the house, that they would be - that in doing that they would choose to leave our house or not stay there for the night.

So between you and the department it's not a zero tolerance policy on intoxication, it is an option?---Yes. Often the young people - we are very clear when we do an intake with the young people what our expectations are in the house.

40

As yours the same as theirs?---As the departments?

No, the kids?---As their expectations? That's a difficult one to answer because generally placements have set up probably a different norm to what would be generally socially acceptable. So a young person in placement could be, you know, getting as intoxicated as they wanted to and there's no control over that, there's no ramifications because of that. So we make it really clear with our young people: if you choose to stay here - we're happy to have you stay here, we want you to stay here, we've got a nice hot meal and a nice warm bed for you to sleep in and you'll enjoy your stay, but if you get intoxicated or if you take any of those substance, if you violently - if you threaten violence against a youth worker or another resident, if you are sexually active in the house with another person; they're our non-negotiables.

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When you say they're non-negotiables, you mean that after they happen you do something about it?---Yes.

And what do you do about it? Do you give the child back to the department?---What we would do - look, and here is the part that probably can't be measured, how much grace someone shows in that situation. Generally I would encourage our youth workers to try and talk through the situation with the young person, let them know the - let them know why we have those expectations in the house. Generally also if we're going to give them a 24-hour ban we'll give them that ban in the morning and let them know, "Because of what happened last night you won't be able to stay tomorrow night but then you can come back again with the slate clean, we start again."

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So how many bans before you're out?---It's just - basically we have a 24-hour ban, a three-day ban, a one-week ban and up to one month, but there's never an indefinite ban.

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MR HADDRICK: But you meant "out" as in permanently out, didn't you, commissioner? 1

COMMISSIONER: Yes. I meant "out" as in, "You've had enough. You're going back to the department"?---Yes, we just - the maximum ban that we will give a young person is one month.

Where do they stay in the month?---They possibly could stay at [REDACTED]. Often what will happen at that point is that their CSO or the zonal placement unit will find another placement for them. 10

Does the service agreement provide for this contingency? ---I believe it does.

So there's provision in the service agreement that says if the child's banned from your residence they go to a nominated residence instead?---Yes.

Now, how does that work if they aren't - if they don't qualify to stay at yours how do they get qualified to stay somewhere else? They haven't changed much in the 24 hours?---Well, I guess the - well, possibly they could change. I guess what happens is that in a placement generally it sets up this false sense of, I guess - normality is a bad word, but what society would expect as, you know, just general living with one another and accountability to one another. So like I said, they can punch as many holes in the walls as they like and get as drunk as they want and have sex with whoever and they still stay there. What happens in our house is we let them know that that isn't acceptable, they can't do that in our house, and there will be consequences for that, so you will be asked to leave, where in a placement you can't ask a young person to leave. So then they would go to the next crisis short-term accommodation place - example, the one down on the Gold Coast, and then they could start again and get another chance there. 20 30

How many in your residence?---Up to four young people per night.

So what certainty do they have that they can stay at your place if they behave themselves every night for how long? ---Well, generally how that works is if a young person was staying there that night we'll ask them, "Are you planning to come back tomorrow?" and they will let us know, they will give us some kind of indication, you know, and - - - 40

In a way they'll book in?---Yes. We don't officially book in, but we'll ask them. That's a part of our system that we could probably improve on.

How old are these young people?---We've had as young as 12 up to 18, but generally, you know, 14, 15, 16, 17.

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So if I'm 14 can I book in and book out - not officially, but book in and book out of your residence as I please? ---Not once you've checked in for the night. You can't just say, "I'm going to book out now but I'll book back in in an hour."

1

No, but if I sleep at your place tonight and I don't turn up tomorrow you don't send out the police or a search party?---No.

If I come back in a week and book in for the night, a bit like a backpacker, you'll take me if there's a room available?---Yes, that's right.

10

What if I come back, I'm 14, I've stayed at your place once before, didn't mind it and the inn's full?---Then we would call Crisis Care and we would let Crisis Care know that, "Joe Bloggs is here and needs a place to stay." Crisis Care after hours - they would find them another accommodation place.

How does the department know that you haven't seen Joe Bloggs for three weeks?---Every morning we send them a report of which young people stayed at our house that night.

20

But that only tells them who stayed there. It doesn't tell them who didn't?---Well, it would tell them who didn't stay there by saying who did stay there.

Why?---Because if Joe Bloggs didn't check in last night they will know that he wasn't there last night.

Well, they would know he wasn't at your place?---Yes, that's right, he wasn't at our house.

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MR HADDRICK: It might be useful if I mention that a young person we're going to hear from in evidence tomorrow is a young person who has stayed at this house previously and has lived that particular lifestyle, or jumping in, jumping out, that, Mr Commissioner, you're identifying to the witness, so we're going to hear the other side of this particular scenario.

COMMISSIONER: I'm just trying to work out from the substitute parent's point of view, they're responsible for Joe Bloggs until he's 18. They get a report from you saying Joe Bloggs - well, they get a report from you as to who stayed at your place?---That's right.

40

So they've got to work out that Joe Bloggs isn't on that list?---Yes.

So where did he stay?---Yes. So that report - we send that report to the zonal placement unit who is responsible for making placements. So generally they will send us - they will say, "Hey, you're expecting Jack, Sam and Sally tonight."

1

Who runs the zonal placement?---[REDACTED] runs our south-east regional zonal placement unit.

Is she from the department?---Yes, she is. So the CSO, the child safety officer, will contact often the placement unit and say, "We've got Sally. She's got nowhere to stay. Can you find a place for her?"

10

But she only knows that because Sally has identified herself as having nowhere to stay?---Yes, that's right, but - - -

What if Sally doesn't go into the placement unit and talk to - what was her name?---[REDACTED]

And talk to [REDACTED]---Well, generally, they - I imagine that's - I guess that's the back end that we don't really see. I think that the placement unit would say back to the CSO that Sally hasn't been staying at [REDACTED] you know, she's obviously self-placed at a friend's house or a family member's house.

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MR HADDRICK: But you do raise that particular form of lacuna, commissioner; that is, children who disappear off the radar because they haven't checked in somewhere. They are, to use the military term, absent without leave, and the chief executive has no idea where those children are.

COMMISSIONER: But the chief executive has got 100 per cent responsibility for them.

30

MR HADDRICK: Which seems a problem, quite a significant one, for the chief executive.

COMMISSIONER: Yes?---Well, the - - -

MR HADDRICK: Sorry?---Well, the CSO should really be on top of that, where their young people are.

Yes. We're not suggesting that it's your responsibility? ---Sure.

40

But it's an administrative - it's a legal and administrative obligation upon the CEO - - -?---Absolutely, yes.

- - - of the department, the director-general of the department, who has the care and protection of the children if they're subject to the order?---Sure.

Now, if could just sort of tease out what the staffing arrangements are in house C. How many staff report to you? ---We've got - I think it's the equivalent of five full-time youth workers and three casual youth workers.

1

Okay, so who is there at any point in time?---Well, at 8.30 in the morning - sorry, 8 o'clock in the morning we'll have the day support youth worker come on and they will work through till 4.00, 4.30. At 2 pm we have the residential - first residential afternoon shift come one. At 2 pm they come into the house, they work through till 10 pm at night. At 6 pm we'll have a night - the sleepover worker will come on. They will work till 10 pm and then they'll go to sleep until 6 am and then get up at 6 am and work through till 10 am. Then at 10 pm we have the awake worker comes on and stays awake till 6 am.

10

Okay, so there's someone awake in the house at all times? ---At all times.

There's what, two workers there at all times?---There are two workers there at all times other - well, yes, at all times.

20

All workers are social workers?---All workers are youth workers.

Youth workers?---Yes.

What are their qualifications?---Generally they'll have a cert IV in youth work.

Cert IV being a certificate IV?---Certificate IV in youth work.

Through TAFE or - - -?---That's right.

30

Yes, okay?---Or they're actually doing their cert IV at the moment.

What is the age of the youth workers, roughly? What is the age range?---Gee, between 26 to 40.

So you have some relatively young youth workers?---Yes.

40

Now, the young people who come in in the afternoon and stay overnight: they can be both boys and girls, can't they? 1
---Yes.

And are they typically both genders?---Recently we've had a lot more guys than girls but, yes, typically over three years.

Does present any challenges in terms of the gender mix of the house?---It hasn't at this point, no. It could.

Would one reason why gender might not be a problem that you need to worry about is because of the relatively short term that young people stay at the house?---That's right, yes. 10

What do you do to discipline the young people should discipline be required?---Well, it all starts with a conversation. We give our young people plenty of direction. Before they come into the house they have - they know our expectations. We always reiterate that same language with them so they're clear on what goes on and what's expected at [REDACTED] So we'll have several conversations before it gets to the point of, "Your actions are putting us in a position where there's going to have to be some consequences for that." So inevitably it would end with a 24-hour ban and then escalate through that. 20

How common is it for young people to be drug or alcohol affected when they arrive at the house to some degree? ---Rarely because they are very aware that that would mean that they couldn't get a bed for the night.

How common is it for young people to be generally drug affected, that is, not affected then at the time they arrive at the house but you know that they have a drug-affected lifestyle?---Probably 75 per cent and up. 30

So 75 per cent or more of residents staying in house C are in some way drug-affected generally?---Yes.

Do you do any particular things to assist them to break that habit?---Yes, our service support worker will refer them to suitable agencies, generally the local agencies around [REDACTED] like, you know, ADOS and other drug and alcohol services and drug and alcohol counselling.

Do you see your role at all as being a primary agent for change in their lifestyle?---We give them the option for that. It's really up to them to make that change. 40

So you're more focused on the roof over their head and a meal - - -?---That's right.

- - - before moving onto the next problem?---Yes.

Just the final photo just for completeness. What's that? 1
---I think that's the fire alarm actually.

Why is it encaged?---Well, the batteries in them for some reason became valuable to young people so they would often take the batteries out of it.

Batteries are a commodity, are they?---Yes, apparently.

Do the young people who stay in the house smoke?
---Majority, yes. 10

And how do you regulate that, if at all?---Well, they have - we have a smoking area out the back of the house so the young people can go out there and have a cigarette. They have to be in the house after 9.30 though.

So you tolerate it to a degree because you're not going to wipe out the problem entirely?---That's right.

Now, if I could turn to your statement, please, have you got a copy of your statement in front of you there?---Yes, I do. 20

Now, I want to take you straight to paragraph 11, if I could, please?---Mm'hm.

I will just read out what you have written in paragraph 11 of your statement:

House C is recurrently funded in the amount of \$832,000 per year which has a lot of cream. Silky Oaks has been "creative" to spend that amount. It provides emergency accommodation for about 700 young people visits each year, averaging two to three young people per night. 30

That's paragraph 11. What did you mean by "creative"?---I just need to probably state that I've got to be a little bit careful with this because I am - you know, the live stream is happening. Originally I believe that the company when they negotiated their price or put in for the tender thought that actually 880,000 would be what it would cost to run a program like that. We were able to, you know, make some savings on that - well, not savings, but we were able to run at a fair bit cheaper than that.

There was an underspend, was there?---There was. 40

By about how much?---The last financial year I believe it was \$70,000.

What happens to that \$70,000?---Well, generally what happens in those cases is that the money is handed back to the department and then the next year you will be funded that amount minus whatever was the underspend.

That's no incentive to alert the department. If your money is going to go down because you're running efficiently, that's no incentive?---That's right. 1

Does your organisation diligently tell the department when it underspends?---There were some conversations with our region about the underspend on that and there was a decision made that we would spend that money so we didn't have to hand it back.

Okay. I'm going to read out now what is paragraph 12 in your statement: 10

Although not for profits can't bank money, they do get creative to shift money in other ways, eg, creating positions to hire friends and family, purchase assets, eg, expensive four-wheel drives. In 2012 I was instructed to get creative to spend 70 K -

meaning \$70,000 -

underspend in that financial year.

Can you just tell us how you got creative to spend that \$70,000?---Well, I was instructed to create another program out of house which inevitably became the street team which is a good program, but on top of that required the purchase of an asset with would be the VW four-wheel drive - sorry, VW van. 20

We will find out about the street team in a second. We will explore what that does and how it interacts with the house, but just before the street team came about the reason the street team came about is because there was an underspend?---That's right. 30

And that underspend was money that the government gave your organisation to provide house C?---Yes.

Now, I read out a line there: "eg, creating positions to hire friends and family, purchase assets, eg, expensive four-wheel drives"?---Yes.

Now, your words, not mine "creating positions to hire friends and family"?---Yes.

Tell us what you mean by that?---Well, I guess obviously because you can't bank that money and - so they'll create administrative positions where, you know, wives and mums and dads are all given positions that are just kind of created positions in order to - - - 40

Are they necessary positions?---Absolutely not.

I won't ask you to identify individuals who you think occupy those positions, but are you aware of people occupying those sorts of positions currently?---Yes. 1

Roughly how many?---There's probably about four that I can think of off the top of my head.

What sort of roles without identifying the individuals - I don't think it appropriate you do that at this stage, but can you identify as much detail about the type of role that they're employed to do?---One is the project officer, I believe that their title is, and that's - that is, gee, creating forms; going over, you know, old forms and making them better; checking files; just researching resources in the community that young people can engage in. 10

So you think that these jobs are effectively made up jobs?---Yes.

I'm going to suggest to you that that's an outrageous waste of taxpayers' money?---Absolutely.

And your organisation receives that money from the taxpayer to be spent on running house C, doesn't it?---Yes, it does. 20

And that money should be spent according to the service agreement and consistent with the good use of the taxpayers' dollars?---Yes, it should.

Do you think that your organisation or similar organisations that engage in that sort of practice should be either reporting or returning the funds that are unspent to the taxpayer?---I think they should, yes.

COMMISSIONER: That's self-evident. 30

MR HADDRICK: Have you raised this matter with your organisation?---I did. When it came to my knowledge that we had the underspend, I raised it and, yes, they - behind the scenes - I wasn't involved with it - there was a decision made that we were going to use that money in other areas.

Now, you've told us at the outset of your evidence that Silky Oaks has some for-profit activities and some not-for-profit activities?---Yes.

And you told us in your statement that Silky Oaks receives for house C \$832,000 or I think you might even have said 880?---880, yes. 40

\$880,000 to run house C. I just want to put an occurrence to you and ask you to tell me whether this sort of thing occurs. It's quite common between governments, state and federal governments, that a thing called cost shifting occurs?---Yes.

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Whereby one government delivers a service but through its funding arrangements and its begging for money in the public domain it actually gets the cash off the taxpayer at the other level?---Sure. 1

So the state might be asking the Commonwealth to pick up the tab for a service that the state provides or similarly the Commonwealth might be delivering some service and it requires the state taxpayer to effectively pay for it. Is a similar thing occurring here whereby there would be cost shifting between the not-for-profit activities of your organisation and the for-profit activities of your organisation?---It's difficult for me to answer that not being a part of, you know, or seeing the books up close. I know that there are often assets purchased and whether the depreciation on those assets are used to write off money elsewhere I'm not sure, but there are certainly a lot of four-wheel drives and that that are bought as work cars. 10

For whom?---For management.

Are these questions I best direct to someone higher up in management in your organisation?---Probably. 20

Now, you introduced us to the idea of the street team?
---Mm'hm.

I'm not suggesting that that's a bad thing or how the money was actually spent. Tell us what the street team is?---The street team is a team of two guys who will go out into our region, the south-east region. They will do court support with young people. So on Tuesdays they go to court with the young people and just hang around out the front and just support the young people. They hand out food like snacks, muesli bars and what not. They will go to some of the places where young people will often frequent when they are homeless, eg, kind of underneath [REDACTED] shopping centre there's a cohort of young people that sleep there at night. So they'll go down there and visit with those young people and try and re-engage them back into services. 30

But if house C starts to get more expensive and that money is no longer available in the following financial year, that might jeopardise the ongoing viability of the street team?---That's right.

Okay. Now, again still on page 2 of your statement you mention in paragraph 7, "It has encourage" - sorry, I will read out the whole paragraph 7: 40

Having children leave the house by 9 am gets them off their Xboxes and PlayStations. It has encouraged some children to return to school or find employment.

How often do you find young people actually attending school or some form of further education who are residents, albeit on an ad-hoc basis in house C?---We've managed to re-engage in recent times probably three people, off the top of my head, back into school. I guess that statement probably comes more out of my experience having worked in placements for a majority of my time, certainly the last six years, where the PlayStation and Xbox was just running 24-7 and young people were on the Xbox or PlayStation until 3.00 in the morning and then not being able to get up to go to school.

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Now, I just want to read paragraph 9 to you because I detect that is an implicit criticism. You say in paragraph 9, "The PSU appears to focus solely on finding a bed for a child instead of focusing on their long-term outcomes." Now, I read that as an implicit criticism. Is it?---Yes.

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With more particularity, what is your criticism of PSU? ---It's probably not just - - -

"PSU" is placement services unit, is it?---Yes, that's right, and probably not - if it wasn't prior to PSU, it was the CSO's who were making those placements. What's happening is that they're looking to place a young person so they're off the street and they've met their duty of care, as it were. So they've got them accommodation. They've offered them accommodation and that's it. So a particular frustration at my - at [REDACTED], the house that we're running here, house C, is we had a young person who's 15 years old that was sent to [REDACTED] as a short-term person on 23 December this year who is still there.

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Last year?---Sorry, last year who is still there to this day because they haven't been able to get a placement for him.

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Can I just play devil's advocate for a moment? You run a house that is primarily about emergency care?---That's right.

So perhaps it is quite normal for you to observe that the departmental interaction with your house is about finding people simply - as you say, focused solely on finding a bed for the mere fact that you are emergency care?---Sure, and that's been emergency care for the last three years but prior to that was placements.

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Okay?---To go on to say what I was saying was that this young person - they had placements organised for him but they filled them with other young people so it's more reactionary, "We've got a vacancy. Here's a kid. Stick that kid in there. Don't worry about so-and-so who's at [REDACTED] at the moment because he's got a bed to stay in."

But if you were managing a more longer-term placement house like one of our other homes where young people stay for year on, year out, quite frankly, you might have a different perspective of what the role PSU is doing and you might actually see their role in terms of finding longer-term placements. That might be a more prevalent feature of their activities if you were placed somewhere different in the child protection system?---I don't believe so. I could be wrong. I don't believe so because there's - often there's no great matching that happens with these young people so there's not - I would say that the evidence would suggest not.

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Okay. Now, I just want to go back to page 1 of your statement, please. I'm going to read out - it's a relatively long paragraph but I want you to give me some background behind this. Can I just take you to paragraph 4, and I'll quote:

One of these was a young person who the Department of Communities had difficulty placing due to their intravenous drug use, prostitution and aggressive behaviour. The young people would from time to time come into house C to have a shower, good meal and rest peacefully overnight. House C became a haven for this young person from their day-to-day world.

20

The program and the staff supported and cared for the young person, including offering refuge from their drug dealer and helping connect the young person to health and external support services. After a few months the young person was engaging daily in the program and the department decided to give the young person a long-term placement to help repair the young person to transition into independence. The young person stopped prostituting and started to manage their drug misuse.

30

Is that a common sort of occurrence or life story of somebody who is appearing on your doorstep?---Yes. So often the young people that will not engage at a placement or they abscond for long periods of time at a placement will end up frequenting our house. In this case this young lady - she would lose her placement frequently. Once the department had made a placement for her she would lose that because she would run off with the boyfriend for a couple of weeks at a time and then when that became dysfunctional again, if it was ever functional, she would return to our house.

40

Now, you used the expression there "refuge from their drug dealer". What does that mean?---Well, in this case the drug dealer was her pimp/boyfriend.

And he wasn't allowed access to her in the house?---No, he couldn't come to the house.

COMMISSIONER: How old is she?---She was 16 at the time, I believe. 1

MR HADDRICK: And how old was he?---I could only guess by having seen him once standing out the front and he was well in excess of his 30s.

So he did try and visit her at the house?---Yes.

How does staff react to unwelcome visitors?---We've got this very impressive large Sudanese African youth worker who walked outside and told him he wasn't allowed to be here. 10

And he took the message?---He took the message and left abruptly.

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If this young person is afflicted by drugs, as you say they are, what steps did you take to try and stop this young person going back into the company of her pimp/dealer? ---Well, she didn't want to be with this person, so there was a choice there already. We referred her to suitable counselling services where she could get help with that. She ended up going into an accommodation service for young ladies and it started to look up from there, so I guess it started with her making a choice. 1

Okay, well, if she was staying in your house that means she was subject to a protection order?---Yes. 10

So that means the chief executive had some responsibility for the care and protection of this young lady?---Yes.

What to your knowledge did the chief executive through the Department of Communities do to ensure that this young lady was kept at distance from pimp and dealer?---Made a referral to [REDACTED]

To your house?---Yes, in the time that I knew of this young lady. So I don't know what they did in the previous, you know, three or four years prior to that. All I know is what - in the time that she stayed at [REDACTED] 20

Going over to page 2 of your statement here, paragraph 8, "Most young people attending house C do so after a breakdown of a residential care placement. Young people exiting youth detention also use the house. Placements are referred through the placement support unit, PSU, although children can self-place themselves"?---Yes.

When you say self-place themselves, they're still subject to a protection order but they have decided that where they're going to stay during the life of their protection order, or some part thereof, is your house?---Yes. So what happens is that there's a cohort of young people that are just transient, they don't have a placement. The department don't bother making them a placement because they'll live between a friend's couch and Auntie So-and-So's house and also our place. 30

But you do accept that it is a practical impossibility for the department, the chief executive, quite frankly, the state government, to have an eye to what bed every one of the kids who are subject to a protection order is - what bed they're sleeping on, every night of the year?---Sure. 40

So you accept as someone who has worked in this field for some considerable period of time that there are simply going to be young people who are subject to orders who the best way that they can be managed - or quite frankly the only way they can be managed, is to allow them to have a

degree of freedom to choose their own location of care? 1
---Absolutely, and I think we've seen good fruit from some
of our young people regarding that as well.

COMMISSIONER: But why do you keep them on a child
protection order if that's the solution, because if you
keep them on a child protection order the state legally has
parental responsibility for them, and if you've got it you
can't pretend you haven't?

MR HADDRICK: I think that's an excellent area of 10
examination that this commission needs to look at,
Mr Commissioner.

Okay, turning over to page 3 of your statement, now, in
paragraph 16 you write or say exactly what you've said here
in the witness stand today, that you have a relatively low
- or you say there extremely low level of incidents
involving call-outs to police or damage to property. I'm
just struggling to understand how emergency care, which
makes me imagine young people who are right at the ledge in
life might be people who are less likely to be engaged in
conduct that would require the assistance of police or 20
other emergency services?---I guess that's because prior to
- and this might answer, you know, part of that question
that the commissioner asked me earlier. We have those very
clear boundaries that a young person agrees to prior to
entering our house. So we inform them of what those
boundaries are. We reinforce those boundaries by having
conversations in the house. So they are well aware of -
and maybe some of those young people have tested those
boundaries and found themselves on a 24-hour ban at some
point in time, so generally, like, we do have the young
people that are evicted or haven't stayed at any other
place because of property damage or been asked to leave 30
other places because of property damage. That's the cohort
of young people we generally get, that can't be placed
anywhere else, yet we have - I believe it's those very
clear boundaries that we set for the young people.

In response to a question the commissioner asked you much
earlier in your evidence I think you used the expression
that - and I think you also do it in paragraph 21 of your
statement, that residential care facilities provide
children with a false sense of reality, I think was your
expression?---Yes.

I just want to tease out more what you meant by false sense 40
of reality. If it's false, what sense of reality should
the young person who lives in a residential care facility,
however structured, come to appreciate?---Often our young
people that are in placements quickly find out that
authority is an illusion, or it's just - "What you tell
me to do, I don't have to do it and I can do the complete
opposite to that and nothing will happen to me."

In residential care its bark is worse than their bite?
---Yes. I mean, even the policing system of that, we have young people cause - walk down the road from one of our placements, setting cars on fire and burning the climbing spider web at Wynnum Manly, causing - I believe it was 200 and something thousand dollars' worth of property damage, who all got a slap on the wrist from it. It's just an illusion.

1

Was there a complaint made to the police in respect of that criminal damage?---Yes, there was.

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And the consequences?---They had to go for a mediation meeting with some of the local residents, and as far as I'm aware that was the end of it. It may have gone on their record.

Okay, so just so I'm not misleading the commission, that example and the principle that you're speaking of generally, you are in some respects referring to the way residential care is operated outside house C?---Yes.

So other facilities run by your organisation?---Yes, and I think generally how facilities are run in general. It's just - what has been something that I - you know, my personal opinion is that we've thrown money at problems. So to avoid an escalation, to avoid a child punching holes in the wall, we've bought them the latest PlayStation 3 and - - -

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I want to explore that in some detail. You say in paragraph 21, "It appears that often money is thrown at children to avoid escalations in behaviours." Can you tell us - give us some examples of where that form of response has been employed to avert escalations in behaviour?---One of our young people that stayed at one of our facilities a couple of years ago now, whenever he would get fired up and aggressive we were instructed to go down and buy him a slurpie, which I thought was crazy, because then he would be sugared up, but that was - - -

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How old was that young person?---He was 14.

Did he know that being fired up resulted in a slurpie?
---Absolutely.

How often did he get fired up? Whenever he wanted a slurpie?---Probably on a daily basis, yes.

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Okay?---Going back on what I was saying before, the false sense of reality, in the time that I've been here in Queensland doing residential work for the past six years, a lot of our young people that have turned 18 after residential care have not succeeded when all of those care factors have been removed. Several of them have ended up

in incarceration; several of them still end up on the
doorstep of Silky Oaks with their hand out because they
have nowhere to live, no way to get a job.

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So you think that through the way house C or the other
facilities are operated by your organisation they - in the
way they're structured or operated or provided do not
provide the right mechanisms to ensure that a young person
when they reach the age of majority; that is, 18, have the
skills and resources to be competent citizens?---Yes,
that's right.

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Do you put that down at all to the way the house is structured?---Well, yes, because - yes, I mean - and this is talking earlier about, you know, young people who punch holes in the walls and the one TV in the house, like, they don't know how to share; they've grown up with everyone's got their own TV in their room, watching TV till 3 am in the morning; "I'll punch holes" - I've been in some houses where you could almost walk from one room into the other room through the holes in the walls, and there's no consequences for that. There's no disciplining, there's no teaching around that, and then they move into a shared accommodation service where they continue to do the same kind of behaviours and only end up on the street or charged with property damage or - - -

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Okay. That leads me very nicely to a question that's before the commission. Various witnesses last year and this week have proffered their view to the commission that in addition to the variety of residential and transitional care options that are currently available there should be an additional form of care which has been variously described as secure care or a containment model, and by that they mean a form of care where there are what would be called in the trade restrictive practices - or certainly are called in the disability services area - and that is where by law the carers can greatly restrict the activities or the comings and goings of residents for their own good? ---Mm'hm.

20

It seems to me by the pith and substance of your evidence here today and through your experience that you've received and you've had in this line of work that you would be supportive of a further care option that responded to particularly troublesome young people?---Mm'hm.

Is that correct?---I'm always in favour first of choice from the young person, so that if they chose to abide by our expectations then we can do a lot better work with that young person. There are the cohort of young people, though, that I think prior to being incarcerated there would be a benefit of a place like that that was secured.

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Okay. And what sort of characteristics would qualify a young person for being eligible - eligible in a loaded sense - eligible for being placed in a secure care facility?---Well, young people who continually show that they are incapable at that point of living in the community and as a - - -

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Are we talking about violence?---Violence - yes, violence.

What about excessive drug consumption?---Possibly, yes.

What about reckless behaviour like prostitution? ---Possibly. I think in those cases they would probably benefit from intense counselling or support.

6/2/13

GLASS, P.J. XN

Now, you've adverted to a cross-over in your statement where you identify that - I'm just trying to lay my eye upon it - composition of the house can be made up of young people who have some youth justice issues - - -?---Mm'hm.

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- - - subject to criminal charges, and some other young people who are just subject to child protection orders. Do you see any problems associated with mixing those cohorts between those who are there purely for protective reasons at those who are there for protective and, quite frankly, law enforcement presence?---Yes, and I guess in my ideal world, which is kind of mapped out there - - -

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We're getting to that?---Yes, I think there are a few issues with that, that that would be beneficial, I think, to have those cohorts separate, especially the younger end, so the under 14 or up to 14 years of age. Often those young people, when they start mixing around the 16, 17, 18-year-olds, there's a whole different bunch of issues and ingrained behaviours by that time that we just wouldn't think was ideal to have them hang around.

But do you accept that it is not a black and white in the sense that there are good kids and bad kids and that never the twain shall meet; there are kids in the middle of who perhaps have significant mental health issues which are the causes for their criminal conduct - or at least could be argued to be the causes of their criminal conduct - - -? ---Sure.

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- - - and that they should receive a form of protection, care and perhaps even treatment that they would otherwise be deprived of if you were only permitted children who are subject of protection orders to receive the care and protection? Did you accent that they are effectively naughty kids who need to be managed in the child protection system under protection orders rather than effectively managed out as little criminals?---Sure.

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Okay. Now, turning to the attachment to your statement. Mr Associate, can I put this back on? Now, I'm going to put it up on the big screen but it's larger than on paper so I'll sort of movie up and down as we go along, and you have a copy of this in front of you. Now, it's a bit middle-nationish, but - - - ?---I apologise for that.

That's okay. You have provided the commission through this diagram with your thoughts on how changes might occur to the system and this diagram needs to be deciphered. So perhaps if you could step us through from one end to the other. I imagine you want to start with the bottom here? ---Yes. So I think prior to the young people coming into care the CSOs would do their investigation and I guess I've got the Crisis Care after hours there as well where - - -

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Just make sure you tell us what all the abbreviations are, the acronyms?---Yes. So CCAH is Crisis Care after hours, so after 5 pm or on the weekend that's who we deal with or that's who anyone will deal with when trying to contact child safety, and then their CSO. So that's why all young people kind of come through that entry piece, I guess.

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That's the doorway into the system?---That's the doorway into the system. So there's a certain investigations and assessment periods that happened there. Some young people are removed immediately from their homes and some young people are just under investigation for a period of time.

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Now, am I to understand from the way that's structured that somewhere in that space there is the judicial machinery that decides whether what the CSO says is indeed correct and that an order should be made?---Yes, that's right, yes.

So that is a chunk of the diagram that is missing, so to speak?---Okay, yes.

Okay, keep explaining way think children should then be processed?---So then I think that there should be multiple short-term accommodation facilities similar to that of [REDACTED] some for young people up until the age of 14, which would be a two-week stay, so no longer than two-week stay. The short-term placements would be an assessment piece, transitional piece, so better matching can happen from there. So rather than a young person just coming into care and they're stuck in a house with another young person that might have a drug issue themselves or similar issues, we can do better matching if they go through a short-term crisis place where we can do an assessment. The reason why I've got - I ideally think that two weeks in the under-14 section is because those young people are still most likely engaged at school. They need to be placed sooner rather than later. Often we find after 14 is when our young people start dropping out of school and start going, you know, elsewhere. So I think the two weeks, then get them into the house of their own, whether they could re-engage back to home, they could go into foster care or they could be moved into a long-term placement.

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So they come out of there and they go to either home, foster care or a long-term placement?---That's right.

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Okay. Keep explaining how the various steps work?---Okay. So then also in those short-term accommodation places similar to that of [REDACTED] we have a short-term that are 15-plus up until 18. You could possibly - - -

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Sorry, 15-plus is the age of the residents, not the number of residents, is it?---No; that's right, age, 15-plus, so they could stay there up to three nights but on a similar system to what we do at [REDACTED] They stay there, then they can book in for the next night as well. If they don't show up that next night, then that bed goes vacant.

10

Can I just play devil's advocate in respect of the number of nights that a young person stays are your place or indeed under this suggestion? It might be a criticism of house C that because a young person only stays night in, night out, they lack a degree of planning, continuity, permanency, direction in life - - -?---Yes.

- - - that could be better appreciated or better achieved through a more placement straightaway?---Yes, and what we want to do is make sure that that placement is a permanent placement. So rather than just sticking some young person with another young person that they absolutely hate through a short-term stint at [REDACTED] or house C we can better match the young people and transition them into a house so they could do two nights' sleepover at that house; get to know the youth workers; build a better rapport prior to making that placement happen.

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Okay?---So they could stay there up to three months, check in and check out. Ideally what we would have is Crisis Care after hours calling us at 6 pm or even a web site system where we could go on and check how many vacancies we have that night so when a young person calls Crisis Care after hours, they can say, "Well, we have three vacancies here, two vacancies over at this house," and make the referral with that young person to come to our house. Then once that young person's in, they can again - in the morning they can book that bed for the night, but again after 6 pm all beds are open if they haven't booked in.

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Okay?---The other short-term 15-plus was a family re-engagement and I guess that's similar to what we were talking about earlier with young people with criminal behaviour. There are two different types of cohort. There's the [REDACTED]

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If he's got three jobs, it sounds like he doesn't sleep? ---Well, he's an exceptional young man so he's great kid and - but he doesn't have a home and [REDACTED]

Home alone?---Yes, so he's ended up at our place. He's a different young person. He doesn't have criminal behaviours; he's not a drug user; he doesn't have any, you know, addiction issues, so really we see a quick outcome with this young person. We've just got to find him a place to go and he'll be right to look after himself.

1

He doesn't have any particular social problems at all?---He doesn't have any social problems, no, no. He's a little bit awkward or a little bit quirky but - I mean, he's holding down three jobs, so he's doing well.

10

And then the other category?---The other category would probably be young people that don't have - again some of our young people - say, grandma may be in hospital at the moment; she was the primary carer; she's in hospital so there's nowhere for this young person to - no carer for this young person so they would go into that, you know, short-term. Family re-engagement is probably going to be an easy outcome for that young person.

Okay?---I mean, you wouldn't have to do it that way either though.

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Now, under your diagram long-term placement is located right in the middle?---Yes.

That is placements like other residential care facilities where the young people is there for year on, year out? ---Yes, that's right, until they're, you know, 17.

They have transitioned out of the system through one way or another?---Yes, that's right, but in my great artistic drawing here if - say, they were to go to a long-term placement and after a year or so things were starting to fall over a little bit, there was, you know, maybe some behaviours that weren't suitable or the service provider couldn't maintain with that young person, then they could go back into short-term until we found another suitable match for that young person to go into another placement.

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Just having a look at your diagram, can I suggest to you that the features that stand out to me at least that are noticeably different or the emphasis is noticeably different to the current system is the short-term care options here, this one and this one?---Yes.

Would that be a correct assessment of what you have drawn? ---That's right, yes.

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In essence you say there needs to be a greater reliance upon or a greater use of short-term care?---Absolutely.

Now, you have told us that you're the only house in your area and there's one on the Gold Coast that provides that sort of care model?---Yes.

But you also said to us Brisbane or others in south-east Queensland have tried to send kids to your house?---Yes. 1

I take it from that you are effectively saying that there needs to be more houses like yours located around the state?---Yes, we can respond immediately so we have four places for a young person on any given night. We don't have to wait around until we set up an expensive TP arrangement and then that young person go and stay there. We've got to organise youth workers and a car and a house and bedding and all of those things. You can't do that in a short-term - you know, in a short time. 10

A short-term placement?---Yes.

So in a sense your house and houses like it under your model are the safety net for longer-term placements?---Yes, yes.

Both as a safety net for point of entry?---Yes.

And safety net for point of exit?---Yes, absolutely.

And indeed could also be the proper vehicle for any respite opportunities that might just help with respect to that child?---Sure, and may prolong - say a foster carer just needs a bit of respite. They're not over the placement altogether but if they had a bit of respite on the weekends, you could make a referral back to the short-term accommodation service and probably prolong the life of that placement in the foster care. 20

Okay. I just want to take you back to your statement in one other respect, if I could, please, and that is in paragraph 19 on page 3:

Within the residential care sector I am aware that there is reluctance for carers to formally pursue charges against young people in their house. I am aware that one of the reasons behind this reluctance is that it would have an adverse impact on their own employment through being separated from the child or through a child being incarcerated and funding stopping?

---Yes. 30

Tell us about that?---Well, in a TP scenario if a young person has been incarcerated, well, then you don't have any work any more so - - - 40

Market forces apply; job dries up?---Yes, that's right, and I guess the other thing there is that youth workers - if a young person has a real bee in their bonnet about a particular youth worker that may hold them to account on a particular behaviour - I remember when I was a youth

worker, there was one young man in Perth that didn't like to brush his teeth and I used to hold him to account on it and obviously there were some tensions with that. I was moved out of the place that I worked at because this young person requested that I be moved.

1

The young person was the master over your employment?
---That's right, that's right, which then - - -

Does that have an effect upon carers' conduct?---Yes, and just general care and I guess raising that young person with the suitable life skills to be successful post-18.

10

Has house C got - the employees who work for you: are they on full-time contracts or are they casuals?---Majority would be casual, yes.

So you and your masters are at liberty to not engage the services of those employees as you see fit if they don't work out?---Yes.

So it gives the employees less job security?---Yes.

Sorry, I didn't hear that?---Yes.

20

And therefore the employees are more inclined to either get along with the young people or make sure that there is some continuing value in them being around that young person?
---Yes.

Now, I asked you that in respect of house C. Can I ask it of you in respect of other operations of your organisation, other residential care facilities? Does the same principle apply?---Not in our house, and not to boast, but that doesn't happen in our place.

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What about in other homes that you're aware of run by your organisation, without naming them individually?---I am aware of youth workers that are fearful of losing their job because a particular young person may target them or there may just be a personality clash there, that the young person will target them more. 1

So in a sense their performance based positions. If the young person doesn't think the carer is performing there's a probability that the carer won't be performing at all in the future?---Yes, and, I mean, that's as easy as making a threat or just saying something about the youth worker. 10

Do you ever see that upset or affect staff?---Yes.

How does management respond to - obviously that's not a desirable outcome?---No.

How does management respond to the fact that their staff might be being played by young people, particularly cunning young people?---I think generally they get creative just with language to the young person. They'll say to the young person, "We're promoting so-and-so to this house" or they'll just make statements like that in order to move that young person - move the youth worker. 20

Okay, I'll just make sure I've covered all topics. I just want to return to one last little topic. Right at the outset of your evidence you told us when looking at the photos that there was an Xbox that no longer exists in the house?---Yes.

What happened there?---One of the young people - he snuck it outside, put it in the garden and then asked to leave the house, which that's his choice. He left the property, left his placement that night and came back and grabbed it. 30

So he souvenired the Xbox?---Yes.

Did he ever return to the house?---He has, yes.

Is he still there?---He was there a couple of nights ago.

Has the Xbox been replaced?---Yes, we've purchased another Xbox - not from the young person.

Very good. That is the evidence of this witness, Mr Commissioner. Before I sit down I should formally tender the photos. I will mark on the back of three of the photos which are external shots ones that should not be published, but in all other respects the photos should be published. I'll just check there's only three. I tender that bundle of photos of house C. 40

COMMISSIONER: The bundle of photographs will be exhibit 158. The three photographs marked A, B and C respectively will not be published. The balance of the exhibit will be.

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ADMITTED AND MARKED: "EXHIBIT 158"

COMMISSIONER: Thanks, Mr Haddrick. Yes, Mr Hanger?

MR HANGER: Mr Glass, I appear for the state. May I say, it appears - you appear to run a very successful house. I just have a few questions. I don't understand who Silky Oaks is. Is it a church organisation or a private enterprise or what?---It's not a church organisation, no. I guess in that case it must be a private - - -

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Yes?---It's a company that was formed I think 75 years ago now.

75 years ago?---75 years ago, in the Wynnum Bayside area. It was originally formed by the Brethren Church but has no attachments to the Brethren Church now.

You said that some of its work is not for profit and some of it is. I don't follow that?---Yes.

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How can that be? Is it a registered charitable organisation?---I'm not sure about how that works.

Does it get public donations?---I can't answer that question.

All right, so I really shouldn't ask you further about that, because I think your CEO is going to give evidence? ---Yes.

30

I'd be interested to know, and I know it will be anecdotal, but to what extent do the people you get going through your home have mental illness, what you would loosely describe as mental illness?---That's difficult to answer, because generally they won't make diagnoses for these young people until they are post-18 because it could just - whether it's a development stage that they're going through.

That's very politically correct and so on, but I'm asking you your feelings about it? I know you're not a psychiatrist or even a psychologist - - -?---Yes.

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- - - but you probably have a feeling that this person has a mental illness or doesn't?---There is a - I don't know how to answer that accurately. I couldn't even put a percentage to it. We have frequently young people coming through that display some kind of mental health conditions, whether that be ADHD or autism or Asperger's, yes.

6/2/13

GLASS, P.J. XXN

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In paragraph 11 you talk about it being funded to the tune of 832,000, and I think you might have qualified that by saying 880?---Yes. 1

It doesn't matter to me which it is. How many person nights is that - does one get for that? The next sentence is somewhat ambiguous to me. How many person nights are there?---Well, there's - four young people can stay per night, 365 days of the year.

Understood, but in fact you must have an occupancy rate. I'm interested in bed nights in fact as distinct from theoretically?---Yes, okay. 10

Any idea?---I can't give you an exact number of 2012, but on average it would be two to three young people per night. 2013 so far has been three to four, generally four.

All right, and you've got four beds. I suppose it's desirable to have some spare capacity?---Exactly. We would normally say full is three beds so we have the capacity.

Yes, because you want to have one spare in case something comes in at 10 or 11 o'clock at night?---Sure. 20

Does that happen a lot?---Yes, it does.

I mean, I imagine after drunken brawls or something like that at home you get people at 11 and 12 o'clock Friday night?---Yes, young people - that's right, and often the police will pick up a young person and bring them to our house, yes, so that quite frequently happens.

More on weekends?---Yes, especially Friday nights.

Of course, yes. I'm interested in this issue that you've got instructions not to take people from outside your region, which I think you'd call the Logan region?---Yes. 30

Is that an instruction from my client, the state, or from your employer Silky Oaks?---That's an instruction from the state. The zonal placement unit have told us we're not to service any young people outside of the south-east region.

My learned friend asked you about alcohol and the intoxicated person. You explained that. What about the person who turns up not with drugs but under the influence of drugs? It's not as if they're harmful or violent but just stoned, so to speak?---Yes. 40

Do you take those people in?---That's where we would monitor them. So depending on how they are presenting - if they are presenting, like, they could fall over and bang their head and there would be serious issues, then we would

call the police - call the ambulance. If they were just - you know, you could smell alcohol on their breath but they were functioning well - we often have a cohort of young people who sniff paint and glue.

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That sort of thing, yes?---Yes, so we would monitor them, make sure that they're all right, that they're functioning well, before we would let them go through the house into the bedrooms. So in our intake area that's where they would sit, and even if that took a couple of hours, that's what we would do.

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Does that mean that anyone in the intake area has first aid certificates or anything like that?---Yes. Our youth workers generally have a first aid certificate and there's first aid facilities in that room as well.

So they'd watch them and as long as they think they're okay, then they give them a bed for the night?---That's right.

If they weren't okay, they'd ring the ambulance?---Even then we would ask them to leave their door open just so we could monitor that.

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Now, my friend asked you some questions about the short-term and long-term things. I take it that your service is to provide in effect emergency accommodation for a very short period of time, desirably one night, and to provide food and water and shower for the kids for the one night?---Yes.

1

And then straight after that they should be the responsibility of the child safety officer to look after them and get them long-term accommodation, education or whatever is appropriate to their needs?---Yes, that's right.

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So really it's not your job to do counselling or be on - that you're a good guy and would like to see them helped - it's the job of others?---No. But we are on the ground.

Of course?---Very few of our young people actually get quality time with their CSO or have met or seen their CSO at all, so we are the face, I guess, of the department and people who care for them and so we will make those referrals for those young people to those services that they require.

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You're really at the front line?---Yes.

The cutting edge?---Yes.

Thank you. Nothing further.

COMMISSIONER: Thanks, Mr Hanger. Yes, Ms Stewart?

MS STEWART: Paragraphs 8 and 9 of your statement: you've just provided some commentary there about the placement service unit, in particular the focus on just finding a bed. I've listened to your evidence and I'm pretty sure I know how you're going to answer this, but how do you find the matching process between placement service unit and your facility?---There is no matching, just because they don't know who's going to be in there from one night to the next.

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Okay?---So there's no matching with a young person answering our facility.

So how does it work in practice then? What placement services unit - when they contact you, what information do you get from them to say this is - you know, with the particular young person?---Generally we know of the young people because we've been doing it for three years now and servicing the same kind of cohort so we know of the young people. If it's a fresh case that there are some highlighted issues to be aware of the they'll send us a bit of a report through just identifying some of the issues of this young person that's coming.

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6/2/13

GLASS, P.J. XXN

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When you say that you generally know of the young person that's coming into care - and I ask this in the context of the evidence that you've just given as well that they've had not much contact with their child safety officer?
---Yes.

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Could I assume from that to understand that they probably don't understand what would even be in their case plan?
---Yes.

So if there was any particular therapeutic need of that young person, would that young person be aware of that, do you think?---Some of them would, yes, but yes, generally not, I would say.

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Because you also just gave evidence before that about 75 per cent of your young people would be drug-affected?
---Yes.

And a high percentage display mental health issues?---Yes.

So what's your understanding about the interventions that have been provided to the young people that come and stay?
---The interventions generally that are initiated by our house.

20

Okay?---So - - -

So it's never communicated to you that, "This young person is currently involved in Evolve for this, this and this and they need to see this counsellor at this day", or that kind of information is never communicated to you?---I wouldn't say never. If there is an appointment the next day that the CSO is aware of they would let us know that. We would also ask the young people, "What do you need to do tomorrow? What services do you need to access?" So if they were aware of it we would know as well, but generally because they're in there just for the night, those appointments, we would take them back to their CSO in the morning - - -

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Okay?--- - - - if it was a new client and we were unaware of what was coming up for that young person.

In your experience are young people - how engaged are they in their therapeutic services?---That's a hard question to answer because some young people are very engaged and we work with a particular psychologist, [REDACTED] who's great. He goes out to the kids and a lot of the young people are really engaged with [REDACTED] but some of the other services they're not engaged with, so I couldn't put a number or a percentage to how many I actually thought that were engaged. Whether I thought it was valuable or not, I would say yes, it is valuable. I need the right person, I think, to build rapport with the young person in order for them to engage.

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6/2/13

GLASS, P.J. XXN

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Okay. You've just said that your young people kind of stay off and on. In paragraph 20 you've highlighted that a lot of young people sleep rough and you've got the outreach service?---Yes. 1

Is it the case that you come across young people that access your service that are also out on the streets sleeping rough?---Yes.

So what level of importance to you put on your outreach service?---They do a great job and it is important, what they're doing. I think that that was the old model of street youth workers that had a feel for what was going on on the street, they were out on the street, which we don't do that well any more. So when that 70 grand came available that was a part of what I thought we should do in order to get that. 10

So out on the street, what are they doing?---They're gathering in certain places. I mean, just down here in the mall there's a bunch of young people that regularly gather and generally they are kids from child safety. In [REDACTED] there's a group of them that were gather underneath the shopping centre there that are child safety young people. They're hanging out, they're enjoying the company of one another, and generally getting pretty wasted if they can. 20

But with your workers that are out, the outreach workers, do they provide any assistance - I suppose it's in the concept of managing this issue of homelessness - what can they do there?---Well, build the relationship with the young person so the young people become familiar with our youth workers that are there to help them. We've just done a great piece of work with that young man that was hit by the train at [REDACTED] train station recently. Our street team were there supporting that cohort of young people. They were there, they went to the memorial service with them, they built on that relationship, and then what happens is that one of those young people may have a chest infection or whatever and that street team can take them to the doctor's appointment and say, "Why don't you stay in the [REDACTED] tonight?" Or whatever it might be, or this house. So we'll make that referral then from there, drop them off their. 30

What percentage of Aboriginal and Torres Strait Islander young people would you say access [REDACTED]?---I would say probably close to about - gee, 40 per cent. 40

Okay.

COMMISSIONER: Sorry, is that - do you know, Mr Haddrick or anyone, is that across the board? Is it about 40 per cent generally in the eventual for indigenous children?

6/2/13

GLASS, P.J. XXN

MS STEWART: It's the rate of overrepresentation but - - - 1

COMMISSIONER: Yes, that's the general rate of overrepresentation but it's also the rate - - -

MS STEWART: Yes, but for residential care.

COMMISSIONER: - - - rate in this residential. What I want to know is in between those two is it the same or thereabouts, also 40 per cent?

MR HADDRICK: I'll try and get that figure over lunch, Mr Commissioner. 10

COMMISSIONER: Thank you.

MS STEWART: Given that amount of children I can see there may be some practical difficulties for your service in meeting particular requirements under the act to do with Aboriginal and Torres Strait Islander children as far as, you know, retaining contact family and culture and community?---Yes.

Are you aware of those particular provisions and - - -? ---Yes, well, we - - - 20

- - - how can - - -?---We try and re-engage our young people into the suitable services for them so, yes, we try to do that wherever possible.

Okay. I've just got a few more things. You just gave some evidence about - particularly in paragraph 17 - that your young people only bring a small amount of personal items into their rooms?---Yes.

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Do you see that as affecting their sense of, I suppose, belonging and emotional wellbeing? Does it foster that feeling that you would be trying to instil that this is home?---Yes. I guess understanding that, "Our house isn't home. This is a transitional piece. This is not where you're going to be permanently. Like, we're going to find the right place for you to go to", so they don't actually own that bedroom, that's not their status, they're a guest in our house for the night and then, "We will work with you to find your own place that you can set up home in," just because the next night if they don't check in to 8 pm, somebody else is in that room.

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Yes. Just for clarity though, your service - is it an entity that's approved by the department to provide care?
---Yes, it is.

And does it need to be licensed?---It is licensed, yes.

So you have got to comply the statement of standards?
---Yes, I guess we would.

But there would be practical difficulties to that considering the type of service that you provide?
---Possibly. I wasn't on that level of negotiating with the service or with the region in ordering, you know, or approving our facility.

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Just one final question in relation to the secure care and the evidence you have given. You outlined in your evidence before the characteristics of the young person that you think would benefit from secure care, "Incapable of living in the community, violence, excessive drugs and reckless behaviour." What do you see the purpose of the secure care is and do we do with the young people from there?---I guess the purpose of secure care would be that so they don't have to be incarcerated, so they don't have to go to gaol or wherever that might be. If we had a secure-care facility, we know where they are at night. We can help get their days established, whether that be education or work or training or employment of some sort. My issue and the reason why I would suggest that is because apparently bail - it's not illegal for a young person to breach bail in the State of Queensland so they have this illusion that - when they're released from court, the magistrate will say, you know, "Your bail conditions are 6 pm. You have to be in the house," but actually it's not illegal for them to breach their bail.

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I think they get charged to breach - - -?---No, apparently they can only be charged if they commit another crime which is just crazy.

COMMISSIONER: There would be a breach of an undertaking, wouldn't there?

MS STEWART: It's a breach - - -

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COMMISSIONER: Maybe they don't have to give an undertaking because they're children.

MS STEWART: I'm pretty sure it's a breach of bail, but I just think that - does it really solve any problem just by locking them up in order to - - -?---I think that if we can get a young person's attention that what they're doing is only probably going to cause them to be incarcerated post-18 for longer periods of time - - -

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But what about if their inability to engage and get the young person's attention comes down to, say, a mental health issue or, you know, something that could more properly be assessed under disability?---Sure; there are variables in that, aren't there?

COMMISSIONER: That's a good point. It depends what the purpose is you're trying to serve. You could have a therapeutic based facility or you could have a facility that just secured?---Yes.

There's not a lot of point, as Ms Stewart's question implies, of just securing a child until they age out of the system unless you address the underlying causes for why they need that security - - -?---Sure.

20

- - - any more than it's much benefit to anybody by just accommodating a child until they age out of the system. They have got to be better off for having been in the system?---Yes, absolutely.

And the only justification for a secure facility would be the same. A secure facility could only be justified in our system if the child has a net benefit for having been there?---Yes.

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Now, you can't have a net benefit for having been there if you're just there?---Yes.

And you're the same person when you go out as the one you went in?---Sure.

So you would need something to build your capacity to avoid going into adult gaol after you have turned 18 or something like that?---Sure.

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That would be some sort of therapy?---Yes.

So what sort of model have you got in mind? What would it look like on the ground? Would it have chain wire around it with razor wire on the top or would it have guards with guns? What would it have, shrubs?---I would suggest that

probably - I mean, there's a million things you could do there; something that has a real practicality to it during the day where young people can actually learn skills and gain a little bit of purpose in their life. How that would look - I don't think you need - I don't think you need razor wire over the top or - - -

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Let me ask you this way: you think something like BoysTown?---Something like - there's a great program that's run in Esperance, Western Australia called Team Challenge.

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Yes?---The young people - prior to going there they hand in their phones. They can only write written letters. That's the only communication they have for the next three months with the outside world and when I was there - and this was statistics that they had given me - they had an 80 per cent success rate.

But that's voluntary?---They had to actually apply for a position.

That's what I mean?---You're right; it was voluntary.

20

We're not talking about that. We're talking about a compulsory containment?---Yes.

Of course you're going to have high success rates where you have got to apply to get into something?---Yes.

This is one where you don't want to go in?---Yes.

So what does it look like? How do you keep them in without fencing them in? What do you mean by "security"?---Well, I think that if the outcome of them not engaging in that secured - like, they breached it, obviously the next step would be incarceration where the razor wires would be out and - - -

30

But what do you mean by "secure"? How do you secure them? What's the difference between a residential and a secure facility in your mind?---So some weight behind their actual bail conditions that mean if you breach this, if you leave this house at, you know, 6 pm that you will be taken straight to the detention centre.

All right. So do I have to be on bail to get into your secure facility?---Possibly, yes, or you could be ordered there from the court so rather than - - -

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Yes?---You know, that could be the next step. You've been ordered to this place.

Yes. What if I haven't offended; I'm just accused of having offended; I just keep self-placing; I don't commit any crime while I do that, but I'm just troublesome? Would

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I get entry into your secure facility?---I wouldn't believe so. I think that sometimes we look at some of those behaviours in a negative sense where a resourceful young person that can self-place themselves and stay healthy and safe is actually a pretty good - - - 1

You raise a good point. Why does that child, that young person, that resourceful young person - why should they still be under the guardianship of anybody?---Yes. Well, depending on what their age is, I guess that would be a great question. 10

At the moment you're a child - even though we call them young people out of respect, the law regards them as children till they are 18?---Yes.

And children by definition are dependent on others because they're children and they can't self-place?---Yes.

Because the whole point is, the assumption is, they need to be looked after until they're 18 by somebody who is responsible, that is, an adult, either their parent or a substitute?---Yes, and I guess on this beautiful map that I've drawn supported independence - at what point does that really start? I think for some young people they're ready for supported independence at 16. They could live in a unit with a youth worker dropping - say if the department were to purchase a block of units for young people, and it doesn't have to be in that format, but young people that were in supported independence, they self-place themselves anyway and a youth worker drops in every week or maybe even rents a unit downstairs as a caretaker. 20

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It's a strange world we live in sometimes because as you say, if I'm in care - not that I think it's something that you'd want to be if you could avoid it, but if I'm in care, I'm there till I'm 18 under the law, under the order of the court?---Yes.

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Unless it's revoked. Right?---yes.

If I'm living at home in an intact family and I'm not under the guardianship of the chief executive, I'm just under the guardianship of my parents, and I'm 16 and I'm independent and I've got an income and I'm what the law calls Gillick competent; I'm competent to look after myself; I can go and do it?---Yes.

10

Nothing my parents can do about it?---Yes.

But because I'm under the guardianship of the chief executive there is something they can do about it until I'm 18. The way that the system seems to balance that or resolve that paradox is to just turn a blind eye and pretend they can't see them doing what they're not supposed to be doing?---I think if a system like this where those young people who are resourceful, even though they may be 16, they don't necessarily need 24-hour care to still be in the care of the state.

20

Maybe arguably they don't need guardianship, although there would be a lot of people who dispute that strenuously - - -?---Yes, sure.

- - - because children are children and someone has to be responsible for them, and the problem is if something happens to a child when no-one is looking and somebody should be, society rightly gets outraged?---Yes.

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Especially when there's a system set up, a very costly system set up, to protect them at least until they're 18 when under the law they're regarded as being self-sufficient enough to fly the nest. Very well. Yes, Ms Stewart?

MS STEWART: Just one last question. What demand do you see for that type of secure accommodation that you've just outlined?---Probably at this point, because so many of the young people have no respect or authority for the law, there's probably at this point a greater demand than there would be in the future if there was a facility like this and there was actually some weight behind the breach of bail.

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So it's more a way of detaining them under their bail conditions rather than addressing any other issues?---I think as a deterrent, that there is actually - there are consequences for your actions. Again, another great skill that young people need to learn.

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COMMISSIONER: Of the 600-odd who are in residential care at the moment how many of them, what percentage do you see would have the need for more confined or secure accommodation?---Are we referring to the 700 that have visited our house over the past year?

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No, just the - is it 600-odd in residential in Queensland, Mr Haddrick?

MR HADDRICK: 619 was the figure quoted today and previously.

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COMMISSIONER: Okay, so that figure?---Okay.

Of that 600-odd who are in residential care how many of them would you see would benefit from confinement? ---Probably - I mean, gee, probably, you know, under 100, so I would probably say about fiftyish.

That's certainly under 100?---Yes.

It's under 60 too.

MS STEWART: One last - your 17-year-old that you described that has three jobs and a car whose parents went overseas: was he trying to access emergency accommodation?---Was he trying to?

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Yes?---Yes. He was just out sleeping in his car, so he was trying to find somewhere to go.

COMMISSIONER: Can I just interrupt? Sorry, I don't understand this. Okay, so we build a facility for 50 kids; we confine them in it just to make sure that they keep their bail, turn up at court; they get the benefit of not getting into trouble for not turning up at court which they don't get into trouble for anyway. What society's - what's its benefit, the one who pays for it? What benefit is there for society?---Well, I think the long-term benefit is that - I'm not sure the costs of what it is to incarcerate a person for 12 months, so there would be - - -

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About \$100,000?---So if we were able to intervene prior to them being incarcerated for a long period of time, there's a savings there. I think also that young people, if we can get them in a place where they're learning good skills, they're learning a trade - you know, you could set these facilities up.

40

So they're like apprentices on bail?---On bail, could be, yes, where they - you know, it wouldn't cost much to set up a hair salon section in a shed and in another part - - -

Well, probably not. Once you've got the facility set up it probably doesn't cost much to add a hairdressing room? ---No. That's right.

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But how much is it going to cost to set up the facility in the first place?---Well, I'm not sure.

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Yes, well, see, it sounds like a good idea until you start to cost it, and you've got to look at the total cost. You've got to look at the benefit to the child, the benefit to society, the cost of the structure and the alternatives?---The cost of the structure would be a one-off cost which I would imagine to add those types of facilities would probably only need one person staying out of gaol for a year to cover that cost.

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MS STEWART: Just to clarify, given the numbers that you think would benefit from secure care for say post inquiry if we had such a facility, like one down here and perhaps one up north?---Yes.

Nothing further, commissioner.

COMMISSIONER: Thank you. Yes, Mr Capper?

MR CAPPER: I have no questions.

COMMISSIONER: Yes, Mr Haddrick?

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MR HADDRICK: Might this witness be excused, commissioner?

COMMISSIONER: Yes. Thanks very much for giving evidence today and the benefit of your views. It's always helpful to hear from people who have actually - or who are familiar with the system. It gives me a much better insight than I'd otherwise have, so thank you very much?---Thank you very much.

You're formally excused from your summons.

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WITNESS WITHDREW

MR HADDRICK: In terms of the next witness, the next witness is a young person, Mr Commissioner. I propose, with your permission, that we take our lunch break now because I'm not inclined to call a witness, a young person particularly, whose evidence would be cut in half as a result of a lunch break.

COMMISSIONER: Yes. No, that makes sense.

MR HADDRICK: Both the next witness and the witness after that are, in my view, short witnesses. I know that's coming from me, so touch wood, but I think they are shorter witnesses than the one we've just had.

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COMMISSIONER: You mean they won't take long?

MR HADDRICK: That's correct. I was waiting for you to do that to me.

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COMMISSIONER: All right. What time then do you suggest we resume?

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MR HADDRICK: I think 2 o'clock would be fine.

COMMISSIONER: Happy with that, Mr Haddrick. All right. Everyone else happy with that?

THE COMMISSION ADJOURNED AT 12.26 PM UNTIL 2 PM

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HADDRICK, MR

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THE COMMISSION RESUMED AT 2.07 PM

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COMMISSIONER: Good afternoon, everyone. Mr Haddrick?

MR HADDRICK: Good afternoon, Mr Commissioner. For the record the live streaming is currently switched off.

COMMISSIONER: Yes.

MR HADDRICK: The next witness is a young person under the age of 18 and her name is [REDACTED], goes by the name of [REDACTED]. I call [REDACTED] and she's arriving at the witness box now.

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COMMISSIONER: What about the public gallery? I think what we agreed last time we had a child witness was that we would turn off the live streaming, allow the public who are in the gallery to stay on the proviso that they don't publish or republish or - - -

MR HADDRICK: Your orders from the outset on Monday were people may - just like section 121 in the Family Law Act, people may remain in the gallery but what they hear in the courtroom - or in this case, the commission room - must remain in the commission room. They're not free to publish it outside, so publish identifying features outside. So they can't refer to [REDACTED] name and they can't refer to the address of the house that [REDACTED] lives at.

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COMMISSIONER: Or anything else that might link [REDACTED] to - - -

MR HADDRICK: These proceedings.

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COMMISSIONER: - - - these proceedings. All right, Mr Hanger, are content with that?

MR HANGER: Yes.

COMMISSIONER: Thank you.

MR HADDRICK: Also for completeness, sitting next to [REDACTED] in the witness box - [REDACTED] - is her carer, [REDACTED]. I've indicated with your indulgence that it be okay to have effectively a McKenzie friend, so to speak, sitting next to [REDACTED] in the witness box. And it just occurred to me - - -

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COMMISSIONER: Mr Copley - given that we have the original.

MR HADDRICK: It just occurred to me that the original McKenzie friend is sitting at the other end of the table I'm standing at.

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HADDRICK, MR

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COMMISSIONER: He is. 1

MR HADDRICK: It shows your age, Mr Hanger.

MR HANGER: Thank you.

MR HADDRICK: Can I please have the witness see this document?

█, do you recognise that document?---Yes. 10

What is that document?---It's my statement.

Okay. When did you sign that statement?---Today.

Did you read the statement before you signed it?---Yes.

And is everything in that statement correct?---Yes.

And any views expressed, where you've offered a view or an opinion on something, is that your opinion?---Yes. 20

Okay. I tender that statement, Mr Commissioner.

COMMISSIONER: The statement will be exhibit 159.

ADMITTED AND MARKED: "EXHIBIT 159"

COMMISSIONER: And it will be published after it's been de-identified.

MR HADDRICK: That's correct, Mr Commissioner.

█, what I propose to do is ask you some questions about what it's like to live in residential care and your life story, and also get you to talk to me about the home that you currently live in. So as I said before, you're █ years old, aren't you?---Yes. 30

How long have you lived- and you currently live in a home in █, don't you?---No, it's in █ now.

█. Sorry, yes, I'm reading the wrong paragraph here. How long have you lived in that house for? ---Probably about four months. 40

Where did you live prior to that?---Emergency family services █ house.

How long did you live in that house for?---11 months.

Sorry?---About 11 months.

6/2/13 █ XN

Okay. And where did you live prior to that? Do you recall?---In (indistinct). 1

And do you know where that was?---[REDACTED].

And how long were you there for?---Eight months, I think.

How long have you lived in care for?---Ever since I was really, really little.

What, before you were one?---I don't know. 10

Has it been your entire life?---Yes.

Okay.

COMMISSIONER: As far back as you can remember you've been in care?---Yes.

MR HADDRICK: How many homes do you think you've lived in? Just have a guess or tell me your best guess?---I don't know.

Just focus on me and try and remember how many houses. Is it four, five, six, seven?---Probably more than that, about - I don't know - 15. 20

15 homes?---Yes.

How often would you move from home to home?---Probably, say, twice a year, three times a year.

Okay. Do you know why you're in care?---Sort of. I was neglected when I was little.

Do you know how you were neglected?---No. 30

Has anyone told you why you're in care?---No.

Do you go to school at all?---Yes.

Okay. What school do you go to?---[REDACTED].

What grade are you in?---10.

How are you going in school?---Good.

VHA's in every subject?---What's VHA? 40

Very high achievement, topping every subject, A's?---No.

COMMISSIONER: How many schools have you been to since you started grade 1, do you think?---I don't know.

As many houses as you've lived in, or less?---Every time I moved house I'd move schools.

6/2/13 [REDACTED] XN

MR HADDRICK: So if you've lived in about 15 homes you may have been to 15 schools?---Around there, yes. 1

Okay.

COMMISSIONER: Do you have any brothers and sisters?
---Yes.

Are they in care?---We've all been in foster care and there's five of us.

And have you ever lived together in the same house?---Me and my [REDACTED] have. 10

But the others haven't. Do they live together in a different house from you or do they all live in different houses?---They're all, like, a lot older than me.

All right. Have they finished now?---Yes.

Are you the last one of your family left in care?---[REDACTED].

[REDACTED] 20

Your [REDACTED], okay. How long has that been the situation?---I don't know.

MR HADDRICK: Do you have much contact with your sister? Do you get to see her at all?---Yes, sometimes.

How often?---I don't know.

Do you get to see any of your other brothers or sisters at all?---Yes. 30

How often do you get to see them? Once a week? Once a month?---Probably once every few months.

Okay. Do they come and see you or do you go and see them?
---I go and see them.

And how do you get there?---My carers transport me.

Do you like going and seeing your other siblings, your other brothers and sisters?---Yes. 40

Do you get to spend much time with them when you go and see them?---Yes.

What, a day or overnight or - - - ?---Sometimes overnight.

Okay. And then you come back to the house that you're living in at that point in time?---Yes.

6/2/13 [REDACTED]. XN

Do you know why you've moved from house to house?---No. 1

Has anyone explained to you why it's time to pack up your stuff and leave that home and go to the next one?---My sister was very - she's a handful, so - and I used to live with her.

Yes?---And every time she'd move I'd have to move.

Okay. So she was required to move from the homes for one reason or another?---Yes. 10

And so that you could spend time with your sister you got to move as well at the same time as she did?---Yes.

So it's not because of you that you're moving house to house, it's because of your sister? Yes or not?---Yes.

That microphone is on, it's recording?---Yes.

Rather than nod, just say "Yes" or "No"?---Yes.

When you change schools, is that difficult to fit into a new school?---Yes. 20

Do you have many friends?---I have a lot.

You have a lot?---Yes.

What happens to those friends when you go from school to school?---Some of them I keep in contact on Facebook, but other than that I don't see most of them.

Have you ever gone back to a school that you used to be at if you've moved? So say for instance you went to one school and then you moved to another school, and then because you've moved house again you've gone back to that old school? Or has it always been a totally new school? ---Probably once or twice. 30

Okay. Now, the house that you live in currently, I'll just get you to have a look at some photos if I could. Now, you sat in the courtroom before - - -?---Yes.

- - - up the back and saw me talk through some photos with the previous witness. That's what I'm going to do again here, I'm going to get you to tell me what we're looking at in the pictures. Okay?---Yes. 40

I'll just - do you recognise that?---Yes, it's the front of my house.

Okay. How many people live in your house, how many young people?---Four, including me. 1

What are the ages of the other people?---[REDACTED].

Are they all girls?---Yeah.

So it's a girls house?---No, it's a mixed house but there's just - - -

Currently all girls at the moment?---Yes. 10

When was the last time there was a boy living in the house, a young boy, young man?---I have no idea.

Whilst you have been living there?---No.

Now, how many carers work in the house? Obviously [REDACTED] is one, isn't she?---Full-time workers or casual?

Well, you tell me. How many do you understand to be full-time and how many do you understand to be casual? ---Three full-time and at least four or five casuals. 20

Who are the full-time people?---[REDACTED].

Whose the manager of the house or the head person?---[REDACTED] at the moment but we've got a new person coming in.

Are they permanently full-time at the house or do they sort of come in on certain days to manage things?---Come in on - - -

So they don't work there every single day, do they?---No. 30

And who are the part-time or the casual people who work there? What are their names?---[REDACTED].

And do you get along with all of them?---Not all of them.

Who do you get along with the most? I suspect I know the answer to this question. Which is your favourite staff member?-- [REDACTED].

Okay. I won't ask you who your least favourite staff member is. Do you get along with the three other girls that live in the house?---Yeah, except one. 40

Why don't you get along with that one?---Because - - -

The two of you don't sort of gel together?---We were, like, really close and then we're not now so we don't even talk to each other.

Okay. Do you do things together, like, do activities together?---Yeah. 1

Go to the beach together - - -?---Yeah.

- - - or things outside the house together?---Not on our own. If we've got a worker, we - and it's a house activity, we do.

What sort of activities do you get to do?---Theme parks, Byron Bay trips, Waterhouse, Mount Cooper - I mean, Coolum. 10

Do you enjoy all those activities?---Yeah.

Now, you say you're in year ■■■. You're ■■■ years old now. What would you like to do when you finish school?---I want to be a policewoman.

A very noble calling. Why do you want to be a policewoman? ---Because you're not doing the same - you're not dealing with the same stuff every day.

There might be one or two cops around here that might disagree with you on that. How long have you wanted to be a policewoman for?---Couple of years. 20

And how long are you going to stay at school for? ---Grade 12.

You're going to finish year 12?---Yeah.

And are you looking at wanting to do university when you finish year 12?---I don't know; maybe.

See where things end up?---Yeah. 30

Okay. Looking back at the photos again, what's that a photo of?---That's my backyard.

Is it?---Yeah.

And that's a pool in your backyard?---Yeah.

And you get to use that pool all the time?---Apart from after bedtime, which is 9.30.

So there's a rule in the house about when you can use the pool?---Yeah. 40

Who lays down the rules? Who makes the rules around the house?---The coordinator.

Now, what's that a - - -?---That's the front room. That's like a chill-out room.

6/2/13 ■■■■■. XN

Okay. Now, there's a television there in the middle? 1
---Yeah.

Is that the only television in the house?---No.

Are there more televisions than that?---Yeah.

Where are the other televisions?---One's outside under the pergola and one's in the lounge room and I've got one in my room.

So you have got one in your room which means you get to 10
choose what's on that television at all times, don't you?
---Yeah.

That solves any problems, doesn't it?---Yeah.

What about the other people who don't have a television in their room? Do they ever disagree over what's on TV?
---They don't really watch TV.

What do the other people in the house do for entertainment or relaxation? Swim obviously in the pool?---Yeah. We all 20
swim in the pool so - one plays on her phone all the time;
one's just quiet in her room and does her own thing.

Are all the other girls at school?---Yeah, we're all at school.

Do they all attend the same school?---No.

How do you get to school in the morning?---I get dropped off.

Who drops you off?---My youth workers. 30

And do they pick you up at the end of the day too?---No, I catch the bus home.

And how far away from the house does the bus drop you off? Do you have to walk at all?---Yeah, I walk, like, 10 minutes to my bus stop.

Now, do you ever have friends come over and visit you at your house?---No.

Why not?---Because that's - we're not allowed anywhere there for confidential - for the other young people. 40

Would you like to have friends come over?---Not really.

Why not?---I don't know. I'm just not that sort of person.

Do you ever go over to a friend's house after school?
---Sometimes; very rarely though.

Okay. What's that photo? What are we looking at there? ---That's my kitchen over to the far right and then - - - 1

And is that the main dining room table that everyone eats at?---Yeah.

Is that the way the room usually looks? Is it usually that clean?---Yeah, it's always clean.

Who keeps it clean like that?---Everyone does their chores so - - -

Do you do any chores?---Yes. 10

What do you do?---Do the dishes. It all depends on what day because we've got set - - -

You have got a roster, have you?---Yeah.

So you participate in the chores. What about the other girls? Do they participate in the chores?---Sometimes.

Is anyone not pulling their weight? Is everyone doing their fair share?---One young person isn't because she's only just moved in. 20

How long do people - are you the longest living person there?---No.

Sorry, I should put that - is there anyone who has lived there longer than you who is a young person?---Yes.

Is there more than one person who's lived there longer than you?---No.

So you're the second-longest living - if I can put it that way, young person living in that house?---Yeah. 30

Are you expecting to move from that house at all?---No, I quite like it.

Why not? Why aren't you expecting to move?---Because I have a choice either to stay until I'm 18 or move out when I'm 16 and deemed permanent.

Who told you you had that choice?---My foster carers.

Your foster carers, did you say?---Yeah. 40

And who are they? What's their names?---[REDACTED].

No, no, didn't you say "foster carers"?---Yeah.

Am I not hearing you correctly?---They are my foster carers.

6/2/13 [REDACTED] XN

Yes, just focus on me. So do you want to move out when you turn 16 or do you want to stay there until you're 18? ---Stay there. 1

Why do you want to stay there?---Get the best support I can until I move out.

Do you think you're ready to move out yet?---Yeah, I can move out now if I wanted to but I'm choosing not to.

If you moved out at 16, do you think you would be ready to move out?---Yeah. 10

Okay. What's this a photo of? Where is that?---Like, out the back under the pergola, shed thingy.

And what sort of things are done there? What's that space used for? That's obviously the TV you're referring to outside there?---Yeah; yeah.

What else is that space used for?---We don't really use it. We just walk in and out of the door and go swimming.

Okay?---Sometimes we eat outside though if it's hot inside. 20

Is the house airconditioned?---Yes.

The whole house airconditioned?---No.

Is your bedroom airconditioned?---No.

Would you like your bedroom to be airconditioned?---Not really because I'd live in my room if it was.

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You wouldn't leave it if it was airconditioned, would you? 1
---No.

So that's the only way to get you out, make it a hot room?
---Yes.

What about the other bedrooms there, are they
airconditioned?---Only one of the staff bedrooms is.

How many staff are there at any one time in the house? So
there's the four of you girls who live there. Who else 10
lives - how many other people are there at any one time?
---Carers?

Yes?---It all depends on what we do. So, like, most of the
time two, now that we've got four kids, but before we had
four kids it was only, like, one staff member.

Does the staff member have their own room at the house?
---Yes.

Is it the same staff member who sleeps there or does it
change?---It changes. 20

How often does it change?---Every day. Sometimes the
carers sleep over. So the carer will sleep over from,
like, 2 o'clock until 9.00 the next morning and then
there's no-one there during the day because we're all at
school and then that same worker will come on again at 2
o'clock and finish again the next morning and then another
worker will come at 2 o'clock that day.

Do any of the girls have family members who visit them at
the house?---No.

So you never see any of the young people's families at the 30
house?---No.

Do any of the other girls go away to visit their family at
all like you do?---I don't really know. I don't pay any
attention to their business.

Let's talk about food. What do they feed you, good food,
bad food?---Good food.

What does that mean?---Like, they cook us roasts and
stir-fries and - - - 40

What about junk food? Do you ever get an opportunity to
eat junk food?---No. We go out for dinner, like, at a
restaurant every month instead of - it used to be where we
had take-out every week but they've changed it to once a
month now.

Were you happy with that change?---Yes.

6/2/13 [REDACTED] XN

Why were you happy with that change?---It's an activity we do together, to a restaurant. 1

Do you have an opportunity to - do you get any pocket money?---Yeah.

What do you get?---For my chores, if I do all my chores, probably \$24.

\$24 what, a week?---If I did - yeah, if I did all my chores. 10

What are those chores?---Dishes, set the table and empty the kitchen rubbish and bathroom rubbish and vacuum the floor, clean the bathroom and toilet.

Do you enjoy doing those tasks?---Yeah, I don't mind. It keeps the house clean.

Do all the other girls pull their weight in doing the tasks around the house?---Yeah.

Do they all get pocket money too?---We all get pocket money, yeah. 20

Now, you did tell me the ages of the other girls before. Is there anyone who is 16 years or over there? Who is the oldest in the house?---Say her name?

Just tell me their age. Is there a - - -?---The oldest is [REDACTED] in September.

What do the oldest do with themselves? Are they at school? ---Yeah.

Does the oldest get pocket money too?---Yeah. 30

If she does her chores?---Yeah.

Do you know if the oldest has got money coming in from somewhere else, like Centrelink?---Yeah, and she works.

What sort of job does she do?---She works at a [REDACTED] place up at [REDACTED].

So she gets money coming in for that job?---Yeah.

That's her money to spend as she sees fit?---Yeah. 40

Now, let's talk about the daily routine. What time in the morning do you get up? Does anyone have to get you up or do you get yourself up?---I get myself up most of the time.

What time do you get up in the morning?---Probably 5.40.

When do you leave for school?---8 o'clock.

6/2/13 [REDACTED]. XN

You obviously spend sort of from 9.00 till 3.00 at school? 1
---Yeah.

Then you come home?---Then I catch a bus from school to home.

To home. Do you have any sort of activities or things that you do on a weekly basis that aren't at home, so, for instance, a sport like netball or - - -?---Not yet.

Is there anything you want to do?---Yeah. 10

What do you want to do?---Swimming.

Have you raised that with the manager of the house?---Yeah.

Is that going to happen or is it not going to happen?
---Don't know yet. They're trying.

When you say swimming, swimming with - like, competitively, like in a club, or just for fun?---In a club.

Okay?---Not like swimming lessons, but have a membership so I can go and swim whenever I want and do laps. 20

So you obviously use the pool out the back of the house a lot the, I'd imagine?---Yeah.

When you come home from school what do you do with yourself in the afternoons?---Come home, have a shower.

Do you do homework?---Yeah.

Truthfully, do you do homework?---Sometimes.

Does anyone help you with your homework?---Yeah. 30

Who helps you with your homework?---My youth workers.

Sorry, who?---My youth workers.

Is it the same person or do different people help you with your homework?---Different people.

What subjects are your favourite subjects?---Probably hospitality.

What time do you go to bed in the evening?---9.30. 40

Do you take yourself to bed or are you told it's bedtime?
---No, I take myself to bed.

Now, you told us that you've lived in quite a number of homes over the many years. Can you tell us which homes were the good homes and why? So which home which did you enjoy living in the most?---Probably this one.

6/2/13 [REDACTED]. XN

Why?---Because they're just - the youth workers are nice, really kind. They help you out, very supportive and very flexible about things.

1

Which home did you not enjoy living in the most?---I can't say I've not enjoyed it.

Which one were you sort of happy to leave? You can tell me?---I don't really know.

Were there ones that were better than other ones?---Yeah.

10

Why were some better than others?---Probably the youth workers, because, I don't know, I just get along with the youth workers more than - - -

So it's not the house itself, it's the people who work in the house that make your life good or bad?---Yeah.

Now, [REDACTED] is here to support you today. How long have you known [REDACTED] for?---I don't know. Ever since I was, like, [REDACTED].

How old?---[REDACTED].

20

So for the last [REDACTED] years?---Yeah.

Has [REDACTED] always been one of your carers at your current house?---She hasn't always been, but - no, she hasn't.

How did you know [REDACTED] before you lived in this house? ---She worked with me at [REDACTED].

So [REDACTED] came from another house, did she, that you lived at?---Yeah. She worked at the [REDACTED] with me.

30

That was your second-last house, wasn't it, so what was the one that you were at before the current one?

And [REDACTED] was the one before that, wasn't it?---Yes. She's worked at both of them.

So [REDACTED] has worked at the last three homes that you've lived at?---Yeah.

Including the current one?---Yeah.

So [REDACTED] has come with you from each of the homes. You've gone from one home and like a piece of luggage [REDACTED] has come along for the ride?---Yeah.

40

Do you enjoy having [REDACTED] come to each home that you live in?---Of course.

Otherwise she wouldn't be coming, would she?---Yeah.

6/2/13

[REDACTED]. XN

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What is it about having [REDACTED] as your carer that you like?
---I don't know. She's just funny, out there, great to talk to.

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How often do you get to see [REDACTED] at the current home?
---She's not my coordinator any more. She used to and she used to come in like every day, but I haven't seen her for a couple of weeks, apart from today.

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6/2/13

[REDACTED] XN

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Now, you've told us that you're over [REDACTED], you've had your [REDACTED] birthday. You've only got a couple more years or so to go until you're 18, until you're an adult yourself. At that point in time your care arrangements come to an end, the care house would normally finish and you need to go to own way. What have you thought you're going to do when you turn 18?---I'll have my TEAS and staffed by then so - - -

1

Has anyone been working with you to help plan for when you turn 18 so that when you leave your final care house, that you'd have the ability to go off and organise your own world yourself?---Not yet, but we're working on it.

10

Has anyone raised this with you in the past, that - - -?
---Yes.

- - - you're fast approaching the age where you need to look after yourself?---Yes.

Who's raised it in the past?---My youth workers.

Just bear with me for a second, Commissioner.

Now, just a couple more quick topics. Do any of the girls play out in the house at all? Is anyone ever naughty? Are you ever naughty?---No. I have been.

20

Okay. What about the other girls?---Yes.

What happens when any of you are naughty? Who - - -?
---What do you mean by naughty?

Well, it's a good question, thank you. The first witness that's thrown the question back. Misbehaving, throwing things around, screaming, yelling - - -?---Slamming doors.

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- - - slamming doors, not following rules of the house? When all those things happen who lays down the law? Who's the person who pulls you into line?---Youth workers.

Is there any particular one youth worker or is it all of them?---All of them do it.

And how do they do that?---By talking to us.

Do they ever tell you of consequences or things that would happen if you continue to misbehave?---Yes.

40

What sort of things do they tell you will happened?---Like, if you punch a hole in the wall you probably have to pay for it.

And how often does that occur, that someone punches a hole in the wall?---Rarely. Very rarely.

Have you seen it happen?---I've done it myself.

6/2/13

[REDACTED]. XN

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Okay. In the current house?---Yes. 1

What about in your former houses? Has it caused damage to your former houses?---No, I don't think so.

Why did you punch a hole in the wall in your current house? ---I did it with someone's head.

Another resident's head?---Yes.

You understand that's a serious thing to happen, don't you? ---Yes. 10

You know that seriously wrong?---Yes, I know what's wrong.

What happened to you as a result of that? How did you get in trouble?---The cops came and told me not - they told me - I think they warned me.

And has that ever happened again?---No.

And why hasn't happened again?---I very rarely hit anyone. Like, that's not like me. 20

What about if the other residents play up, the other young people? If someone else breaks the rules or does something very wrong, what happens to them?---They get in trouble by the youth workers. Sometimes - yes.

And how are they disciplined? Are the cops ever called on them?---Depending on how bad it is.

When was the last time the police came to the house?---I don't know, probably a couple of weeks ago.

What did they come to the house for?---I had a fight with another young person. 30

And what did the police do about that?---Came in and took a statement, like, my point of view.

And did they take a statement off the other young person? ---She wasn't at the house at the time when they came.

What did the carers do about the flight? Did they call the police?---No, I did.

You called the police?---Yes. 40

What did the carers do about the fight?---When me and the other girl were fighting he tried to split it up and he did. He did.

Okay. Now, the police visited your house a couple of weeks ago?---Yes.

And for the purposes of the transcript of we're calling
[REDACTED] house, house D, just for clarity's sake,
Mr Commissioner. 1

COMMISSIONER: Yes.

MR HADDRICK: When was the time prior to that that the
police came and visited your house? Do you remember the
time before a couple of weeks ago?---That the police came?
That's the first time.

That the police have visited you in this particular house? 10
---Yes.

Have you ever had the police visit you in a house
previously?---No, never.

And you appreciate that it is a very - - -?---That I can
remember, but - - -

What about whilst you've lived in a house, have the police
ever visited any of the other residents in the house?
---Yes. 20

Not the current house, but any of your houses?---Yes.

What have the police visited the house for? Do you know
why?---The house before this one they used to come in and
just check on it. They wouldn't - they'd just come in and
check.

So there was nothing going wrong in the house at the time,
the police would just visit?---Yes.

I think that's where I'll leave that, Mr Commissioner. 30

COMMISSIONER: All right, thank you.

MR HADDRICK: Thank you very much, [REDACTED].

COMMISSIONER: Mr Hanger.

MR HANGER: [REDACTED], I appear for DOCS, the state. There are
just a few matters want to clarify with you. In paragraph
45 your statement - and I'll just read your bit from it:

If I could change the way that care works one thing I
would change is how often child safety officers
visit. I've had my CSO since October last year and
he's not, visited me once? 40

---That's correct.

Okay, that's the bit - yes. I'm told - and I'm not sure if
I'll ask you to comment on this - that the last recorded

6/2/13

[REDACTED] . XN
[REDACTED] . XXN

visit was on 5 November. Any problem with that?---The last recorded? 1

The last visit was on 5 November?---Yes.

Okay. I mean, that's what I'm told situation?---Yes.

I'm just asking you to comment on it, you see?---I would like, my CSOs to come visit every month.

Yes, that would be nice.

10

COMMISSIONER: They're supposed to, aren't they?

MR HANGER: Yes?---Yes.

And I'm told - and again I'm asking you to comment on this - that the next time the CSO tried to visit and phoned to arrange he or she wanted to drop off some Christmas presents but you weren't there and so an arrangement was made. You weren't home at the time so an arrangement was made for the Christmas presents to be collected by someone from the home. You got your Christmas presents?---Yes.

20

That was arranged again by the CSO, was it not?---Not that I recall.

All right. Now, you say that when you try to get approval from the department the answer is always no and that you're not involved in choices that affect your life. I'm told - and I'm asking you to comment - that you are involved in your decision-making, that when you want something you get Mercy to call the child safety support centre on your behalf, and I'm told that they will ask to speak with you about your request and talk it through with you. And in particular they ask you what your safety plan is if you go to visit someone, to make sure that you're okay?---The carers ask me what my safety plan is.

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Yes. I'm told that the child safety support centre is telephoned and asked about your plan. Is that correct? ---Yes, actually it is.

And if everything is safe - and people that are concerned about you are satisfied that it's all safe, if they approved the request to visit somebody and stay with them, whatever it is?---Yes.

40

You talk about seeing your father without the department knowing about it because you thought they'd say no. I'm not having a go at you, by the way?---Yes. No, that's okay.

I'm not having a go at you. I'm told that for a start your older sister was living with your father at that broke

down, she's no longer there. Is that correct?---She was never living with my father.

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She wasn't living with your father. I'm also told that your father has a history of mental illness and domestic violence?---Yes.

That's correct?---Yes.

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I'm also told that at the moment his mental condition is stable?---Yeah. 1

And that if you had requested contact with your father through the CSSC, they would have assessed the situation and found out that he was stable and then said yes to your request?---Yeah.

But you have done it in a more inform way?---Yeah.

All right, but you understand that they have an obligation when there's a history of domestic violence and serious mental illness to make sure, if you go and see your father, that he's not dangerous at that time?---Yes. 10

I just wanted to ask you a little bit about school. Last year you were having some trouble maintaining attendance at school. You weren't going and then slowly you were reintegrated back into the school so that eventually you went for a full day?---Yeah.

That's correct?---Yeah.

Yes, and you got to the point of going for full days? ---Yeah. 20

I understand - and again tell me if you know it or if I'm wrong - that a meeting is scheduled with the school for next week to develop your education support plan for this year?---Yeah.

You're aware of that?---Yeah.

That's correct, and I'm also told that your case plan is due for review in April of this year and that you have been in the past and will be again actively involved in that? ---Yeah. 30

If they ask you what you want to do and where you see yourself going, you will tell them you want to be a policewoman and so on?---Yeah.

All right; and you get a chance then to say, "This is what I want to do or this is what I'd like to do"?---Yeah.

And I suppose you will talk about swimming there too. Thank you. Thanks for answering those questions?---That's all right. 40

COMMISSIONER: Thanks, Mr Hanger. Ms Stewart?

MS STEWART: Hi [REDACTED]. I'm Lisa Stewart from the Aboriginal and Torres Strait Islander Legal Service. I have just got a couple of questions for you. In your statement you talk about your use of Facebook?---Yes.

6/2/13 [REDACTED]. XXN

Being a different generation who's not quite up with all the social media, you have identified that that's a way that you can keep in contact with your family?---Yes. 1

How important has that been to you since you have been in care and had that access?---Really important.

Do you have a computer that you access in your home?---I have a phone.

So do you have Internet access on the phone?---Yeah. 10

And access your Facebook account and see what the family is up to like that?---Yeah.

Is that right?---Yeah.

Just following on from a couple of questions that Mr Hanger asked you, in paragraph 30 you said that your carers have taught you a lot of techniques to deal with people like dad who exhibits or has some issues with mental illness a domestic violence. Can you just describe a bit some of the techniques or what has been taught or explained to you that makes you feel like you have got the techniques to deal with issues like that if they were to come up while you spent time with your dad?---I don't know. 20

Sorry?---I don't know at this point.

You don't know. I have heard that you have had a number of placements. That's the evidence that you have given? ---Yeah.

I also note that you have discussed - you have had the same counsellor for a long period of time?---Yeah. 30

I imagine that that would be quite a source of emotional support having that one stable person that you can talk to? ---Yeah, I've built a strong relationship with her over the past three years.

I have nothing further, commissioner.

COMMISSIONER: Thank you. Mr Capper?

MR CAPPER: I have no questions, thank you.

COMMISSIONER: Mr Haddrick? 40

MR HADDRICK: Nothing further from this witness, Mr Commissioner. I just wonder - and I have floated this idea with the other counsel prior to you taking the bench, Mr Commissioner. The commission hasn't yet heard from somebody who has previously been in care in one form or fashion and also it would be helpful, I think, perhaps to

colour [REDACTED] circumstances that we hear from her carer who is here today, [REDACTED], who is, of course, sitting over there.

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COMMISSIONER: Have you spoken to [REDACTED] about the idea?

MR HADDRICK: Sorry?

COMMISSIONER: Have you run it past [REDACTED] as well as everyone else?

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MR HADDRICK: I certainly have and she's very agreeable to perhaps a short stint in the witness box. Now, of course, there's no statement prepared but I just perhaps see some value in exploring [REDACTED] circumstances in the house very briefly.

COMMISSIONER: I see some benefit in that. Does anybody have any problem with that?

MR HANGER: It's an excellent idea.

COMMISSIONER: Excellent. So, [REDACTED] and [REDACTED], can you swap places for a second?

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WITNESS WITHDREW

MR HADDRICK: For simplicity and also out of an abundance of caution we can keep live-streaming for this, Mr Commissioner, please.

COMMISSIONER: Yes.

[REDACTED] affirmed:

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ASSOCIATE: For recording purposes please state your full name?---[REDACTED].

Please be seated.

MR HADDRICK: [REDACTED], that's [REDACTED] as in [REDACTED]? ---Yes.

Now, obviously I identified who you are to the commission. You're [REDACTED] carer or one of [REDACTED] carers. How long have you been a carer for, [REDACTED]?---Coming up six years.

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Now, I think we have all just determined that you don't originally come from Australia through your answer just then. Where do you come from?---Originally New Zealand.

And I understand, as officers of the commission have instructed me, that you yourself were previously a child in care obviously in younger years in that country?---Yes.

6/2/13

[REDACTED] XXN
[REDACTED] . XN

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How long were you in care for?---Coming on five years, I believe.

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Do you know why you were in care in New Zealand?---I was removed or had the option to leave my family home due to abuse and neglect.

And the options was exercised by you to do that?---Yes.

What age were you when you were given that option?---I believe nine or 10 our family was in court and we were removed from my mother so I chose to not return to the family home when she was given back custodial rights.

10

Now, I won't explore into your personal circumstances? ---Yes, that's all right.

I just wanted to set the scene that you yourself were a former resident in that country's care system?---Yes.

COMMISSIONER: Is it about the same as it is over here from your observations since?---It's quite similar, yes.

MR HADDRICK: Now, we have heard from [REDACTED] that you have known her for about the last three years?---Yes.

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You have been her carer. Why do you get along with [REDACTED] so well?---I get along with all the kids I work with very well but I think it's just the opportunities that are created in our workplace to really connect with the children when we're able to work with them consistently instead of in, like, an emergency sort of a situation where they're very - you know, they're only with you for a brief amount of time.

Now, we have heard also that you were employed or attached to the previous residences that [REDACTED] lived in?---Yes.

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How did it come about that you sort of followed [REDACTED] from residence to residence?---She followed me, I think.

Okay?---No, I originally started working in residential care for [REDACTED] and then I worked part-time for [REDACTED] and that's when I met [REDACTED]. I then moved to [REDACTED] full-time as a coordinator and fortunately was able to become the coordinator in the house that [REDACTED] moved to from [REDACTED] to [REDACTED] so I was able to actually become the coordinator in that program so that's how we worked together.

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Do you notice a difference between each of the houses that you have been associated or worked in?---Yes.

What are the differences? Could you explain those differences to the commissioner?---As in, like, the organisations that I've worked with?

6/2/13

[REDACTED] XN

Well, the organisations or more particularly the way the houses are run?---I think from [REDACTED] original placement at [REDACTED] to [REDACTED] - I think it's a little bit - it's hard to explain. It's more family based. It's like it's more - I would say more real; like, we're very real with the children. We're very - I mean, we have the therapeutic, you know, guidelines and all that kind of thing that we work by but we're actually - I think it's the team that's different as well; like, we're all parents. We've all got life experiences and skills and so we set boundaries and limitations with the kids and we're firm but we're fair and I think that's the difference from [REDACTED] to [REDACTED].

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You just said that you're all parents. You all have life experiences?---Yes.

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6/2/13

[REDACTED]. XN

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Do you put much weight upon the people who work in residential care - put much weight upon their life experiences in terms of the way they do their jobs?
---In my personal opinion, with the staff that I've worked with, yes, I do believe that the life experiences that they bring to the table have a significant impact on the kids, and even being - like, I mean, I've worked - and that's no disrespect to some of the staff that I've worked with that aren't parents. I do believe it's - I don't know whether it's age, maturity, whatever it is, but a 23-year-old youth worker to a 40-year-old youth worker is a significant difference.

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How does that difference manifest itself?---I believe in the way that you interact with the children. If they're in crisis emotionally or there's something going on for them I think that - and again, this is my opinion and my experience, that I think the way that you deal with the situation with that young person can be quite significantly different, and having been a coordinator and managing staff I do see the differences. Where my younger - a younger youth worker is dealing with a situation the outcome can be quite significantly different than an older youth worker dealing with the situation, or more - you know, like a parent or such.

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Now, you've been sitting up at the back of the commission earlier on today when you heard the evidence of the first witness before lunch and I asked that first witness about the cost of running house C or whatever it was, house - yes, I think it's house C at the time, and that first witness gave some evidence about some of the expenses and costs of running the house. You've just told us that you yourself were a coordinator at one point in time. Do you see - do you share the similar sorts of experiences that that first witness told us about in terms of the way money is spent at these homes?---No. Actually, I think we - yes, that was quite emotional for me to hear a lot of that, but - - -

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Why was it emotional?---I think because I've - and the different places I've worked I see where there's - the frameworks where there is a lot of money thrown at these kids and the difference that has on the children let's say in other residential services where I've worked where there is minimum funds and the difference that has on the children as well. I believe that - - -

40

Okay, this is a very important topic. I just want to take you slowly through this particular topic?---Okay, sure.

So you've worked in different places?---Yes.

One where there's been a lot of money available for activities and services?---Yes.

And other places where there's less money available for activities and services. Now, what's the difference you see between those two different settings?---I see that where there's minimal money you use resources, you use the community, you have the children out in the community, you empower them to engage in activities that don't cost money, or to get creative and do camping and real life stuff that you would do with your own families as opposed to taking them to a five-star hotel and, you know, like - yes.

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So you think that where money is tighter for a residential home that forces the home to be more integrated into the community?---I do believe so.

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By implication you're effectively telling us, correct me if I'm wrong, that that's better for the residents who live in the homes?---In my opinion it is, but again, it also depends on the people that are managing that situation and that environment as well, where - yes, I suppose - yes.

Tell us about the other situation where there's plenty of resources to spread around?---I think it gets abused.

In what way?---I think that at - I don't know. Like, I mean, there's situations I've witnessed where there are resources, there are funds, so that gives the staff member the ability to drop the child down at the Gold Coast with \$100, or drop them off at Dreamworld for the day and pick them up. You know, they're sitting at home getting paid while the young people are out and about, running amok, and have unlimited funds.

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How common is that?---Well, where I've worked it's quite common. Where I work now it's not, because we are - we empower our young people to earn their money, we empower them to respect the money that they earn and to spend it wisely.

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What sort of effect upon the young people who are in care is that situation, where they are, using my word, spoilt? ---Well, there's no accountability for - they just - yes, they just run amok. They're just let loose and I believe that we set them up to fail, because we're not teaching them anything. When they leave care they've got no respect for money, no idea on how to earn that money, no idea on - there's no survival skills, really, it's just - - -

So just for the commissioner's benefit, as precise as you can, what is that feature that makes the child - or makes the care situation break down? Is it simply money being thrown at the kid, effectively, or is it access to things that children of that age don't normally have, like constant entertainment? Just try and tell us with as much clarity as possible what it is that you agree with me made them spoilt?---I'm sorry, yes, I think maybe too much access to - yes, I don't know.

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██████████. XN

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Too much access to what?---To funds. I think there's too much money - I don't know what - there's too much money available, I think. Whether that service is provided that much money or whether it's mismanaged funds or whatever it is, I don't know, but I think there's - - -

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Can you give us some examples, some concrete examples, where in the past former places you've worked with - you don't need to identify that particular place?---Yes.

But give us some concrete examples of where you think money was used that was counterproductive in respect of the child?---Counterproductive as in they've just been given - - -

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Well, where it shouldn't have been spent?---A young person that we worked with who had high needs and would do a lot of property damage would be dropped in the city because that was the easiest way to deal with him, and given \$100 a day to spend.

How often would that occur?---It was happening every day.

So five days a week they would be dropped into - - -?---It would be - at one point when there was actually no-one that was willing to work with the child that was happening on a daily basis.

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So seven days a week?---That could be an exaggeration. It could be five days a week. Where there was no staff available he was dropped to the city with \$100.

This is at a home that you used to work at?---In an organisation I used to work at, yes.

So you're not with that organisation or that home any more? ---No, I'm not.

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How long ago was that?---Probably five years ago.

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

Male or female?---Male.

What, a staffer would drive that young person into the CBD each day with their pin money and off they go?---Yes.

Would anyone pick up that young person?---Yes, the staff would pick him up.

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What was achieved by that?---He would gain access to alcohol, he would gain access to drugs. He would then come home and have obviously extreme behaviours going on and that would result in significant property damage, assaulting staff.

So not only was there property damage and antisocial behaviour going on; it was funded and organised by the staff of the house?---Yes. 1

Did anyone bring this to management's attention?---Many times.

What was the response?---We had him placed in a TP where I got the pleasure of working with him for six months.

Any headway?---No. I did survive two near-death experiences with him. 10

In what sense?---In the sense of being shut in an office and no way out and he set fire to the house.

What was the second experience?---That resulted in about \$20,000 worth of our property damaged and every window in the house damaged and being chased with some glass and the lighting pulled out and chased with fluoros and him doing some significant harm to himself and his placement was then ended.

How old was he at the time of this incident?---Well, 14 and a half, 15. 20

What were the consequences to him from a criminal perspective? Did anyone lay a complaint?---The police were involved. He went to court and it was pretty much our care was challenged about why we couldn't contain or control him. He was then moved on and actually came to the organisation I work with now, continued to do the same and I believe he's in detention at the moment.

Now, correct me if I'm wrong, this is the same person who was dropped off roughly five days a week in the city? ---Yes. 30

With 100 bucks spending money?---Yes.

Before incidents escalated to those dramatic events that you've just identified, how did the carers try to respond to the drug issues in the house? No doubt he would come home either with drugs or affected by drugs. How did the carers try and respond to that?---By doing bag searches.

Did they ever turn up anything?---Well, not when they're putting it down their pants or hiding it somewhere significant, but it was a bit of - yes. 40

A bit of gamesmanship involved there?---Yes.

Were there - how many other residents in the house at the time - young people, as in?---Before he was moved into the one-on-one with myself he was with four other young people in an emergency residential.

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Surely his presence and his activities rubbed off on the other residents?---It was, yes, significantly out of control in the house.

Tell us about that?---It was out of control. We had five young people that just - there was no consequences, there was just - there was no control; there was no management. It actually ended in a ministerial inquiry into that program prior to - while this behaviour was going, after there was a ministerial into it, but there was just a significant damage done to the house. He actually removed walls and there was just never any consequence as no charges were laid, but if they were laid - - -

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Sorry, I just need to hold you up there. So there were no charges laid and you say he would constantly remove walls? ---Yes.

Why weren't there charges laid?---Sometimes there wasn't and sometimes there was. If the young people are charged, just generally it just falls by the wayside, like nothing really does occur. Sometimes they go to the courts and they get a smack on the wrist, they come home, they'll literally throw that that you and then that is them - some of these children will up the ante. It's like: well, I did that, now I'm going to steal a car because nothing happened. So it was just - - -

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Why wasn't he thrown out of the house at a much earlier point?---I don't know. Because I feel his behaviours did have significant impact on the other young people that we had in our care.

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How did that manifest itself, the impact upon the other young people in care?---Well, there were some that suffered trauma because they were assaulted by him. It went against the charter of rights of children, it went against everything that we're are supposed to work for and there was other young people that would engage in the behaviour with him or they would see that he assaulted a staff member and nothing happened so that gave them right of passage to them assault staff member and have no consequence.

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Okay. I've got limited time with you as a witness. I just need to step away from that particular young person?---Yes.

Now, have you seen the other young people resemble him in the system?---Yes, very much so.

How often?---Up until the last 12 months I saw that significantly, a lot.

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I assume there's no one like that in the current home you're working in?---No, there was about two months ago but no, not now. 1

And two months ago someone departed, did they?---Mm'hm.

You just need to say, "Yes" or, "No"; a nod is not recorded?---Sorry, yes.

Someone has departed two months ago?---Yes.

And it is an all-girls home so it was a girl who departed? ---Yes. 10

Why did that girl depart?---Because trauma to one of the other young people I had in my care.

What sort of trauma, if you can tell me?---I would rather not say because I do have another young person that's in another residential - - -

That's fine, we'll - - - ?--- - - - and they all connect.

We'll move on from that question. That person, when they left the house did they leave of their own volition or of management volition?---Management. 20

Did that person cause any property damage at the house? ---Yes.

What sort of property damage?---We have a vehicle parked out on the street that's got some beautiful dings and bumps and lumps in it. We've had some of our doors smashed. Everything that we own in the kitchen by way of crockery, plates, cups, saucers were all smashed. That was - yes. 30

Okay. Time of the essence for me, regrettably, as much is at like to explore your evidence in much greater detail, but I will finish on these few questions: you've been working in the system for some time; you yourself have been a subject of a child protection system?---Mm'hm.

What changes would you make to improve the quality of residential care in Queensland?---In general, I think, the way the consequences for behaviours; and it's not about being punitive towards children but it's about - I believe if we just went back to the basics of care and we, you know, have guidelines for our children it would be a hell of a lot better system to work in. 40

COMMISSIONER: What sort of guidelines, though? Like, I mean no one could argue with that in theory?---Yes.

But it's easier said than done?---It is easier said than done.

You know, to say there has to be a consequence, okay. Carers can't physically discipline a child and most private families don't use corporal punishment as a method of correction either, so that cultural might be changing about that?---Mm.

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So short of that, that's assuming that's not an available or a desirable option, and apart from withholding money or privileges, what other consequences are there for bad behaviour?---I'm not sure. I don't know. I just - I don't know, I think it just comes down to the way that we individually or collectively work as a team with the kids. But I don't know what works. I know what works for us, and that is, I suppose, the relationships we have with the children.

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That's really the point, isn't it? They're not going to listen to you if they don't respect and trust you for a start?---That's right, they're not.

They can't respect and trust you if they don't know you and they can't know you if you see them irregularly, or when you do see them you don't engage with them?---No. So I suppose it is that consistency that, like, I know for an example with [REDACTED] if there's been incidents - even just of late when there was an incident at the house I actually got a text message from her to say: this is what has happened and I know I've done the wrong thing and this is what I'm going to do, do you know. So that's a three-year relationship with a young person. So it is that consistency, but it's also she knows our expectations as a program, she knows our expectations as a team. And we also know her limitations and what her triggers are because we've had that opportunity to work with her for a period of time.

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And as she set herself, because of all those things she wants to be part of this house and that probably has the most disciplining affect?---Yes.

The risk of losing something that you value yourself; you don't care of other people value it?---That's right.

But if you value it and you're at risk of losing it because of your behaviour or something else then that's going to have more of an influence over your future action than anything else, isn't it?---Yes, absolutely.

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Okay, where were we? Mr Hanger. Mr Selfridge?

MR SELFRIDGE: No questions, thank you, Mr Commissioner.

COMMISSIONER: Yes, Ms Stewart?

MS STEWART: I've just got one, Commissioner.

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[REDACTED]. XN

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Just the lad that you were just describing that was a 14-year-old boy: I think you gave evidence that he was assessed as high needs. Was there any evidence that there was a mental health issue or perhaps something that falls - - -?---Undiagnosed.

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- - - within disability?---There was the mental health concerns there but because of his age they wouldn't diagnose him.

So he was never assessed, so - - - ?---He went - he actually spent quite a bit of time in the child mental health units.

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Yes?---But would come out with sedatives and that was about it. There was no formal diagnosis because of his age.

And any other treatment interventions besides sedatives at all?---He had Evolve. He had the external Evolve on board but he never, ever engaged with them.

Nothing further, Commissioner.

COMMISSIONER: Thank you. Mr Capper. Mr Haddrick?

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MR HADDRICK: Just before the witness is excused I should formally tender the photos that were identified by [REDACTED]. Live stream is still off, I assume. I'm sure it is, yes. I tender the photos and the photos marked A and B should not be published, Mr Commissioner.

COMMISSIONER: Photographs of - this is C, is it?

MR HADDRICK: House D.

COMMISSIONER: - - - house D will be exhibit 160.

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ADMITTED AND MARKED: "EXHIBIT 160"

COMMISSIONER: And the photographs marked A and B will not be published.

MR HADDRICK: Might the witnesses, both of them, be excused?

COMMISSIONER: Thank you [REDACTED], [REDACTED]. Thank you very much for coming?---Thank you.

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Much appreciated. You're more than welcome to stay or go as you please, but thank you for your evidences?
---Thank you.

Very helpful.

WITNESS WITHDREW

6/2/13

[REDACTED] XXN

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COMMISSIONER: Yes, Mr Haddrick?

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MR HADDRICK: In a few moments in time live streaming should go back on - - -

COMMISSIONER: Right.

MR HADDRICK: - - - in my submission, Mr Commissioner, and I will then call Mr Darren Frame. I call Darren Frame.

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HADDRICK, MR

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FRAME, DARREN JAMES sworn:

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ASSOCIATE: For recording purposes please state your full name and your occupation?--Darren James Frame; the chief executive officer of Silky Oaks Children's Haven.

Please be seated.

COMMISSIONER: Good afternoon, Mr Frame. Thanks for coming.

MR HADDRICK: Mr Frame, I'm Ryan Haddrick. I'm counsel assisting the Commission of Inquiry. I introduced myself to you obviously outside. I just record that for the purposes of the transcript. What I want to do is explore the nature of your organisation and the services it provides particularly in reference to residential care this afternoon so I should start at the very start. What is Silky Oaks?---Silky Oaks by legal definition is a not-for-profit charity established under a Letters Patent which has been operating since 1940 and has worked consistently and continuously in the area of residential care and in homelessness services, so community based organisation with a volunteer board and a paid staff who deliver those services.

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I will just get you to have a look at this document first. I should have asked you first. Would you have a look at this document, please? Do you recognise that document?---I do recognise that document.

Who is the author of that document?---I am the author of that document.

Does your signature appear at the bottom of all seven pages of that document?---It does.

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Are the contents of that document true and correct?---They are true and correct.

And are the opinions expressed in that document your held opinions?---They are my held opinions.

I tender the statement of Mr Frame, Mr Commissioner.

COMMISSIONER: Mr Frame's statement will be exhibit 161.

ADMITTED AND MARKED: "EXHIBIT 161"

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COMMISSIONER: May it be published?

MR HADDRICK: It may be published, Mr Commissioner.

COMMISSIONER: I direct publication.

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FRAME, D.J. XN

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MR HADDRICK: Okay. Now, returning to Silky Oaks, how many staff do you have?---Last fortnight's pay run was 122 employees. 1

And what's that made up of in terms of sort of job titles or position descriptions?---Therapists; management staff; youth support workers. That would represent the majority of the organisation.

How long have you been in charge of the organisation for? ---I've been their CEO for six years next month. 10

What were you doing prior to that?---I was the operations manager for Silky Oaks for 18 months prior to becoming the CEO.

So almost eight years you have been involved in the organisation?---That's correct.

And you have held two senior management positions in that period of time?---That's correct.

And the most senior management position currently?---That's correct. 20

Who does the hiring and firing of staff in your organisation?---It's my responsibility under the constitution to sign off on the employment and to ensure that the process for hiring and firing is conducting in accordance with our policy and procedure, but each senior manager is responsible for arranging and selecting staff for their program area.

But it's your managerial responsibility to ensure there's a rigour behind that process, isn't it?---That's correct. 30

Now, we have heard earlier on today about what we call house C which should be known to you and we will continue to call it house C here. Like I say to all witnesses, please don't mention any children or current residents or former residents' names or the street address of any particular facility. Now, can you tell us the size of Silky Oaks' operations. What are the various parts of your operations?---So I guess if we scale up, we have a 52-place child care centre that's been operating for 20-plus years. We have four units on our main campus and five social housing houses in the community again that have been operating for more than 20 years, but that program works across the broadest definition of "homelessness" so we provide supported accommodation under a funded arrangement with the Commonwealth for those services. We have a counselling - - - 40

So you have a funding agreement with a Commonwealth department?---Well, it is through the state but technically

it is - funding for homelessness services is Commonwealth money that comes - - -

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So the money is channelled from Canberra to Brisbane before it comes to you?---Through a service agreement with the Department of Communities, but it is effectively quite clear that that is federal money.

What sort of bikkies are we talking about?---That program pays only for the support work staff so we're talking \$250,000 per annum.

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What is the total revenue of Silky Oaks?---The budget for this year is just over \$10,000,000.

What's the bulk of that budget made up of in terms of revenue?---The bulk of that budget is made up of our residential services program.

How much is that lot?---That is close to \$8,000,000.

So about 80 per cent of your budget comes from the state government?---Correct.

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To pay for the provision of residential care in accordance with service agreements with the Department of Communities, Disability Services and Child Safety?---That's correct.

How long do those care agreements last for? Are they annual or biannual, triennium, I think it's called?---Can I just seek clarity? You mentioned "care agreement". That has a specific definition in child protection.

Okay?---Do you mean service agreement?

The service agreement for the provision of a house? ---Five of the programs that we operate are under a triennial service agreement for three years.

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So when you say "five of the programs" you operate, are we talking about five houses?---Yes, that's correct.

So each house is subject to a different agreement?---That's correct.

And your organisation has entered that agreement with the State of Queensland as the money-giver?---That's correct.

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And you get a set amount for each house?---That's correct.

If it's \$8,000,000, how much are you getting for each house? Are they all evenly spread?---No, several of the houses are funded to cater for a higher level of client need and this attracts an additional amount of funding

resource attached to that program. So I'm not sure if you're asking me to speculate on a benchmark average but - - - 1

Well, we have heard from a previous witness how much he understands house C receives or your organisation receives for the provision of house C, but there are four other houses?---That's correct.

How much are they bringing in? We have heard that house C is bringing in about \$880,000 a year ballpark, give or take?---Yes. 10

What are the other homes bringing into the coffers?---We have two programs which have one additional bed compared to house C so they are funded for five young people, not four and each of those is close to the million dollars per annum mark. One is slightly under. One is slightly over that mark. We have another four-bed residential that is funded very, very similar value, four beds, to house C and then we have a two-bed residential which is for complex to extreme young people, two placements, and that is funded to approximately \$500,000. 20

How long has your organisation been providing residential-care homes?---Since 1940. 20

So you have seen child-protection systems come and go? ---Not me personally but the organisation has certainly witnessed many structural organisations of child protection.

Thank you for correcting me on that last bit. How long has your organisation been providing or servicing five homes? ---At least under a written service agreement those homes now - the five would've been held as a number for three years. Those triennial service agreements are due for renewal in June of this year on some of those programs. 30

So is there some prospect that when the three-year agreement expires, that home is mothballed?---Yes, that is the brave new world of contracting and purchase of provider relations with the government.

There's nothing fundamentally wrong with that, is there? I mean, that's how government sees whether its dollar is achieving what it wants the dollar to achieve?---No, I think it's actually an admiral step and a brave step not just to continuously fund services regardless of performance. 40

Okay. Do you remember a day when that system wasn't in place?---Yes. I was present in a leadership role at the time where there was more than just an established expectation that recurrent funding would be rolled from term to term.

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You say the new regime - the new world is admirable. Why is it admirable?---It introduces a level of rigour and business thinking into the way the not-for-profit sector structures its responses not only to its clients but also responds to an increasing demand for accountability where public funds are involved.

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What were some of the adverse features of the old funding regime?---Poor performance was not necessarily - - -

Punished?---Punished.

What sort of poor performance was exhibited?---A continued demonstration of an incapacity under the model to deliver, say, the funded number of beds. So you may have a service that's funded for four beds, but when there are three clients occupying that program the service provider says, "We really can't cope with any more. We know we're funded for four but these are three very difficult clients. We should not take a fourth client."

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Okay. I want to put a proposition to you. Over the last three days we've heard evidence from a variety of witnesses from a variety of organisations that the residential care homes that they are associated with have an under-budgeted number of young people living in them. So for instance on Monday we heard about a house that only currently has two young people who are living in that house, yet the evidence was that the organisation that ran that house - and indeed subsequent homes - still receives the same funding envelope to provide the house. That seems to cut across what you're saying there in terms of making sure that every bed is full when it can be?---I guess it points to an organisational philosophy but also an inherent conflict that exists within the system. From my perspective there's a significant difference between having a funded bed available but the department making a choice for reason of practice or function to not refer to fill that bed; versus an organisation who knowingly says, "When we reach this level we will attempt to not take in our full complement of clients."

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There's a bit of a fine line there, isn't it, between wanting to keep an empty bed and save some cash and keep an empty bed because the house runs better if you've got less people?---It would be a finer line if in fact the majority of your organisational costs weren't already consumed. The staffing cost difference, which represents 75 to 80 per cent of the cost of running one of these

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models will be identical regardless of whether you have three young people or four young people in that program.

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So the fixed costs don't change, as fixed costs don't tend to change?---Don't change.

But the numbers can?---So given that only 25 to 30 per cent of the funding is related to variable costs such as provision of food and clothing for your clients or whatever, the monetary gain for an organisation by holding that is very limited.

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Now, you've told us that you're the head of the organisation, that your organisation enters into separate agreements for each house with the state department to provide x-number of placements at those home. No doubt after some period of time you need to acquit for the expenditure of those public funds and you need to certify as the head of the organisation that the terms and conditions of those service agreements have been met or exceeded. How often do you do that?---So there is two aspects to that acquittal process: there is both a financial return provided to the Department of Child Safety every three months, and that financial return is completed internally at Silky Oaks by our management accountant, a qualified certified practising accountant. That triggers the release of the next quarter's funds based on the amount that is declared to have been spent in that. Then there is an annual financial acquittal that is completed, signed off as being audited by an independent auditor contracted by the board of Silky Oaks to audit all of our accounts.

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Because that money is initially taxpayers' money given to you to provide a public service?---The money is always taxpayers' money and we're highly conscious of that.

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COMMISSIONER: Can I just ask you, who are the major residential services provides in Queensland?---Within the sector more broadly?

Yes, is it Silky Oaks?---No. Silky Oaks is, I guess, in legal terms a second or third tier firm with the smaller number. Agencies such as Mercy Family Services, Churches of Christ Care Pathways, have a much more significant representation across the state than Silky Oaks.

In residential?---In residential.

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What's the size of you by your - - - ?---We currently operative five recurrently funded residentials and two that are funded under a TP arrangement.

And what about the top tier ones, how many do they run? ---The top tier agencies may have one or maybe two residentials in each of the regions, so somewhere between 15 to 20 services.

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FRAME, D.J. XN

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Right. Now, how does it work? Do you see a niche in the market and say, "Okay, this place needs a residential. We could do a residential for x-amount of dollars a year and we'll propose it to the department", or does it work in reverse, the department says, "We need a residential here. We'll put out tenders and we'll pick one"?---The second way you've described is the way that recurrent funding is released.

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Right. So the department identifies its needs?---Correct.

Do you provide any other services to the department other than residential?---The counselling and therapy service we provide is a funded child safety program.

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Is that post-harm or preventive?---No, it is post-harm, so it is children already at the attention of the department and the department makes the referral to that service.

Righto. So obviously the idea is to limit the impact of the harm?---Yes, or it may be to support a foster care placement by engaging in counselling for the child and the carer, those sorts of things.

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So that the child doesn't end up in one of your residentials?---Correct.

Okay?---Or even just to help the young person function more effectively at school and to stabilise the placement.

So the department doesn't tell you how much they're willing to pay for your residential, it's a competitive tender - closed tender process?---The department release a budget amount with the tender documents that says, "There is this amount of funding available for these services. This is the style of residential." So they might be saying, "We're not in favour of four-bed residentials for this response that we require; we are asking for two two-bed residentials.

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What's the function of your residential, would you say? Is it therapeutic, accommodation only, what?---No, Silky Oaks has always seen itself as a medium to longer term response to young people, so we work therapeutically with our young people. We have a consultant psychologist engaged with the organisation to support the staff and the young people. So we absolutely work with a therapeutic framework.

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Righto. But as far as the department is concerned is that the service you're providing, or are you just providing a residential service and that's the way you provide it? Do you know what I mean?---I understand the question, and I don't know that I can characterise a response on behalf of the department.

What about your service agreement? What does it say? Does it require you to provide therapeutic services or just require you to provide bed and breakfast?---The service agreement requires us to meet the child protection standards and in our opinion in meeting some of those standards, requires us to work beyond a simple accommodation-style service. 1

But that's a discretionary thing for you, it's not required by the service agreement. Is that right?---I don't believe that any of our service agreements stipulate - - - 10

How you do it?--- - - - the provision of therapeutic services.

Righto. How do you find the department's level of accuracy in the pricing of your residentials? Does it get pretty close to the mark, or there's a lot of fat in there, or what?---As a rule the pricing is rigid and fixed and it's benchmarked against the wages and salaries. So there is very little excess in there and the department has in place mechanisms to ensure that any underspend is recovered and retained by the department. 20

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How likely do you reckon it is that you would be able to underspend by \$70,000 a year?---That's 7 and a half to 10 per cent of budget. It's achievable but it's not a priority for us, in terms of the delivery of service comes first. If we have circumstances and operational aspects that allow us to not spend money our philosophy is not to spend it simply because it's there.

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Have you ever achieved that sort of shortfall in any one year?---Yes, there certainly are occasions. So when we have a lower number of young people living in a residential we may not occupy our full staffing requirement, we may not be required to use an on-call element that's funded.

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Or overtime?---And so overtime - house C is a great example. It was a brand new model for the state. We anticipated and modelled a level of staffing and constructed a budget that was reflective of our expectations, however the implementation of the model meant that we did not require the flexible staffing funding to respond to incidents that we had built in to the budget. So when we reach the one-twelfth threshold which is referred to as the buffer, so an underspend of one-twelfth, that's acquitted back at the end of each quarter. The department then withholds any funding from the next quarter that would see you exceed that one-twelfth.

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So there's an offset by the department?---So there's an offset. So instead of receiving 220,000, if we were holding 70,000 they would then say, "Well, you're still sitting on 70 so you're only going to get 150,000."

That's if they know you're sitting on 70?---Well, we're required to stipulate as to the financial expenses.

Yes, sure. So do you know what Parkinson's - you don't apply Parkinson's law? You know what that is, expending money, time and space according to the amount you have available?---I'm not familiar with that.

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It means that you spend up to what you've got available whether you need to or not?---That would be a counter-cultural practice for Silky Oaks.

MR HADDRICK: And not a cent less.

COMMISSIONER: That would be counter-cultural?---Our focus, given that we were established as a charitable, not for profit community based organisation, our charter has never been to garner funds simply to deliver services, and the conditions of our service agreement contain and are quite strict around the services we may or may not deliver.

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So you would reject any idea of gouging or overspending to avoid having to have a decrease in your recurrent budget next year?---I would not only reject that, find it somewhat abhorrent as a practice within the sector.

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It would be contrary to your corporate morality and ethics? ---Absolutely, but not only that, from the perspective of myself and the board, you are effectively taking money away from others who are in need.

Yes, quite. Okay, yes, thank you.

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MR HADDRICK: Thank you. So just to make sure I understand correctly, the process whereby you acquit for receipt of public moneys is a quarterly process?---Correct.

Or at least one part of the process is, and you advise the department in some formal sense that you have spent that three months' worth of allocation for that house and that then unlocks the money for the next three months? ---That's correct.

If you have underspent the amount of money then you would advise the department, "We've got 15 grand left over. Take 15 grand off our amount for the next quarter"?---We don't need to request that. The department is fairly active in making sure that's the way it works.

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I imagine so. How often do you advise the department that you've underspent?---With the case of ██████████, as a new model that has been the case continuously since we established that service. In the case of other services, other recurrently funded services, it will ebb and flow according to staffing needs. So we may have small underspends in one quarter and small overspends in the next quarter, and that is the concept behind the establishment of that buffer allowance. So if we were underspent but within the buffer for a program and were holding 10 or 12 thousand dollars in that buffer, the department would not reduce the funding for the next quarter. If we were 15 to 20 thousand dollars overspent in the next quarter we don't receive an additional 15 to 20 thousand, the buffer is just reduced by that value.

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We've heard from earlier evidence and from yourself indeed that your organisation provides a number of different services of which the lion's share are the provision of residential care homes, and we've heard it suggested by an earlier witness that your organisation is a cross between for profit and not for profit. Would that be an incorrect assessment of the nature of your organisation?---That would be very incorrect. Our corporate services manager characterises us as excelling at being a not for profit.

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Well, if you were established by letters patent royal charter, back in those days, then by definition you would be a charitable body, wouldn't you?---We are, that's correct.

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Or certainly a public body for public purposes?---We are registered as a public benevolent institution.

Can you tell us the last time that your organisation reported an underspend back to the department?---Indeed. Two days ago, when we submitted the quarterly acquittals for the October to December quarter for child safety that was submitted through the OASIS electronic system which the department has rolled out for the provision of electronic reporting of financial results.

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But that's - I mean, it's not a very good system from your perspective, is it? You get punished for running an efficient show, don't you?---I think punished is a harsh judgment. Maybe not rewarded for managing economies of scale, but indeed that system brings with it the complication of continually positively rewarding larger organisations who have the capacity to generate economies of scale at the expense of smaller organisations who may not be able to generate that.

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Say, for instance, you got to the end of a financial year, or indeed a quarter, and you've done your sums and you've worked out that you've got 70K in the kitty. That then leaves you at liberty to - well, you could either return that back to treasury's coffers or you could use that on more useful items, or more useful endeavours, at least, from your organisation's perspective. Do you ever do that, spend the remaining money on other things to make sure that there's no loss of the money?---Probably, to be quite clear, the scope for that within residential care is very limited. The service agreement is quite specific in the way that the funding can be spent. So if you already have 100 per cent occupancy in your beds there's little positive outcome gained by attempting to spend those resources. You cannot use that recurrently funded money to purchase assets, for example. So probably one of the best examples of the way that there would be any flexibility is attached to house C and with the underspend I've already identified. We were approached by the community support team who act as contract managers on behalf of the department to the organisation, in conjunction with a number of service centre managers who had identified a need within a specific geographic area that was linked to the provision of services at house C.

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Like what? What sort of services?---So effectively a street outreach team.

Okay. So that's the street team we might have heard about earlier?---Correct.

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Now, you say it's linked to or connected to house C. How is it linked to or connected to house C?---One of the primary goals of house C within the residential placement landscape is to re-engage young people who have disengaged from residential care and at a very basic level creating an awareness for the department of where those young people may be, so putting them back on the radar, for want of a better term.

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In the service agreement that you enter into with the state, does the service agreement anticipate that you will provide services above and beyond what's required of the agreement?

COMMISSIONER: Do you mean radar services?

MR HADDRICK: Yes?---No; no, the core service agreement speaks to some of the intent of the program but it is funded from the residential program area and, hence, must remain largely within that space from the department's perspective.

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Say, for instance, for house C. Does the service agreement for house C - is it expressly or implicitly an agreement for the provision of the street team?---No, there is no express provision for a street team in that service agreement. That has been a response negotiated by the department with the service to enhance service provision to the young people who would otherwise avail themselves of the services at house C.

So it's funded from the same pot but it's above and beyond what is required of the service agreement?---Correct.

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And the service agreement requires you to refund money - sorry, deduct in the future money that you don't spend in furtherance of the service agreement?---Correct.

So if you are spending the remaining money on some activity that is not expressly required of the service agreement, that is, the street team, that is something that ordinarily under the service agreement you are obliged to advise the department of and then receive a deduction down the track for?---The preferred course of business with that would be that before you undertook any of those activities and incurred any of those expenditure that it would be negotiated with the department and agreed and it would then be the responsibility of departmental staff to have approval from the programs branch area in town for that to occur.

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So if you didn't have approval from departmental officials, you would be spending the money without permission to spend the money on that particular activity?---That's correct, but in this specific example we would not have initiated the street team without that approval.

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So the agreement, as far as you're concerned, has been varied or changed so that you could expand what that bucket of money is used for?---Yes.

COMMISSIONER: So basically what the street team does is find missing placements or potential placements?---I would probably like to characterise it a little more therapeutically than that. They actually are active in going into places and spaces where homeless young people are either living or hanging out and engaging with those young people, encouraging them to re-engage with the sector, make contact with the service teams - - -

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MR HADDRICK: So you want them to move out of the homeless system into the residential system?---Well, they're not formally part - they're sleeping rough so they're not part of any formal homeless system.

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I don't think there is a formal homeless system, but in any event they're not in the child-protection system?---They're not in a formal placement. They've disengaged from that service.

How successful has the street team been? How many of those people has it engaged in and then got them replace into the residential away from homeless and sleeping rough?---I can't give you an exact number, but the first quarterly review at the quarterly service meeting where we met with the services who were availing themselves, so the funded Child Safety Service Centres who were using that service, indicated a high level of satisfaction and each service centre was able to name a number of their clients, so small numbers, two to three, who, as a result of an intervention by the street team, had re-engaged with the system. They may not have moved back into a formal residential placement but their CSO now knows where they are; may have re-establishment contact with them; had conversations with them.

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Now, ideally everything working according to Hoyle, you would - and assuming that all the residential in Brisbane or in Queensland were at full capacity, full occupancy, the ones who were relocated and re-engaging with the system would require another house to place them?---If their pathway was into a residential service, and I understand that's the focus of this part of the commission.

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That's your target group for the street team?---But it may actually be that they are a young person who's disengaged but for whom a foster placement may be appropriate, so they may not move directly back into a residential.

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Sorry, I thought you said your target group was kids who would otherwise be in residence C?---That's where they would - we would prefer them to spend the night in residence C, but they may be sleeping under the local shopping centre or in the local park.

That's what I thought you said, but if residence C is at full occupancy, what's the point of finding someone under the bridge?---For a start it actually allows us to re-engage with them and gives us some potential to assess the level of risk. Many of these young people are self-selecting to not remain in placements.

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How old are they? How old are we talking about?---Well, they range significantly in age. The majority would be in the 12 to 17 age with again a larger cohort of that majority being at the 15, 16 - - -

On your appraisals, how many would be in this target group for the street team?---My understanding is that our street team has regular contact with some 30 to 40 unique young people in these circumstances.

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So that would be 30 to 40 young people who are actually in the system but not engaging with it that their guardianship doesn't know where they are?---Correct.

I just want to put a few propositions to you that an early witness, your employee Mr Glass, said this morning?
---Mm'hm.

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I asked him some questions about how many is spent and how assets are purchased and what happens to left-over money and he gave some evidence in respect of setting up the street team and he told the commission that in 2012, that is, last year, he was instructed to spend the \$70,000 of an underspend to set up the street team. Is that correct?

COMMISSIONER: He said "creatively", "spend it creatively", and that was the way - - -

MR HADDRICK: I think his exact words were, "In 2012 I was instructed to get creative to spend a \$70,000 underspend in that financial year." Is he correct when he tells the commission that?---He's not incorrect in that assertion, but that 70,000 represents the buffer for that service and those directions to Mr Glass come following the meetings with the department and the agreement that the street team would be created and the creation of a plan for the target group and the target location so the - - -

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There is nothing clandestine about that. It's not \$70,000 that you or one of your officers said to him without the department knowing to go and spend that money?---No, no, no, and probably for clarity sake the use of the word "creatively" was in reference to drawing on Mr Glass's extensive experience in youth work, including in youth shelter work about engaging these clients and attempting to re-engage them with the formal child-protection system.

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COMMISSIONER: It wasn't meant in a sense of creative accounting?--No. Well, Mr Glass has no financial authority within the organisation so he was given a budget amount and asked to spend that creatively for the purpose of re-engaging those young people so perhaps the way Mr Glass has worded his evidence has created a different - - -

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MR HADDRICK: A misconception?---Yes, just a simple misconception.

Now, I'll just repeat back a line that he said earlier in his evidence or confirmed earlier. I asked him about how money is spent in your organisation because we're obviously trying to understand how the operators of various residential homes go about doing their business and his words were - and I again might be taking them out of context but in his words, "Although not for profits can't bank money, they do get creative to shift money in other ways." And again the word "creative" there has both the clandestine meaning the Commissioner referred to - - - ?
---Sure.

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- - - and the inventive meaning that you refer to, but then he goes on to say:

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Example, creating position is to hire friends and family, purchase assets, e.g. expensive four-wheel drives.

Now, that line jumped out at me. Is it right or is he wrong in his assertion that that is a thing that occurs in your organisation?---Given that the department funding does not allow the purchase of assets - so it is recurrent operational money - and assets cannot be purchased, and our audit process would not allow that slip under the radar in terms of complying with Australian accounting standards, what Mr Glass is doing is making a massive leap in interpretation between what he sees occurring, which is the organisations using its own resources and assets to purchase a staff salary package benefit - and I am one of the drivers of one of those four-wheel drives - but at the same time our salary structure requires me to meet the full cost of that vehicle, so it's purchased with Silky Oaks' funds and it is not purchased with department funds.

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So you would see that he has mischaracterised or misunderstood the way that finances are managed in your organisation?---It's an understandable and simple error of judgement for someone who works almost exclusively with department money to be of the opinion that the whole organisation has only department money, forgetting that a 72-year-old organisation that holds assets and a balance sheet of \$10 million with no debts is generating interest

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income, has a small op-shop that generates income, manages their resources smartly and wisely; has developed its own internal capacity to cover expenses and costs. 1

But just in your answer then you alert us to the fact that there are a number of sources of Silky Oaks money. One source - and you've told us before - about 80 per cent is the Queensland taxpayer for residential care, and then you refer to other sources of money. You'd be familiar with the concept of cost shifting?---Correct.

Usually between state and commonwealth governments?---Sure. 10
Each blaming each other for effectively stealing from each other the cash to spend on programs. Does cost shifting ever occur in your organisation where - and let me just finish - where some of the taxpayer funds subsidise other operations that are outside residential care?---No, and the independence of our audit wouldn't allow that kind of cost shifting, so we are audited to the highest standard. We as an organisation have actually adopted a higher level of financial accountability than is required by our business studies; that being the difference between general purpose financial statements and specific purpose financial statements. 20

Okay. It's quite a, accounting practice, as I understand it, that organisations that have sort of a central administration and various arms bill - at least on paper - back to those various arms the cost of the central administration. Is the cost of Silky Oaks administration in any part paid for by the funds received - - -?---Yes.

- - - or effectively billed back to the exercise that is house C or any of the other taxpayer funded - - -?---Yes, it is. Within each of our service agreements there is a percentage amount allowed within the department's budget guideline for administrative charges. So it is a 10 per cent figure. 30

And so that is the figure - - -?---That figure then becomes what pays for our HR, our finance team, the payroll team, those corporate services that are directly engaged in supporting those staff delivering those services.

So the contractually permitted amount of cost shifting - I say that not in the room sense of the way it is in the government - but the contractually permitted amount of money that your organisation can draw down from the taxpayer funds for central operations is capped at 10 per cent?---That's correct. 40

So each home provides - if they're all getting about \$880,000 - - -?---There's - - -

- - - there's \$8 million you're receiving from the Queensland taxpayer for the provision of the five homes; then 10 per cent of that is 800 grand. So your organisation is taking 800 grand quite legitimately for the central administration of your organisation?---That's correct.

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Okay. Now, the other half of the sentence I quoted to you is perhaps a little more concerning, it was, "Creating position is to hire friends and family." Now, out of an abundance of caution and my duty to you I need to put to you whether that is correct or not. Could you tell us whether Mr Glass's evidence in that respect is correct? ---I would probably in a court of law be asking Mr Glass to name specific examples. There's little doubt that within the small sector of residential care that youth workers and youth support workers become known to each other, so whether you can characterise that as creating a position for a friend; what I can speak to is that we do have - Silky Oaks holds, and is required to hold, a conflict-of-interest policy which requires staff sitting on an interview panel to declare a conflict of interest if the person that is being interviewed is known to them and the nature of that relationship. We also require a minimum set of qualifications and standards for the positions that these people are moving into. So the scope for Mr Glass's statement to be borne out is quite limited.

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COMMISSIONER: I think the point of the question equally though isn't who fills the position but whether the position is necessary in the first place?---Sure.

MR HADDRICK: One of the pieces of evidence that Mr Glass gave was that he was of the view, where he's placed in the organisation as head of one house, that there were positions within the organisation which he thought were surplus to need, predominantly administrative positions that he thought were surplus to need, predominantly administrative positions that he thought were not necessary for the proper operation of the house or the organisation. Now, I of course preface that by saying "from his position in your organisation" - - -

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COMMISSIONER: And they were occupied by friends and family, those - - -

MR HADDRICK: And that those positions were occupied by friends and family. I just need to, out of an abundance of caution, give you the opportunity to respond to that suggestion. I didn't understand him to be meaning it maliciously but he put that evidence before us?---No, and having worked with Mr Glass for seven-plus years I would understand Paul's intent. I'd also point to the fact that Mr Glass occupies a certain level of the organisation and

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he's not a senior manager with the organisation after his length of service and his obvious skill set because understanding administration and corporate needs of the organisation are not a strength that Mr Glass demonstrates. So I would suggest to you that Mr Glass's perception as far as he is concerned is not wrong, but it is not evidenced within the organisation.

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Now, he wasn't really happy to answer my questions?
---I understand.

For obvious reasons, I don't blame him for answering this question, but I asked him the following question, I wanted to find out what sort of examples that he thought were surplus to need, using my expression?---Sure.

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And he said, "Administrative positions, people creating forms, recreating forms" - I can't remember what the other description he used - "projects officer", I think was an expression that he used. I can't recall exactly how he connected that or in what context he used it, but he certainly used that in respect of perhaps these were roles that were not required. Now, you've told us that cumulatively about 800 grand is - my words, not yours - siphoned off from the contract pursuant to the contract with the state government to pay for central administration. When Mr Glass is effectively pushed by me into criticising or expressing his view about the use of that money, is his view valid?---No, his view is not valid, and I would be open enough to say I would welcome any additional scrutiny the commission felt required exploring. Our finance team is made up of three staff, none of whom are full-time in their positions. We have one person who occupies a role that is a HR coordinator, QA coordinator, IT support coordinator. This is a person who has previously been qualified as an ISO 9001 coordinator. So many of the form creators that Mr Glass refers to have been implemented at the corporate level in order to meet the licensing requirements imposed by the department to meet the standards.

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The final bit of his sentence that jumped out at me was - and you've responded to the issue about friends and your response people tend to know each other in this sector, but he says, "And family." Now, you've told us that your organisation has in excess of 50 staff?---120-plus.

Sorry, I don't know why I had that number in my head; 120-plus. Are there any staff members who are family members of other staff members?---Yes, there are.

How many?---I would suggest there are probably around 10 per cent. Less than 10 per cent of the staff would be related in one way. So we have at least one brother-sister couple - sorry, they're not a couple.

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Yes?---We have one brother and sister who are employed.

Set, yes?---We have a husband and wife who are employed within the - we have two husbands and wives who are employed within the organisation, one of them in a specific role as house parents, which is a created role for a couple within residential care. The other couple is myself and my wife. I work as the CEO; Linda works as the purchasing officer for the organisation under the supervision of a different manager. Then we have a grandmother and grandchild.

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Now, my second or third question to you at the outset of your evidence was are you responsible for employment practices and ensuring that there's rigor around those

employment practices. What did you do to ensure that people who are joining an organisation that is predominantly publicly funded obtain their positions with a degree of rigor, or with a degree of - in an accountable fashion?---Sure. So prior to the process the applications that are received are assessed and graded against a standardised set of responses according to that position. So for a youth support worker position there are a set of criteria that have been established that each application is graded against. During the interview process there is a HR representative that sits on the panel, as well as at least one or two people from the program area. The interview process is a set of standard questions that are predetermined and validated by the HR process. The interview panel then scores separately and then together against each of the applicants and then that process is then fed up to me as, "This was the process that was used. These are the scores that were received. This is the person we are recommending for this position."

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COMMISSIONER: Just going back to your forms, the need to deal with forms to meet licensing requirements, are there too many forms?---Absolutely, but I'm anti-bureaucracy.

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That's okay. It's not a bad thing. So how could you do it as efficiently and as effectively - sorry, as effectively but more efficiently, do you think?---It is about a continual re-evaluation process, that often a form is created as a response to an emergent need but that emergent need may differ only a few degrees from an existing form in response. So it requires a continual evaluation to make sure that the reason for the form is a standalone reason, that it can't actually be incorporated into another form.

So you could have a form with variables on it?---Yes, correct, but then you've got a form that's 300 pages along and staff with certificate III attempting to fill out the variable form, as an extreme example.

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So how would you change it to achieve - to make that bureaucracy more fit for purpose but no less fit?---I think my obligation is to listen to the staff responses when they identify that a process is getting in the way of their work and then attempt to engineer and re-engineer that process to be as smooth as possible. We are currently looking at the implementation of an electronic reporting system that will allow the generation of a series of subsequent reports out of say an incident report. So if in the event of an incident there is property damage and a vehicle may be damaged and an insurance claim may be required, then there are a number of forms that will require the staff member to complete. Now, currently they are separate forms. The purpose of assessing and implementing an electronic system would be that that data would not be re-entered multiple times.

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I meant your relationship with the department. Is the department requiring too many forms and bits of paper to be filled in - just the way it evolves, you know, systems evolve, and no-one - it's not until years down the track that someone says, "Why have we still got this form"?---I see very few dead forms.

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Do you?---I do see some duplication of data where we may have provided to a service centre but the community support team may also request exactly the same form, but that's not a separate form, it may be the same form just required to go different places.

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One of the criticisms I've heard is that you have service agreement for every different service instead of an omnibus - you know, an overall agreement that can cover everything rather than having to redo service agreements. Do you have that problem?---I wouldn't characterise it as a problem. I understand those who would be advocating for a single point service agreement that covered all services, but the move by the department into a much more structured purchaser provider arrangement - there's been a lot greater level of clarity by individualising those service agreements. I think as the Department of Child Safety becomes more experienced in managing purchaser provider arrangements they may feel more confident in scoping that out more largely, but the current narrow definition of what services are provided under each service agreement and the difference between the provision of those services under the service agreements isn't a significant issue. It provides clarity both for the child safety services and also for the service.

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Thank you. Yes, Mr Haddrick?

MR HADDRICK: No further questions, Mr Commissioner.

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COMMISSIONER: Mr Hanger? Mr Selfridge?

MR SELFRIDGE: Yes, thank you, Mr Commissioner.

Mr Frame, I just would like to ask you some generalised questions in relation to your statement, but before I do that, in terms of grant funded residential care as an overview I just want to put some propositions to you and you tell me if it is as you understand it. This is my take on it in terms of the instructions I've been given?---Sure.

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Service agreements, if you like, currently provide say funding for four placements - four places at any one time, and as part of that service agreement there's a requirement that there's a provision of 1460 places, so four times 365, if you like. That's days per year, obviously. There's no

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maximum and no cap on the number of discrete young persons that are able to be accommodated within that service agreement?---No, that's correct. 1

And in theory 1460 different young persons could come in and be placed in a residential. I know your service - - -?---In theory that's correct.

In theory. In practice it's not quite that way, is it? In practice the young persons tend to be placed in a residential setting for a period of time and then that varies depending on their need. So they might be just there for a night, two nights, three nights or a lengthier period of time and then perhaps their needs or their levels of need de-escalate and could go elsewhere. They could go into foster care or intensive foster care or supported living, independent living, that sort of things?---That's correct. 10

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Okay. Now, the basic proposal, as I read in your statement, in relation to how you think this could be better effected or more effective as such is that there's some types of residential care that the placements don't need to be full-time?---Correct.

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Yes, and that a young person might be able to return home for, say, five nights a week and external placement as such should support a cheaper rate and need only residential care for two nights?---Correct.

That's our proposal in its broadest terms?---That's effectively right.

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And that probably, I would suggest to you, could work in specific cases but it would require a lucky or a perfect combination of young people with a similar case plan or similar situations within a specified area. Do you understand what I'm saying?---I do.

Because it's part-time residential care we're talking about. That's the essence of it, isn't it?---It may or may not be. The concept there is really the capacity to support placements so it's about unifying and systematising the response to young people who experience either edge-of-care issues - so they may be on a pathway to return home to family but the department is not yet prepared to release them full-time to their family.

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Yes?---So it might be they're okay to go for weekends, but that effectively means that young person who can go home from Friday morning until Monday lunchtime is occupying a bed for seven - - -

I understand that, Mr Frame, but I suppose we're not at odds in a sense because what I'm saying to you is whereas the proposal might well work, it wouldn't be a perfect mix within a tight specified geographical area whereas if it was expanded upon, south-east region or wherever it might be, and the concept was applied over a wider area, it could be feasible. It could be viable. It could be practical I suppose is what I'm saying?---I understand there is a line in my submission that actually states that each region may have one of these type of programs.

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So in terms of that concept then, if the department were willing to engage with you, you could come up with some sort of proposal or in tandem with the department come up with some sort of proposal for consideration in relation to that because we're all in this business hopefully to make it more cost effective and more workable?---Well, it would certainly take a significant level of engagement from the department because there are statutory obligations imposed on the department and there are also systems constructs

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around placements and who holds the responsibility for each young person at different times, but, sorry, the short answer to your question is, yes, I would be more than willing to work with the department to gain support and clarity around how this kind of model might be implemented if it received - - - 1

COMMISSIONER: The situation though is that while you might have agreements between you and the department as to who has got responsibility for the child, the legal responsibility rests with the department. I don't know. You correct me if I'm wrong, but it's a non-delegable duty. They can't contract out of that obligation as guardian. They might get you to carry it for them but when the music stops, they are the ones who have got it, not you. 10

MR SELFRIDGE: Ultimately the buck stops very much at the department's doorstep, yes.

COMMISSIONER: Yes?---It does, and that's why this is a model that actually would intend to support the department achieving case based outcomes for these young people. So the department can manage the risk exposure for the young person by assuring itself that they are in a licensed funded residential space on a certain period of time. 20

What would you say about the proposition that your entity, your corporate entity, could actually be ordered or you could be actually granted guardianship by the court; not act as agent for the department but you could be a community based guardian?---I think before I gave a full answer to that I'd want to understand the relationship between the guardianship order and the statutory obligation around the care of that young person in terms of there's a statutory obligation imposed on the Department of Child Safety to ensure that. I certainly would prefer a slightly softer model where agencies were handed case-management responsibility and that the department oversaw that case management from within its statutory obligations. 30

See, that's the thing. The argument would be that there's an internal conflict between being the purchaser of services and the overseer of families. You have got to pick one. You have got to be one or the other. You can't really be both. What do you say about that?---I probably couldn't dispute it because I don't occupy those positions and that would be a question for senior department staff to work through. I guess - - - 40

At the moment they are. They're the guardian on the one hand and they're also the ones who enforce the standards under the charter and also check themselves that they're doing that oversight job properly. Do you know what I mean?---Yes, that's correct. From the organisation's - from Silky Oaks' experience with that the contract

management side of it which does include the management of licensing under the standards and the service agreement appears to engender little conflict because of the clarity of what is required in those areas. Where conflict emerges appears to be based around practice based decisions where social workers as a qualification all have the opportunity to interpret actions according to their own training, their own sense of internal guidelines. So I have seen conflict between the practice side of the Child Safety organisation and the contract side but very little between the contract side and the licensing standards side.

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So the policy and priority settings are okay. It's just sometime the practice is mismatched with the contractual arrangements?---Yes, correct.

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Okay. Sorry, Mr Selfridge.

MR SELFRIDGE: Yes, thank you, Mr Commissioner.

You talk about transitional placements in your statement and indeed at paragraph 51 you make a contention to the effect that transitional placement providers are not necessarily required to be licensed?---Yes, that's my understanding.

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I will put a couple of things to you and ask for your comment on that given that you have made that statement or that contention at paragraph 51. I suggest to you that it's not accurate to say that transitional placement providers are not necessarily required to be licensed because there are certain criteria that have to be applied in relation to them. First of all, they're all grant funded. I'm talking about they're currently funded. Placement providers are required to be licensed or, if they're new, they're required to engage in the licensing process. Are you aware of that?---Yes, I'm aware of that as a grant-funded service provider.

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Okay; and where a provider is only funded under transitional placements, if they're used on a regular basis, so they're a regular provider to the departments, they must also become licensed. Are you aware of that? ---Yes, and I guess my statement reflects practice rather than what - - -

So you say that you're aware that that's supposedly the situation but you don't - you consider it's not applied. Is that what you're saying?---I think the capacity for engaging the licensing process can be extended to a point where it would be considered avoidance of an obligation.

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That's pretty broad, isn't it? What do you mean by that? Be specific?---I might submit to you my first set of licencing documents.

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Sure?---And you're the community resource officer and you come back to me and say, "Well, we've got a problem with these 15 policies" and I say, "Okay, let's work one by one on those" but my process is that I've got to take each of them to my board. So effectively if I take one policy to my board each month I've bought 15 months before I'm even ready to submit - - -

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So the process is elongated deliberately. Is that what you're saying?---I can't speak for the intent behind it, just simply - - -

That's what you're inferring - - -?---That is - - -

- - - when a spade is a spade?--- - - - what I'm inferring.

A spade's a spade?---Is that it is possible for an agency to delay meeting the full requirements of licencing by engaging in a process that appears to be compliant with that activity.

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Okay. So technically they're still engaging in the process, is what you're saying, but they're just lengthening the process?---Yes.

Right. Are you aware that priority is given wherever possible to using licenced placement provides?---That's correct, yes, I'm aware of that.

Are you aware also that whilst there has been some issue in relation to transitional placements and providers in recent years, that's been tightened up; that process has been considerably tightened up as of late?---Absolutely well aware of that.

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Yes. So I suppose what I'm trying to do is the obvious, is give a broader flavour to that one line in paragraph 51? ---Sure.

And you'd accept those contentions I've put back to you in response, wouldn't you?---I would accept those, and I guess further than that, I would characterise the conversation that resulted in that - and even indeed in the context of the statement that I make - it was a flow of conversation that was discussing sector-based issues at a broader level and - - -

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Sorry, are you talking about when you were making the statement?---When I was making the statement.

I understand?---So contextualising that statement even further, it was actually a contention that it did exist in the system, and I believe that statement from mine flows on from the previous statements would make reference to the funded not-for-profit sector being inert in response to the growing needs of the department, opening the door to for-profit agencies rather than - so, you know, it's not - - -

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I understand what you're getting at?---What I'm saying is that statement was not intended as a significant criticism, more a statement of, "If we hold licencing to be the ultimate requirement, then given that we are now on the second or third round of licencing processes, how is it possible that some agencies exist, whether in a TP space or not, that still receive funding that may have existed through at least one full" - so Silky Oaks with its services under the current standards and licencing process has had a number of services who have been audited and assessed as meeting those licence standards twice.

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Can we just stop just for a second?---Sure.

Is the essence of what you're trying to say is this, "We have been accountable. Why isn't everyone else accountable"? That's what you're trying to say, isn't it? ---Yes.

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Okay.

COMMISSIONER: Is the licencing process too onerous? ---It's a fairly onerous process and it only engenders conflict where those assessing the licensing process make very specific interpretations around the requirements of the standards. I would characterise it to say that we opted for a point of coordination licence, which allows us to have a number of those single funded services assessed at the same time. The approximate cost of achieving each of those point of coordination licences would be somewhere to the tune of 80 to 90 thousand dollars.

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See, I'm just thinking you're a company, you're capitalised to \$10 million, you've got no debts, you've been in business for a long time and you're a not-for-profit, but if I was a little community-based organisation in back-of-Burke somewhere and I wanted to provide for children in my region with a residential, I'd be flat out, wouldn't I?---Without the support of a larger organisation or a super-experienced - - -

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Costly?--- - - - person volunteering their time you would either incur significant expense to do that or you would struggle significantly to achieve - - -

Just fill in the forms and comply with the licensing requirements and then the queries on the first response, I'd give up, wouldn't I?---Yes, but I think in terms of a quality assurance process for the department as a purchaser and needing some reassurance that what they're purchasing will actually deliver what they say, the current licensing process gives a base level of assurance that the organisation that they're engaging with will be capable of delivering what they say they will deliver under their - - -

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That's a fair point, and again as I keep saying, I acknowledge that the department carries a risk; it's got to retain control. I fully understand that, but at the same time loosening some of the strictures might actually achieve a safe enough result in better overall result. For example, everyone keeps telling me one size doesn't fit all, and accepting that, wouldn't it be better to have something - although not the Rolls Royce but the Commodore - out at Burke, it's better than no car at all, isn't it? ---I'd hate to characterise response to that statement. I think the young people who are in our system are deserving the highest level of care and that organisation - - -

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The best available, sure. That's what I'm saying. The choice can't be because of the bureaucratic requirements you can't have one at all. Surely that can't be the option, that is either - it's Hobson's choice: it's this one or none?---Yes. Again, I'm not the purchaser of services. That's a risk the department would need to complete.

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Yes?---The utilitarian theory there of better something that nothing does have potential implications and in fact - - -

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What it does has competition implications. It means that, you know, you can create a niche in the market and you can make yourself indispensable, you can fill in all the forms, you can complete all the licensing requirements and a less experienced, less funded competitor really can't. How many service providers are there in (indistinct)?---I couldn't answer - - -

Not many though, are there?---I would assume it would be in the dozens, not the hundreds.

Then again, it's a specialist service as well. You're providing for the highest needs cohort of the system?---And residential care is a small percentage of young people in care and needs to remain that; not as an option of last resort but as an appropriate response to a cohort of young people who require that as a service, rather than foster care.

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Yes, I know. It seems that is often the case, that the top of the pyramid absorbs most of the cost and who miss out are the ones in the middle of the pyramid who don't have the high visibility needs but whose needs are no less important?---I guess I can only characterise a response to that from my experience. Silky Oaks, when I joined the organisation had two funded residential services and the total income for the organisation was \$1.7 million per year. At that size as an organisation we were still sustainable as a community-based organisation. So it's not a matter of needing great dollars in terms of income. So I guess what I'm trying to say is that a small community organisation depends on your definition of that.

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Well, if I was at Palm Island and I wanted to set up a safe house it would be a very onerous thing for me to do that and I'd have to be really committed to it from a community base that didn't have any corporate structure or that was a true community based organisation?---Yes, sure. 1

That just wanted to do the right thing by the local children as best they could with what they had. I think the argument is a balance between the difference between a quality of service and equitable service. We can't be equal. We're not. What we tend to do is spend money on the squeakiest wheel and forget some of the other parts of the equipment that need to be maintained and looked after simply because, you know, we're not mindful of them as much. They're low visibility, low maintenance, but they might still be having an unmet need and they might live at Palm Island, not in Brisbane, for example. 10

Yes, okay. Sorry, Mr Selfridge, I interrupted you.

MR SELFRIDGE: Thank you, Mr Commissioner.

I have only got one more thing for you, Mr Frame, and can be very quick. It's about this, and it goes back to - to some degree, at least, back to the questions I posed to you earlier about the funding for residential care and optimal performance, if you like. Now, you were asked some questions by Mr Haddrick. The theme was economic sense and you spoke about fixed costs remain the same whether there are three or four young persons in the residence. That's the majority of the costings that have to be met?---That's correct. 20

Isn't the dilemma this, really, that some providers who have fixed behaviours or behaviour regulations or protocol within their service provision will require that child is asked to leave ultimately if they consistently misbehave within that residential setting. If they're consistently misbehaving in an unacceptable fashion then they're asked to leave and they become someone else's problem, don't they?---That's correct. 30

Whereas at the other end of the spectrum you've got other service providers that continue to try and engage with the young people and they're fighting a losing battle, to some degree, at least. That's the terms of the spectrum, isn't it?---That's a fair characterisation. 40

Yes, because ultimately whatever organisation is engaged in the process they're going to have children with extreme behaviours who are really difficult to manage and they either remain that person's problem or they become someone else's problem?---That's - yes, I can't dispute - - -

No. I'm stating the obvious?---Yes.

But this one about optimal performance et cetera: there's no right and wrong answers in terms of how this can be managed under the current regime, is there?---No, there isn't, and it's often a matter of organisation philosophy and it is that tension space between - you can't really stipulate an optimal performance measure because of the complexity of the arena. So if you're suggesting that a young person with extreme behaviour must be held by a service regardless of the activities they engage in, that kind of stipulation ignores the fact that the service provider as an organisation also has obligations to its staff around providing for their safety and providing a reasonable work space and those sorts of things.

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And to other children within the environment too?---And to other young people.

Yes, so my point is this, the criticism can be aimed and deflected both ways?---Absolutely.

No further questions, thank you.

COMMISSIONER: Thanks, Mr Selfridge. Yes, Mr Stewart?

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MS STEWART: I've just got a couple of questions around some things in your statement in regard to the different models that have operated in the residential care sphere since the time that you've been operating there. At paragraph 39 you say that not for profits are now much more business savvy in the way that they are operating their models and a little more entrepreneurial in their responses to the business side rather than the old traditional charity models. What do you mean by that?---Child safety had a unit, may still have a unit, known as major projects, and I was part of a project conducted by that area that looked into the true cost of service delivery and a full cost of service delivery. Up until that project was completed and agreed there was some flexibility for an argument to be made by either side, either the child safety side or the service delivery side, that in fact the department weren't purchasing a full service, they were co-contributors to the cost of providing a service. So it meant the capacity under that model to resist change, to resist the imposition of standards, seemed to carry a more significant validity. So as a not for profit old school charity saying, "But you don't pay the full cost of caring for this young person so you really don't have a right to tell me how to do my business and what standards I must meet," meant that there was a greater scope for that. So all that statement was trying to reflect was the move into the purchase of provider agreement and the full payment meant that suddenly with the contractual arrangements in place the not for profit sector as a whole had to wake up to what that really meant in its full legal contractual sense and that it no longer had the same capacity to stand

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on, "But we're actually making a significant contribution for caring for this kid so you can't just tell me what to do."

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COMMISSIONER: That was my point before. What happened is the entrepreneurs got entrepreneurial and the volunteers, the community based, got pushed out of the sector because they couldn't compete with the requirements - like, it seems that there is a cohort untapped in this space that could be utilised but aren't because of the regulations that are required, the forms that are required. Like, there would be a lot of people who would be quite happy to be a child support person but it's all too hard. The system actually almost conspires against itself by the standards that it's set, how high the bar is, and you exclude a lot of good enough pairs of hands that would otherwise be willing and able but they can't compete with the entrepreneurial approach. As a result, the volunteer sector has gone. They're replaced by people who want a fee for service simply because we've standardised them out?---I guess from my perspective, the Silky Oaks experience having played largely in that volunteer space from 1940 to 1960, we have elected to view this process as the increasing professionalisation of our organisation which has imposed higher standards in terms of our governance protocols, our employment protocols, our expectations of staff, our focus on outcomes for young people. So we haven't - - -

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Can I just interrupt you there?---We have not chosen to characterise - - -

Sorry, we're talking about two different things. You're talking about the quality of process. I'm talking about the quality of product. You talk about outputs - sorry, outcomes. I think you really mean outputs. See, how can you judge what your net benefit is unless you know how the children who went through your system are faring at 25 and 50, and are they faring better than they would have been if they hadn't been through your system at all?---Yes. A very difficult assessment to make.

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Well, no-one is even asking the questions?---Sure, but I guess in reflection to the question - the statement that was made, you know - - -

What's your outcome? What's your measurement?---The outcome from - in this situation, the measurement of that outcome is some kind of quality assurance process that ensures that staff with the right training and the right knowledge are interacting with clients in an organisation that supports those interactions.

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So we're effectively maximising the potential for positive outcomes which is a difficult one to quantify on an outcome side of the equation. Organisationally our response to this increasing professionalism is to view it as an opportunity to put the best people with these young people in the best possible environment to create positive change for them.

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MS STEWART: In order to measure if that's successful or not, are you aware if there's any research or studies been done on children's experience who have gone through residential care and the transitional care?---I couldn't actually name those but characterise that the statements that are made back to me - - -

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I will just stop you there. I asked that question because that, I suppose, would be one way of measuring positive outcomes and as an organisation that's been in this sphere since 1940 whether you have sought that?---No, for me personally as the CEO that's not an area. If you had the residential programs manager sitting in this chair, you may find his response characterises that response differently.

COMMISSIONER: Actually, Ms Stewart, if you have a look at section 7(t)(ii), that's precisely one of the functions of the chief executive.

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MS STEWART: One final question, paragraph 46, the conversations that you have had:

t would certainly appear that in the early stages of the new profit-making agencies entering the child-protection sector they often made business decisions to engage in a number of loss-leading programs -

et cetera. Have you got your statement in front of you? ---I don't have it in front of me but I'm well aware of that statement.

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No, okay, I'll carry on -

until they can establish a critical mass within the sector which would then allow them to make a profit from the programs collectively.

From that statement, do I understand that you think there's a benefit to this or is it a deficit?---My statement was intended to convey that they would meet a price restriction across a number of programs but you develop an economy of scale with a certain number of programs that then sees an economic benefit returned to the organisation.

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How does that filter down to service delivery?---I was not one of those organisations so that's not an assessment that I can actually effectively make. I could characterise it

to say that some of those agencies who entered entered with the best of intention, entered with experience in the same sector in other states and delivered quality services - again I'm characterising rather than - delivered what appeared to be quality services based on the conversations that were held around the staff they had in the programs and the models that they were using in working with the young people. 1

I have nothing further, commissioner.

COMMISSIONER: If you have a look at the chief executive's functions, (r) and (s) of 7(1) requires the chief executive to collect, publish or helping to collect and publish, promote and conduct research into "(ii) the life outcomes of children in care". Wouldn't that be nice? Yes, Mr Capper? 10

MR CAPPER: Thank you. I have no questions for the witness, but before you are excused I just wish to raise one issue which was you asked - Mr Glass was asked earlier about the number of Aboriginal and Torres Strait Islander children that were coming into care. 20

COMMISSIONER: Yes.

MR CAPPER: He identified that as approximately 40 per cent.

COMMISSIONER: Yes.

MR CAPPER: You asked the question as to, "Do we have any data on that?" According to the commission's data, the 2011 view survey of kids in residential care published in September 2012, his information was about right. The population at that time was 669, of which 40 per cent were identified as Aboriginal and Torres Strait Islander, according to our records. 30

COMMISSIONER: So that 40 per cent is fairly stable across the number in the system generally - - -

MR CAPPER: Yes, and the number of residential.

COMMISSIONER: - - - and in the different parts of the system. Thank you.

MR HADDRICK: When Mr Capper says "the commission", he refers to the Commission for Young People and Child Guardian. 40

COMMISSIONER: Yes.

MR HADDRICK: Not this commission, just for completeness, and I thank him for providing that information.

COMMISSIONER: Credit where it is due, Mr Haddrick. 1

MR HADDRICK: Very much so. Regrettably I have got two more questions for the witness so, as much as people are packing up their books, we will finish in a second.

I just want to ask - you have given evidence about the nature of your operations and the different services you provide. Very quickly, before this commission there is a suggestion or an idea has been floated to add to the types of care an additional type of care which has been variously described as "secure care" or a "containment model" whereby there would be more restrictive practices and more therapeutic services wrapped around that type of housing or care facility. Are you familiar with the concept that I'm articulating?---I am, but there are many constructs attached to the description "secure care" so - - - 10

In that respect my final question is: is your organisation in a position to either float an idea in terms of how secure care would work - - -

COMMISSIONER: Do you mean a model? 20

MR HADDRICK: A model and, just as importantly, is your organisation in a position - if the state decided and wanted to establish a model of secure care, your organisation might be in a position to tender to be the operator of that particular type of care?---There would be a considerable amount of work done with our consultant psychologist and our program staff around designing a model for secure care, but, yes, that would be a concept and a construct worth exploring and I would want to seek reassurance from that model that was proposed around the full detail before I actually committed the organisation to even submitting a tender based on a philosophical stance around secure care. 30

But is it something that would interest your organisation to go down that road to explore those opportunities?---Yes.

Okay. No further questions. Might this witness be excused?

COMMISSIONER: Yes.

Thanks very much, Mr Frame. I appreciate your giving up your time. I know you would be busy, but it is appreciated it, thank you?---Thank you. 40

You are formally released from any summons obligations now.

WITNESS WITHDREW

06022013 31 /CES(BRIS) (Carmody CMR)

MR HADDRICK: That is the completion of today's hearings. 1
We resume at 10 o'clock tomorrow morning for three more
witnesses, Mr Commissioner.

COMMISSIONER: I will adjourn until 10 am tomorrow
morning.

THE COMMISSION ADJOURNED AT 4.54 PM UNTIL
THURSDAY, 7 FEBRUARY 2013

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HADDRICK, MR

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