

# VERIFIED TRANSCRIPT

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Inquiry into budget estimates 2010–11

Melbourne — 19 May 2010

#### Members

Mr R. Dalla-Riva

Ms J. Graley

Ms J. Huppert

Mr W. Noonan

Ms S. Pennicuik

Mr G. Rich-Phillips

Mr R. Scott

Mr B. Stensholt

Dr W. Sykes

Mr K. Wells

Chair: Mr B. Stensholt

Deputy Chair: Mr K. Wells

#### Staff

Executive Officer: Ms V. Cheong

#### Witnesses

Ms L. Neville, Minister for Community Services,

Ms G. Callister, Secretary,

Mr C. Asquini, Executive Director, Children, Youth and Families Division,

Mr A. Rogers, Executive Director, Disability Services Division, and

Mr A. Hall, Executive Director, Financial and Corporate Services, Department of Human Services.

**The CHAIR** — I declare open the Public Accounts and Estimates Committee hearing on the 2010–11 budget estimates for the portfolio of community services. On behalf of the committee I welcome Ms Lisa Neville, Minister for Community Services; Ms Gill Callister, secretary, Department of Human Services; Mr Chris Asquini, executive director, children, youth and families division, Department of Human Services; Mr Arthur Rogers, executive director, disability services division, Department of Human Services; and Mr Alan Hall, executive director, financial and corporate services, Department of Human Services. Departmental officers, members of the public and the media are also welcome.

In accordance with the guidelines for public hearings, I remind members of the public that they cannot participate in the committee's proceedings. Only members of the PAEC secretariat are to approach PAEC members. Departmental officers, as requested by the minister or her chief of staff, may approach the table during the hearing. Members of the media are also requested to observe the guidelines for filming or recording proceedings in the Legislative Council Committee Room.

All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act and is protected from judicial review. However, any comments made outside the precincts of the hearing are not protected by parliamentary privilege. There is no need for evidence to be sworn. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript to be verified and returned within two working days. In accordance with past practice, the transcripts and PowerPoint presentations will then be placed on the committee's website.

Following a presentation by the minister, committee members will ask questions related to the budget estimates. Generally the procedure follows that relating to questions in the Legislative Assembly.

I ask that all mobile telephones be turned off.

I now call on the minister to give presentation of no more than 10 minutes of the more complex financial and performance information that relates to the budget estimates for the portfolio of community services.

**Ms NEVILLE** — I am just going to touch on some of the key issues in community services, not all the elements of the portfolio. I want to start by talking a bit about the child protection system in Victoria. Over the last six years we have seen record investment into child protection. There has been a reforming of the legislation and integrating of the statutory services with early intervention and family services, to strengthen and support family services and better protect at-risk children. At the same time, we have also seen a growth in the number of cases and in the complexity of those cases, with the number of children involved in the sector rising from around 8000 to 12 000 on any given day. Although it is worth noting that our report and substantiation rates are still well below national averages — and this is really largely due to our early intervention focus and helping families before they get into crisis — we do know that children and families are staying longer in the system, and we have staff turnover rates that reflect worldwide trends in this field of work.

To address some of these issues, the committee will remember, last year we provided an additional \$77 million package, which is what is included in this budget, to strengthen the statutory end of our service, recruiting new staff, providing additional support in family services, improving quality assurance processes as well as being better able to manage demand. And we have made some significant progress. Since October, over 200 new staff have commenced working in the field, filling all the vacancies, and 60 of the 101 additional front-line child protection staff have also been recruited.

There is also more support for kinship carers, with our new model in place across the state, and more children and carers receiving support. We also have additional capacity in ChildFIRST catchments, which was rolled out at the beginning of this year. We have two additional principal practitioners. We have a special intervention team that has commenced. We have undertaken a governance and accountability review, and the implementation of that is under way. The recruitment of 24 early childhood development workers across our ChildFIRST catchments has also begun.

This year's budget continues to build on that \$77 million, with funding for what are called multidisciplinary centres, which are bringing together child protection, police and sexual assault specialists to work with children and families who are subject to sexual abuse. I might talk a little bit more about that later. There is also additional funding for family support services to assist their response to vulnerable families, an additional

\$1 million to improve retention rates and additional funding for the child safety commissioner for the additional work that he is doing.

I will just move on to out-of-home care. Since June 1999 there has been an almost 50 per cent increase in the number of children in out-of-home care. This is not because there has been an increase in the number of kids entering the system — in fact, that is declining — but is a result of kids staying in care longer. As a result of challenges and the need to continue to grow, expand and also improve quality in our out-of-home care system, the government adopted seven reform directions last year, backed up by an investment of \$135 million to commence that reform program. In the first year of the reforms, the average daily number of emergency placements has reduced by almost 60 per cent, from 123 down to 50 in February this year.

There is evidence that the additional investment is being used to better meet the needs of children in care, creating a range of other placement opportunities to better meet individual needs. Integrating more therapeutic approaches across the care system is also caring through therapeutic foster care, therapeutic residential care and new models such as specialist in-home care.

The next steps in this budget: an additional \$34.8 million, again, to continue to grow our home-based and residential care placement and our very successful therapeutic care residential pilots; \$4.3 million to roll out an Aboriginal kinship care model; and also funding to enhance our secure welfare health services.

There is also a focus on vulnerable young people in this budget, in response to concerning levels of increasing youth offenders as well as a growing knife culture in our community. There is \$22 million to employ 55 youth workers, and they will be a mix of early intervention community-based workers and those who will provide additional case management support for those young people who are in the youth justice system.

If I can move on to disability services, the government has continued to implement what is a very significant policy reform and redevelopment of Victorian disabilities services. That is guided by the state disability plan. The availability of services has increased through an additional \$716 million into the disability output budget, an increase of 125 per cent since 1999–2000. The capital program currently in progress will increase the availability of shared supported accommodation and innovative housing by 249 places by 2011, in addition to the ongoing redevelopment of the Oakleigh Centre and Colanda Residential Services. There has been a major refocusing of the service system and in 2009–10 over 14 000 Victorians with a disability received individual tailored support, giving them greater choice and opportunities to control their own lives and choices about the services that they are interested in. We are continuing our focus on shifting community awareness and building awareness about disability in our community.

Some of the challenges: obviously the reforms have improved and increased services, and we need to continue to build on the work that has already been done to ensure that those Victorians who need it can access the services and supports they need to meet their individual needs. Following the highly successful individual supports reform, day services are also being reformed, with funding being individually attached and portable, and direct payments to individuals are increasingly more widely available.

We continue to support families and other carers through increasing respite capacity, aids and equipment and individualised support packages. The government will continue through this budget to increase the supply of supported accommodation and provide broader innovative housing options and supports.

We also acknowledge the important role that the non-government sector plays in partnership with us in delivering high-quality services for people with a disability. This budget also maintains our whole-of-government commitment to the reforms that are outlined in the autism state plan and also the rollout of disability action plans.

I have touched a little bit on the disability priorities in this budget. If I could just go through quickly some of the key things. Overall disability is a whole-of-government strategy. There is \$196 million over four years and that is across education and early childhood development, and there is also \$70 million in this budget for specialist disability services. Of that, \$59 million is in output funding and \$11 million in capital. This will see the disability output budget rise by over \$798 million from 1999–2000, or a 139 per cent funding increase. There is additional funding for aids and equipment, which will allow 957 people to get access and 50 to access vehicle modifications. There is further funding for individual support packages and, in combination with the national

disability agreement, it will see an additional 460 people get access to individual support packages. There is also additional funding within the disability services output to assist young people to access autism services.

We are continuing our support of the great work that carers do, through providing greater access to respite, with capital funding and also recurrent funding that will support 15 additional facility-based respite places and, in combination with the national disability agreement, this will see an additional 330 episodes of community-based respite.

There is also additional capital for shared supported accommodation, both capital money and recurrent operating money, to operate 20 additional supported accommodation places. This is on top of the 249 that we are in the process of building at the moment.

There is also substantial funding to support those in the non-government sector in the delivery of shared supported accommodation and the costs that they incur in delivering those services. That builds on our commitment to sector sustainability, where we have already invested \$37 million to support the delivery of in-home attendant care services and over \$15 million for sector capacity building.

Finally just for the committee's interest, I thought I would give a sense that we are still very much engaged in the bushfire recovery process, as the department responsible for emergency recovery. This will give you a sense that we are continuing substantially our case management service, although as families and individuals start to recover, they start to move on from requiring a case manager. Secondly, the bushfire appeal fund has now seen over 19 000 grants being approved, and \$355 million has been provisionally allocated for the fund. Payments are being made as required by individuals or as projects are rolled out.

**The CHAIR** — Thank you, Minister. The budget aims to allocate funds for 2010-11 and subsequent out years for stated government priorities and outcomes to be achieved. Could you please advise the committee of the medium and long-term plans and strategies upon which the budget for your portfolio is based, and could you also advise whether there have been any changes since last year?

**Ms NEVILLE** — I thought I might do this across all three portfolios. Are you happy for me to do that?

**The CHAIR** — With the indulgence of the committee, that is fine.

**Ms NEVILLE** — In all our main priority areas, there are a number of strategies that underpin the work that we are doing and of course the investment decisions we are also making. In the children, youth and families area, the Children, Youth and Families Act 2005 provides the overarching framework for the operation of the child protection system and our priorities in terms of investment and work priorities. We are also guided, through the Council of Australian Governments, by our endorsement of the national framework for child protection. Although a national framework is certainly one that we, as the Victorian government, have endorsed, and we will be committing to the priorities set under that national framework.

The other major area in terms of children, youth and families that guides our investment is our *Directions for Out-of-Home Care* reform document that we released last year, which sets out our key seven reform directions over the next 5 to 10 years. That is certainly about delivering a more child-focused system, one that is much more focused on individual needs of children who are in care but also continues our commitment to providing good intensive supports early to families in order to prevent children needing to come into care.

In disability, our budgets have been framed very much around the commitments and directions that we made under Victorian state disability plan. Consistent with that plan, there is a whole-of-government disability reform program that was commenced in 2008–09. We are guided right across government by that disability reform program. That plan seeks to create a sustainable service system by addressing immediate demand pressures for disability and early intervention services while providing support to individuals to achieve greater independence through improved education and economic and community participation. This year the investments which reflect that include extra individual support packages, aids and equipment, respite and shared supported accommodation, those sorts of initiatives which enable people with a disability to live as independently as possible.

In the senior Victorians portfolio, our key strategic direction for seniors are to design and adapt services to meet the health and wellbeing needs of an increasing number of older Victorians, maximise their independence and promote healthy ageing.

In looking to the future, we are currently finalising an ageing policy framework that will inform Victoria's response to population ageing and ensure that the investments that we make now and in the future continue to contribute to improved good health and wellbeing of seniors. Additionally, our key whole-of-government and departmental plans include the Victorian HACC triennial plan 2008–11 for home and community care services, the Victorian government's residential aged-care services policy and the dementia framework for Victoria, and recognising and supporting care relationships for older Victorians all influence our budget decisions.

In the mental health and drugs area, the committee would recall that just over a year ago I released the government's 10-year reform strategy for mental health in Victoria, *Because Mental Health Matters — Victorian Mental Health Reform Strategy 2009–10*. This sets out a wide-ranging agenda for development and change across mental health and related services systems over the next decade. We have also released the first strategy implementation plan. This plan sets out the major concrete actions that will be taken by government and partners from across the mental health sector and broader social support service sectors to progress the goals of the strategy over the next two years. We have also invested heavily against these plans, with additional money in this budget as well.

Finally and quickly, alcohol and other drugs reform is built on three strategic policy documents: the blueprint for alcohol and other drug treatment services, the amphetamine-type stimulant strategy and *Restoring the Balance — Victoria's Alcohol Action Plan 2008–13*.

**Mr WELLS** — Minister, I refer you to the best interests case plan. I refer to statutory child protection services on page 107 of budget paper 3, which covers services to ensure the safety and wellbeing of children and young people at risk of harm, abuse and neglect. A core part of your legislative requirements under section 167 of the Children, Youth and Families Act 2005 in regard to keeping children safe is completing a best interests case plan. This is a plan for the future for all children who are on orders from the court.

The Ombudsman's report in November 2009 indicated there could be as many as 1500 cases each year where these best interests case plans are either not completed at all or not completed within the required six weeks time frame. In March this year in a parliamentary hearing your secretary was still unable to say how many times your government has broken the law. Minister, given that this is a matter of priority and six months have elapsed since the Ombudsman's report, can you tell the committee how many best interests case plans should have been completed for the 2008–09 year as required under the law and how many times were they actually completed?

**The CHAIR** — Minister, this is an estimates hearing, so your answer needs to relate to the budget estimates and the processes that you have going forward. Anything dealing with the past is something which is for other hearings and other places.

**Mr RICH-PHILLIPS** — On a point of order, Chair, you allowed the minister to give a 15-minute presentation in which she spoke extensively about the department's performance over the last decade. There are a number of slides highlighting key metrics within the department since 1999. I think it is entirely appropriate, given that she has put past performance on the record, that she now answers questions about past performance.

**The CHAIR** — I note the point of order, but my ruling stands as I have done in other times.

**Mr WELLS** — On a further point of order, Chair, this is an incredibly important point that the Victorian public has a right to know. You had the chance to rule the minister out of order when she was referring to what has happened in the past. You did not. You have now set a precedent. I now ask you to inform the minister to answer our question, because it — —

**The CHAIR** — There is — —

**Mr WELLS** — Hang on; I have not finished.

**The CHAIR** — Actually, I am chairing this. I have listened to your point of order so far. I regard it that there is no further point of order. The minister is to answer insofar as I have put what — —

**Ms NEVILLE** — I will answer the question and attempt to relate it to the budget estimates as well. I think it is important when we consider the question that has been raised by Mr Wells that we understand really clearly how this process works, so if I can start with that. It is a little bit detailed.

The Children, Youth and Families Act requires a case plan to be prepared within six weeks of a set of specified orders being made in the Children's Court. Those orders — they are not all the orders — are a supervision order, a supervised custody order, a custody to secretary order, a guardianship to secretary order or a long-term guardianship to secretary order, or a therapeutic treatment (placement) order.

The case plan is referred to by child protection staff as the best interest plan. A court application and a disposition report is prepared for all children who appear before the Children's Court before the court grants a final order. The act also requires that the department must include in this report any draft case plan in relation to the child. A draft case plan forms part of the court application and the disposition report. It is my understanding that in completing the draft case plan, the department complies with its statutory obligations under the act. The contents of the draft case plan will then be shared with the child — if they are of sufficient maturity — their parents and their legal representatives.

After the court appearance, the department begins to engage with the child and family to discuss implementation of that case plan, and arrange various forms of support and service provision. It is the custom and practice in child protection to hold a meeting with the family and relevant professionals after the granting of the court order to discuss the case plan and its implementation.

When making decisions or taking action the department must adhere to the section 11 decision-making principles, which include that the decision-making process should be conducted in such a way that the persons involved are able to participate — so that is the children, the families and the legal representatives — and understand the process, including any meetings that are held and decisions that are made.

This complex and sometimes difficult work often involves, for example, the discussion of deeply sensitive issues such as the prospect of the child's return to their parents and the necessary steps that are required to achieve this. At the end of this process, the current case plan is circulated to all parties. The case plan is a dynamic, working plan. It evolves and changes and is reviewed as the child and family's circumstances change over time.

As you pointed out, the Ombudsman had been critical in his annual report and the own-motion investigation into child protection of the department for not adhering to internal departmental processes concerning best interest planning. I also want the case planning practice and standards to be of high quality, and the department will work to continuously improve in this area. As a matter of good practice, the current child protection policy outlines that a meeting should also be held within six weeks of an order being made. That is not a statutory requirement.

There are various reasons why that meeting may take longer than the six-week time frame. There may be difficulties contacting or engaging with a relevant family member — for example, a grandparent who lives interstate and wishes to participate. It may be that a relevant family member is unavailable, cancelling arranged appointments or missing a case planning meeting. Often parents involved in Children's Court proceedings may have a range of personal issues, including mental health and drug and alcohol issues which may prevent or inhibit their capacity to participate in the decision-making process.

Delays may also be caused by factors associated with liaison with other relevant organisations, such as the availability of relevant professionals for meetings, difficulty accessing specialist assessment services like a psychiatric report, delay in receipt of reports from specialist services, such as parenting and skills development services, and internal operational issues.

In relation to those internal operational issues that go to the issue of the capacity of the department to meet child protection policy, custom and practice, we have provided additional resources in this budget — \$77 million — to continue to grow our staff capacity so that we continue to meet the best interests of children.

**Mr WELLS** — Just to clarify, Minister.

**The CHAIR** — Thank you. Yes?

**Mr WELLS** — Minister, you have given us a long list of excuses as to why it has not happened, and you spoke about draft plans. You have a statutory obligation to complete a best interests case plan within six weeks. It is not happening. We want to know how many cases in 2008–09 have not been completed?

**Ms NEVILLE** — Sorry. Can I just be clear. I thought my answer was clear?

**Mr WELLS** — No — —

**Dr SYKES** — You did not answer the question, Minister.

**Mr WELLS** — The question was very clear.

**Dr SYKES** — You did not answer the question.

**Mr DALLA-RIVA** — Do you want a copy of the act? Do you want to see the act?

**Mr WELLS** — No, hang on. Just a moment. Your department has a statutory — —

**The CHAIR** — One at a time, please. Your clarification? Or are you just repeating the question, Mr Wells?

**Mr NOONAN** — It is a statement.

**The CHAIR** — It has been a statement actually, but — —

**Mr RICH-PHILLIPS** — We seek an answer to the question.

**Dr SYKES** — Come on: we are just seeking an answer.

**Mr WELLS** — Minister, to clarify my question please.

**The CHAIR** — Very quickly.

**Mr WELLS** — You have given a long list of excuses. You have a statutory — —

**The CHAIR** — We have had the commentary — —

**Mr WELLS** — You have a statutory obligation

**The CHAIR** — What is the clarification?

**Mr RICH-PHILLIPS** — That is wrong.

**Ms GRALEY** — What is the question?

**Mr WELLS** — What we need to know is the actual answer to the question that I asked. How many have been completed in 2008–09, as required under the law, and how many times have they actually been completed? So how many should have been completed and how many were actually completed in 2008–09? It is a straightforward, simple question.

**The CHAIR** — I have given the minister guidance in regard to that. I have suggested that is something which would normally be covered in financial outcomes and performance arrangements. If you wish to ask that in another place, that is fine. Ms Graley?

**Ms GRALEY** — Thank you, Chair.

**Mr WELLS** — No, hang on. This is an important point.

**Dr SYKES** — We are being shut down again.

**Ms GRALEY** — Minister, I want to refer you to your presentation — —

**The CHAIR** — Ms Graley has the call!

**Mr WELLS** — No, this is wrong. This goes to the responsibility of a minister.

**The CHAIR** — Ms Graley has the call. Mr Wells! The minister has ostensibly answered. Ms Graley?

**Mr WELLS** — The minister has the responsibility to answer this question.

**Ms GRALEY** — Can I please be heard?

**The CHAIR** — Ms Graley has the call, thank you — —

**Mr WELLS** — It is a concern for the Ombudsman.

**Mr RICH-PHILLIPS** — Are you trying to shut this down?

**Mr WELLS** — Are you trying to shut down this hearing?

**Ms GRALEY** — Minister, I would like to refer you to the presentation about bushfire recovery — —

**The CHAIR** — I am not shutting down anything — —

**Mr WELLS** — Are you trying to shut down this hearing?

**Dr SYKES** — This is hopeless.

**Mr WELLS** — This is a disgrace. Are you trying to shut down this hearing?

**The CHAIR** — Would you be quiet, please. Ms Graley has the call — —

**Mr WELLS** — No. This is a cover-up. This is a blatant cover-up.

**The CHAIR** — Excuse me?

**Mr WELLS** — We are talking about child protection in the state. There could be nothing more important than this.

**The CHAIR** — Excuse me, Mr Wells! Control yourself, please!

**Mr WELLS** — There could be nothing more important than this. This is a disgrace.

**Mr NOONAN** — Show some respect for the Chair!

**Ms GRALEY** — I would like to be able to have my — —

**The CHAIR** — Normally when the Chair stands, as I have, members will be quiet. Mr Wells and Ms Graley, that is the case. Ms Graley has the call. I have made it quite clear that we are dealing here in this inquiry with the budget estimates. We are not dealing with annual reports and past years — 2008-09. The committee has actually provided a report on that. If you wish to seek further information in regard to that, there are other places and possibly other inquiries in which to do it. You can put a question on notice in the house, or you can make a — —

**Mr WELLS** — A question on notice — —

**The CHAIR** — Excuse me! I am speaking.

**Mr WELLS** — You have got to be kidding. That is a joke.

**Mr RICH-PHILLIPS** — Can we have a question?

**The CHAIR** — Your behaviour is actually quite unparliamentary.

**Mr WELLS** — Because we are not getting any answers from the minister on something so important as child protection.

**The CHAIR** — Mr Wells, I am talking — —

**Mr WELLS** — Why doesn't your government take this matter seriously?

**The CHAIR** — Mr Wells!

**Mr WELLS** — Give the minister a chance — —

**The CHAIR** — Excuse me, Mr Wells! You are out of order, and your comments in fact are completely out of order.

**Mr WELLS** — They do not — the government does not take it seriously enough.

**The CHAIR** — Mr Wells, would you like to behave yourself, or else you will no longer be heard. The normal procedure in here when the Chair seeks attention by standing is that members are quiet. It is unparliamentary and shows a complete lack of discipline for any member, whoever they may be — and indeed any witness — to speak. I would like this to be conducted in the normal process whereby questions are asked and answers are given — —

**Mr WELLS** — Right.

**The CHAIR** — — in respect of the budget estimates. If you wish to seek information about financial outcomes and performances, there are ways of doing that. If you wish to seek information which would normally be done through the house or elsewhere, then that can be done. I have made my ruling in this regard in terms of the information that you are seeking can be sought elsewhere — it is not appropriate for the estimates hearing. I always take these matters seriously — I take all matters seriously — and any comment in regard to the seriousness in which I undertake I think is making a commentary on the Chair, which is totally inappropriate. You should reflect upon your behaviour in that regard. Ms Graley has the call.

**Mr WELLS** — On a point of order — —

**Ms GRALEY** — Thank you, Chair. Minister — —

**Mr WELLS** — On a point of order — —

**The CHAIR** — A point of order? Yes, Mr Wells?

**Mr WELLS** — Can I just point out to the committee, for goodness sake — —

**The CHAIR** — Your point of order is not to make a comment but to make a point of order. What is your point of order, Mr Wells?

**Mr WELLS** — Under section 166, the responsibilities of the secretary, preparation of a case plan — 167 — —

**The CHAIR** — That is not a point of order. Mr Wells, you are out of order. If you wish to — —

**Mr WELLS** — The secretary must be sure that — —

**The CHAIR** — Mr Wells, you are out of order.

**Mr WELLS** — Within six weeks of — —

**The CHAIR** — Mr Wells, you are out of order.

**Mr WELLS** — After making a court — —

**Ms GRALEY** — I would like to ask my question.

**The CHAIR** — There is no point of order.

**Ms GRALEY** — Thank you, Chair. Minister, in your presentation you spoke about the bushfire recovery — surely one of the biggest challenges facing the Victorian government in recent times, and the fact that case management services are continuing substantially. I refer you to budget paper 3, pages 280 and 281, where it talks about bushfire response, preparedness, recovery and reconstruction activities. Could you please update this committee on the bushfire support services within your portfolio, particularly in terms of the forward estimates?

**Ms NEVILLE** — Some 15 months following the bushfires that struck Victoria we do have some cause to feel that we are in a process of recovery. While the impact of the worst natural disaster in the nation's history will last for many people for many years, thousands of people across those affected communities have made significant progress in their recovery from the disaster, both psychologically and physically. Each person impacted by the disaster is recovering at their own pace and according to their own circumstances, needs and emotional wellbeing. Some have begun planning for their future, and others are rebuilding or returning to their communities.

From this tragedy we have seen remarkable efforts from people who have taken on leadership positions within the community, and others have thrived in roles that they never before imagined they could have undertaken. There has been a remarkable response from people right across Victoria, Australia and around the world. Full recovery can be expected to take years for many people.

The goal of the Department of Human Services and also the Department of Health has been to help individuals affected by the fires to work towards sustainable recovery. Both departments have managed the provision of services, like psychosocial support, health services, case management, community services hubs, temporary housing, community development offices and some programs supported by the Victorian Bushfire Appeal Fund — for example, the parenting support program.

As clients' needs are met and they reconnect with their own support networks, the need for government services is reducing. For example, at the height of the case management service there were around 500 case managers to assist local residents. By May of this year that number had reduced to around 145 as more people decided that they no longer required a case manager. This is a positive sign of recovery.

Meanwhile the community service hubs have gone from a peak of around 1000 visits a week to an average of 500 visits a week. The reducing reliance on case managers and hubs suggests that individuals and communities are recovering their resilience. DHS is still providing temporary housing to some 315 bushfire-affected families. Some people will need ongoing psychological support, and this will be a focus of future work with recovery partners.

We are committed to ensuring that people have the social supports and receive the services that they need. We are confident that for those clients who require more support in the longer term we will be able to transition them into mainstream services. Feedback from our clients has validated that we are helping people to help themselves. For example, in a discussion with a client we heard, 'Our case manager helped us with what we really needed, but eased us back into doing things for ourselves. Looking back, I could see all the things that he did to get us doing things for ourselves'.

DHS and the health department — primarily through the bushfire recovery services unit, which is co-located with the Victorian Bushfire Reconstruction and Recovery Authority — will continue to work to ensure that services are coordinated and that the recovery of bushfire-affected areas is effectively supported. Certainly the Department of Human Services is committed to supporting bushfire-affected individuals and families in the longer term, and we will, where appropriate, support key programs that they will need to continue once VBRA ends.

**Mr RICH-PHILLIPS** — Minister, in this budget you are seeking the Parliament to appropriate \$161 million to your department for statutory child-protection services, yet the Auditor-General found in his report last year that you have failed to meet your obligations under the statute for which you are responsible. In the hearing the standing committee had earlier this year the secretary was asked how many case plans, or how many orders, were made in 2008–09 and the department confirmed there were 3241. The secretary was then asked, of those orders, how many best interests case plans had been prepared as required by the legislation. The secretary responded:

We would have to take that on notice ... We are well aware that we have a number of cases where we have not complied with that requirement.

In your earlier answer you spoke about the policy, custom and practice of the department. That does not excuse the failure of the department and you as minister to meet your statutory obligations under the legislation. I would ask now, again: how many of those case plans have not been prepared as required by the legislation, and why does your department continue to breach its obligations under the relevant legislation?

**The CHAIR** — Minister, please answer the question as it relates to the estimates and the budgetary process.

**Ms NEVILLE** — The answer I gave earlier, I thought, was pretty clear about this. If I could just repeat a small bit of it: a court application and a disposition report are prepared for all children who appear before the Children's Court, before the court grants a final order. It requires that the department must include in this report any draft case plan in relation to the child. So when the department lodges a court disposition containing a best interests case plan, it complies with its statutory obligations.

**Mr RICH-PHILLIPS** — No.

**Mr WELLS** — That is a draft plan.

**The CHAIR** — Without assistance, please.

**Mr RICH-PHILLIPS** — Section 167!

**Mr WELLS** — That is what the law says.

**The CHAIR** — Without assistance! The minister is to answer, please.

**Ms NEVILLE** — I repeat: when the department lodges a court disposition containing a best-interest case plan it complies with the statutory obligation. The follow-up meetings with families are a matter of good practice to ensure that the case plan reflects their needs, and as I said, it is a dynamic process — it is a practice issue and it is about custom and practice, which is a six-week custom and practice; it is not a statutory obligation. Sometimes it does take longer than those six weeks and earlier I went through the range of reasons why that would be the case.

**Mr RICH-PHILLIPS** — The question related to your statutory obligation and the Auditor-General found that you had not complied with it, and Ms Callister, in her evidence in March, said:

We are well aware that we have a number of cases where we have not complied with that requirement.

My question to you is: how many cases?

**The CHAIR** — Please answer the question in so far as it relates to the estimates, Minister.

**Ms NEVILLE** — I am presuming you are referring to the Ombudsman's report, not that of the Auditor-General.

**Mr RICH-PHILLIPS** — I am sorry; yes: the Ombudsman's report.

**Ms NEVILLE** — I do not know that I can be any clearer: you lodge a court disposition, it has a draft case plan, and we meet our statutory obligation. You cannot get a final order in court without one.

**Mr WELLS** — How many? The question remains: how many?

**Mr RICH-PHILLIPS** — How many cases?

**The CHAIR** — The minister has answered the question in terms of the estimates.

**Mr NOONAN** — Minister, you appreciate that I also sit on the Family and Community Development Committee, and last year we looked at the issue of supported accommodation for people with a mental illness or disability. One of the areas of focus was individual support packages which, in my view, received genuine support from across the sector.

In referencing budget paper 3, page 282, under the heading ‘Output initiatives — government-wide (continued)’, which goes to expanding individual support-package capacity, I wonder whether you could provide for the committee further details of this initiative, and how that initiative supports people in terms of choice and control over their lives?

**Ms NEVILLE** — As I spoke about earlier in the presentation, the government has a very strong belief that people’s individual decision making about their needs and choices should be the most important consideration in terms of driving, planning and support for people with a disability.

The state disability plan commits the government to reorientating disability supports to be more flexible, to work with people with a disability as partners and to be able to better respond to their individual needs. That is why we have invested over \$108 million in individual support packages just in the last three budgets. This includes \$1.9 million, or \$8 million over four years, in this year’s budget. In conjunction with the national disability agreement a total of 460 people will receive additional individual support packages in 2010–11.

This is in addition to more than 14 000 people who are receiving a wide range of individual supports. Individual support packages are specifically tailored to the person’s needs and preferences, with funding attached to the person rather than the service provider; they give the person the flexibility to choose supports that meet their needs and to change their supports as their needs change. This approach is consistent with international trends toward supports that the person at the centre and focus on their needs, aspirations, lifestyle choices and goals.

From January this year all previous block funding in day services has been transferred to the person and is portable, giving the person greater control to choose the supports that will best meet their needs. Everyone who receives an individual support package participates in self-directed planning; this is planning that is directed by the person with a disability and the people who are important to them. For children this involves a family-centred approach. The planning is important to map out, and also review, support arrangements to make sure that they continue to meet the individual’s needs as they change.

In Victoria there are three ways in which we can administer individual support packages: through a disability service provider, through a financial intermediary, or through direct payments. The direct-payments administration option has been developed in consultation with people with a disability and, as the term suggests, involves the payment of funding directly to the person or their nominated representatives to purchase support in line with their individual needs and their approved funding plan.

It provides greater independence, choice, control and flexibility. Direct-payment users have reported an improved capacity to participate in the lives of their families, friends and local communities, as well as an increase in satisfaction with the control they have and the quality of the services that they are receiving. Over 100 people participated in the early stages and from February this year it is being made available to people right across Victoria who are using our services.

A statewide financial intermediary service has also been developed and will be rolled out from July this year. This model holds the funds allocated for the person, pays for the supports in line with the person’s plan and reports expenditure to the person and to the department.

In addition to these structural reforms, there has been a focus on supporting people to develop skills and confidence to take advantage of the great opportunity to self-direct their supports. Last year over \$800 000 was allocated in grants to develop tools, information and resources to assist people with a disability and their families to plan for, choose and direct their supports.

A range of other funding initiatives have also been invested in the disability services sector in order to ensure they have long-term viability, as they play a really important role in the delivery of services, and to be able to meet the challenges as we transition to more self-directed approaches. For example, we have supported the sector through a changing days initiative, so that they are able to undertake capital and other changes to buildings and to programs to ensure that people with a disability have greater choice in the day programs that they might participate in. We have also had grants for enhancing sector capacity, with \$3 million in 2008–09, and a further \$12 million was committed over four years in last year’s budget. They are exciting and really important reforms that we are building on and making real changes in the lives of people with a disability.

**Mr DALLA-RIVA** — Minister, how long have you been in this community services position?

**The CHAIR** — Is this the question? I am not sure that relates to the estimates.

**Mr DALLA-RIVA** — It is serious.

**Members interjecting.**

**Mr DALLA-RIVA** — Maybe take it on notice as well.

**Ms NEVILLE** — August 2007.

**Mr DALLA-RIVA** — Okay, so a number of years. You are aware that in budget paper 3 on page 107 the issue about statutory child protection services, and in particular the quantity of child protection reports. We are now going for the third time down the same path on the issue of the preparation of case plans, in particular the best interests case plans that are required. I note in your presentation you indicated record investment, millions of dollars spent, but the bottom line is that the processes and the internal practices that you have within your department, of which you have now been a minister for a number of years, continue to be the bugbear. I refer to the Ombudsman's report where he says:

My investigation identified numerous instances from across the state where the statutory obligation to prepare a best interests plan had not been met. Comments from senior staff ... illustrate how widespread the problem is.

One of them said, '...best guess I would probably say ... be somewhere around 60 to 70 per cent compliant'. Another one said, 'I'd say probably about 50 per cent are done'. Another said, '...there's been times where, just due to demand, that stuff is overlooked'.

Minister, we are asking you now, and this will be the third time: are you going to continue to overlook it as well? Can you please explain to the committee exactly how many best interests case plans should have been completed in 2008–09, as required under the law, and how many times were they actually completed?

**The CHAIR** — The Minister, as it relates to the budget estimates.

**Ms NEVILLE** — All I can do is maybe try and be a bit clearer than my answer was before.

**Mr WELLS** — Just tell us the numbers.

**Mr NOONAN** — They clearly do not understand.

**Mr WELLS** — You tell us the numbers.

**Mr NOONAN** — They clearly do not understand.

**Ms NEVILLE** — The department — —

**Mr WELLS** — Well, you tell us the numbers.

**Mr DALLA-RIVA** — Is it 60, 70, is it 50, or they just do not know?

**The CHAIR** — Without assistance, please. The Minister to answer.

**Mr WELLS** — We just want the number.

**Ms NEVILLE** — There are two processes, and I have outlined those. Firstly, it is about our statutory obligation. It is my legal advice that the department meets that statutory obligation.

**Mr WELLS** — No, they do not.

**Members interjecting.**

**Mr WELLS** — That is wrong.

**The CHAIR** — The minister, without assistance.

**Mr NOONAN** — You do not understand the act.

**Mr WELLS** — What!

**The CHAIR** — Without assistance.

**Members interjecting.**

**Mr WELLS** — Your government has broken the law.

**The CHAIR** — Without assistance from the members.

**Mr WELLS** — That is an extraordinary claim.

**The CHAIR** — We are dealing with the estimates hearing here; we are not dealing with financial performance.

**Mr WELLS** — And we do not want to see a cover-up.

**The CHAIR** — There is no cover-up, and that — —

**Mr WELLS** — Well, what about some answers, then?

**The CHAIR** — I am happy for the minister — and happy for questions to be asked, without interruption.

**Mr WELLS** — We have asked three times and we have not got an answer.

**The CHAIR** — Without interruption, please, Mr Wells. Your behaviour is most intemperate. Minister, please.

**Ms NEVILLE** — This is a really important — —

**Mr WELLS** — It is important, so just give us the numbers.

**Ms NEVILLE** — Absolutely very important.

**The CHAIR** — Mr Wells, would you behave yourself, please!

**Ms NEVILLE** — I have outlined to you that there are two things here. One is the statutory obligation that is outlined in the act — —

**Mr WELLS** — Why do you not just tell us the numbers?

**The CHAIR** — Mr Wells!

**Ms NEVILLE** — — a specified set of orders that require a best interests plan. There is also custom and practice, which the Ombudsman refers to, which involves the meetings with families. The Ombudsman outlines a number of criticisms about that process.

**Mr DALLA-RIVA** — It is not customs. With due respect, Minister — —

**The CHAIR** — Without assistance.

**Ms NEVILLE** — The custom and practice — —

**Mr DALLA-RIVA** — With due respect, the question was not about customs and practices; it was about a statutory obligation under section 167 of the Children, Youth and Families Act 2005.

**Members interjecting.**

**The CHAIR** — The minister is answering your question, Mr Dalla-Riva.

**Mr DALLA-RIVA** — Do you want me to table the act?

**The CHAIR** — Mr Dalla-Riva, the minister is answering the question. If you would like to — —

**Mr DALLA-RIVA** — Does the minister want to see the act, Chair?

**The CHAIR** — I think the minister is talking about the act and her statutory obligations as well as other activities. If we could all be quiet and listen, we might receive the minister's answer.

**Mr WELLS** — Might receive the minister's answer, did you say?

**Mr NOONAN** — Might, if you would be quiet.

**Mr WELLS** — Might. What about 'should'?

**The CHAIR** — Thank you, members. Minister.

**Ms NEVILLE** — We have the section in the act, and I am happy to read it again.

**Mr WELLS** — No, we have it here.

**Ms NEVILLE** — It has a set of specified orders that require — —

**Mr WELLS** — Yes, we have all that.

**The CHAIR** — Without assistance.

**Ms NEVILLE** — — a best interests plan within six weeks. The other — —

**Mr DALLA-RIVA** — And you comply with that?

**The CHAIR** — Without assistance!

**Ms NEVILLE** — The other — —

**Mr DALLA-RIVA** — You comply with that, minister — yes, no?

#### **Members interjecting.**

**The CHAIR** — Without assistance. You have asked your question.

**Mr WELLS** — And we are still not getting an answer.

**Mr DALLA-RIVA** — Yes, no?

**Ms NEVILLE** — The other six — —

**The CHAIR** — Excuse me. Thank you, Minister, if you would like to just pause. I repeat just for the benefit of members who seem a bit excited this morning, perhaps because there are a few TV cameras, that questions are asked and they need to be asked in respect of the estimates in the budget and they need to be asked in silence. Then the minister provides an answer, and the minister provides an answer without assistance. This is how we conduct these things properly in Parliament. It is not the school playground, quite frankly, members — or indeed, witnesses. We would like this process to be followed. It is very clear what it is. You should know, particularly since practically all the members have been here for quite some time.

The minister, to answer the question that was asked, please.

**Ms NEVILLE** — There are two six-week periods here. One is the specification in the act in relation to the case plan. The other, which the Ombudsman refers to, is the six weeks for what we have as good practice about where you sit down with the families — I have outlined that; I will not go through in detail — and you have a process with them, including children, other specialists, around the implementation of the case plan. I have indicated that we do not always meet that six-week rule.

**Mr WELLS** — How many times?

**The CHAIR** — Without assistance.

**Ms NEVILLE** — Sorry, we do not always meet that custom and policy around the six weeks — —

**Mr WELLS** — Do you know the law?

**Ms NEVILLE** — I have outlined the reasons why.

**Mr WELLS** — I know. But we need to know — —

**The CHAIR** — Without assistance.

**Ms NEVILLE** — Practice also says you do not do that without families being there, and sometimes that does not always occur.

In relation to the statutory obligation, as I have indicated, you cannot get into court to get an order unless you have a court disposition and the requirement with the court disposition is to have a draft case plan. As I have indicated, we meet our statutory obligations.

**Dr SYKES** — One hundred per cent of the times?

**Mr WELLS** — No, you do not.

**Ms NEVILLE** — That meets our statutory obligations.

**Mr DALLA-RIVA** — It says a case plan is prepared after the making of a — —

**The CHAIR** — Without assistance please.

**Ms NEVILLE** — I am just indicating to you that their advice is — —

**Mr DALLA-RIVA** — She said 'before'. The minister said 'before'.

**The CHAIR** — If you wish to seek a clarification, do so at the end of the minister's answer. The minister, to continue.

**Mr DALLA-RIVA** — Do you actually know the legislation? It actually says 'after'.

**The CHAIR** — Without assistance.

**Mr NOONAN** — And you are a greater authority, Richard?

**Ms NEVILLE** — You cannot get into court to get an order unless you have a court disposition.

**Mr DALLA-RIVA** — I used to follow the law.

**Ms NEVILLE** — Attached to the court disposition must be a draft case plan. That meets our statutory obligation. From there, the department then has a practice rule which says within six weeks we need to meet with the families and to implement.

**Mr WELLS** — I know, but this is where we are getting bogged down, Minister. You are talking about best practice. We are talking about what the law requires.

**The CHAIR** — Without assistance. Through the Chair! Mr Wells, you are out of order. Minister, have you finished answering the question?

**Ms NEVILLE** — Yes.

**Mr RICH-PHILLIPS** — The law does not say 'draft case plan'.

**Mr DALLA-RIVA** — The law does not say 'draft case plan', Chair.

**The CHAIR** — Mr Scott.

**Mr WELLS** — No, hang on. We have not got an answer to ours.

**Mr DALLA-RIVA** — No, hang on. No wonder the Ombudsman said that it is complicated administratively.

**The CHAIR** — The minister has provided the answer.

**Mr DALLA-RIVA** — We have just confirmed the minister has got it complicated administratively.

**Mr WELLS** — We have not got an answer to the question.

**The CHAIR** — It was not your question, Mr Wells.

**Mr WELLS** — We have not got an answer to the question.

**The CHAIR** — The minister has answered the question.

**Mr WELLS** — Well, you tell me, then, how many cases were not completed in 2009?

**The CHAIR** — We have discussed that before and I have given my view on that particular part of the question. So far as it relates to the processes and the budget going forward, the minister has provided a comprehensive answer.

**Mr WELLS** — She has had three chances to answer the question. Three chances, and we have no idea what is going on.

**Mr SCOTT** — I note on page 282 of budget paper 3 more funding is provided for clients with autism spectrum disorder. Would you please tell us more about what the government is doing for people with autism?

**Ms NEVILLE** — The government recognises absolutely how challenging and how difficult it is for many parents and carers who are responsible for bringing up children who have autism or autism spectrum disorder. It is appropriate that government does play a role in assisting those families. Members of the committee may remember that in May last year the government launched Victoria's autism state plan, in fact the first plan of its kind in Australia.

The plan was developed in partnership with Autism Victoria and involved extensive consultation. Sessions were held with people with autism spectrum disorder, their families, other carers and those who work for them. The aim of developing the plan was to build new and better approaches across government for meeting the growing and complex needs of people with autism and autism spectrum disorder.

The plan identified six priority areas, which are guiding our implementation. It was about making it easier to get support; it was about strengthening the autism spectrum disorder expertise of our workforce; it was about extending and linking key services and supports, especially during transition; and it was focused on enhancing and providing appropriate educational opportunities, facilitating successful participation in the community and, finally, a commitment to develop a robust evidence base about autism spectrum disorder.

In last year's budget, funding of \$8.3 million over four years was announced to begin the implementation. It included \$4.2 million for mental health services to improve service quality, support staff training and provide greater access to mental health services, particularly for young children and adults with complex needs. There was also \$4.1 million to support preschool children and young school-age children and to provide staff development opportunities, including secondary consultation and mentoring.

These budget announcements built on the \$2.75 million that we committed in December 2008 to implement the government's acknowledgement of ASD as a neurological impairment under the Disability Act. Approximately 80 per cent of people with ASD have another disability, which means that they were already able to access disability services. However, the change that we have made has meant that all people with ASD can now apply to be assessed for disability services. The importance of the change for families and individuals has been reflected in the enthusiastic support from autism groups and organisations.

This year's budget continues our commitment to the implementation plan, with significant investments: funding of \$7.5 million over four years to improve case management and referral services for families so they can continue to build our expertise and capacity to respond to the needs of individuals with ASD. The government is also investing an additional \$38 million over four years for early childhood intervention services to support an increase in the intensity of intervention and associated support provided by early childhood intervention services. This will see a 25 per cent increase in the hours that are provided. Children with autism will benefit from this additional funding.

Further investments in this budget for people with ASD include \$57 million for additional demand growth and transport needs in the program for students with a disability; capital funding totalling \$43 million for major upgrades to schools and facilities for students with a disability or developmental delay, including \$18 million to upgrade and build new facilities at the Northern School for Autism and eastern autistic school; and capital funding totalling \$4.4 million to provide satellite units for students with an intellectual disability and inclusion support programs for students with autism.

This significant investment in this year's budget, building on our commitment last year, really is focused on implementing the priorities that we have put in place in partnership with Autism Victoria to deliver an autism state plan.

**Ms PENNICUIK** — Minister, my question relates to the community services workforce. As you know, there is obviously a growing need for community service workers. The recent ACOSS study showed the staff turnover rate of around 6 per cent, which is higher than the Australian average. I would have to say, too, in terms of the questioning that you have already received this morning about child protection, that we know there are staff retention issues in that area, particularly with retaining experienced and trained staff, and it is difficult to keep them because of the terrible workload and the nature of the work. The issue of the community services workforce is very important to how they are remunerated and supported in terms of basically underpinning the whole sector and how it works. I understand that in 2007–08 there was an increase of some \$15 million, but operating expenses increased by about \$23 million and that there has been an indexation of 3.14 per cent applied to the community sector. You can confirm this with me.

My question is: given that that indexation only keeps up with current costs and does not allow for any pay parity for community service workers with the public sector, has there been any additional money on top of that 3.14 per cent indexation to enable pay parity within the community sector workers with the public sector workers?

**The CHAIR** — Minister, in relation to the budget estimates.

**Ms NEVILLE** — I presume we are not talking about, say for example, child protection workers who are public sector workers?

**Ms PENNICUIK** — No, community sector workers.

**Ms NEVILLE** — Currently, as you are probably aware, there is a case before the national commission in relation to pay parity issues for community sector organisations. There was an outcome in Queensland sometime last year, about the middle of last year, that saw a determination to increase over a period of time community sector organisation workers' pay levels. That process will play out here in Victoria and nationally, and obviously that will determine what ultimately happens in terms of pay rates for community sector workers.

We do, as you refer to, now provide three-year funding agreements to community sector organisations. We introduced that after we came to government, to give some certainty around long-term funding. As part of that process, every three years we go through a partnership consultation with all the key community sector organisations — the peak bodies, VCOSS, National Disability Services et cetera — to get an agreement on what the price indexation should be for those funding agreements. That covers both wages as well as on-cost increases over that period of time. You are right to say that this agreement is 3.14 per cent, that we reached last year with the community sector organisations.

The other thing, I suppose, that is contained in this budget, too, is we do know that a number of community sector organisations do pay over and above what the award rates provide for. Certainly one of the arguments that the disability services sector and the family services sector have had with government has been about the

level at which we pay for the services that they deliver — for example, family services — and whether it was adequately covering things like wages and the real cost of delivering those services. So this budget does deliver to both the disability sector and also the family support sector an increase in price for the services over and above that indexation, which will help ensure their sustainability and their capacity to be flexible in the sort of working arrangements that they make with their staff. Certainly they do have a greater deal of flexibility around some of those working arrangements, whether it is maternity leave or leave arrangements over and above what is offered in the public sector.

In addition to that, you will probably be aware, we are in the process of working through the establishment of a portable long service leave scheme for the workers in the community sector. Hopefully we will see legislation later this year to establish centralised, portable long service leave. Certainly the workforce have indicated to us that that will go some way towards them feeling able to continue to operate and work within the community sector field, which is what we want to see. So there are a number of developments and obviously the national wages claim will be what will ultimately resolve the issue of pay parity.

**Ms PENNICUIK** — Minister, over and above what is happening — —

**The CHAIR** — If you want clarification, through the Chair, please.

**Ms PENNICUIK** — Thank you, Chair, through you, there was a request by the Australian Services Union for a \$100 000 feasibility study on issues between community service workers and public sector workers. Were you aware of that?

**Ms NEVILLE** — No, they have not raised that with me. I am obviously very happy to — —

**Ms PENNICUIK** — They put it in their budget submission.

**Ms NEVILLE** — The department is indicating they have not come to the department, but maybe they are intending to.

**Ms PENNICUIK** — It is in their budget submission.

**Ms NEVILLE** — Okay.

**Ms PENNICUIK** — I presume your department knows about it. So you do not know anything about it?

**Ms NEVILLE** — No. Obviously we would be always happy to have a look at that and I will.

**Ms PENNICUIK** — Yes. Obviously, Minister, you are aware that, notwithstanding what you have said, there is a lot of disquiet among the sector workers, raised through their union, about their increasing problems with their pay parity?

**Ms NEVILLE** — Yes, and, as I indicated, that will be resolved through the wages claim process. In the meantime obviously the portable long service leave, the indexation, the price increases we have given are all about increasing sustainability.

**Ms PENNICUIK** — In anticipating that there may be some parity is there flexibility — —

**The CHAIR** — Through the Chair.

**Ms PENNICUIK** — Chair, through you, in the budget to meet that, in the forward estimates?

**Ms NEVILLE** — There is not; we have not costed that in. That is something where obviously we do not know what the outcome is going to be, so it would be guessing that outcome. That would be something, if the wages outcome changes, that government will need to then have a look at through the normal budget processes, and that is unlikely to be resolved prior to the next budget anyway, that wages claim.

**Dr SYKES** — Minister, I refer to disability services, in particular ‘Residential accommodation support’ on page 105 of budget paper 3, which covers:

Accommodation support provided to groups of clients in community-based settings and centre-based residential institutions which is responsive to individual needs ...

et cetera. Under section 141 of the Disability Act 2006, the use of seclusion and restraint must be included in behaviour management plans, and in particular under section 141(3) the disability service provider must consult with the person, their guardian or an independent person. However, on page 11 of the recent senior practitioner's annual report of 2008–09, it is revealed that in at least 16 per cent of cases — that is, 325 times — no-one was consulted, and your government and your department have again broken the law.

This is another case of you being responsible for hundreds of cases of very vulnerable Victorians where the law has been broken. How can you allow this to happen, and why are you failing as minister to ensure that your department and other disability service providers comply with the law?

**Ms NEVILLE** — Can I just firstly start off, Chair, in relation to the issue of restrictive interventions more broadly and the senior practitioner. I will just say that Victoria absolutely leads internationally in this area. I think maybe Norway has something similar to what we do, but nowhere else do have put in place a routine monitoring of the use of restrictive interventions or the requirements around having behaviour management plans.

With the introduction of the new act, which commenced in July 2007, the role of the senior practitioner was established as part of that, and their role was really about protecting the rights of people with a disability, looking at restrictive interventions and ensuring that change occurs within the disability services sector, whether that is the community sector organisations that deliver shared supported accommodation or other services or the Department of Human Services.

We produce an annual report in order to ensure that all the community is aware of what is changing, what work has been done and what work needs to continue to be done. It is in its second year of operation, and the senior practitioner has done a whole range of things. It has delivered training for disability support professionals; more than 2600 disability staff have been trained. We have seen a change in certificate IV in disability, the certificate that disability staff undertake, where there is now a compulsory unit that is required in relation to behaviour. Over 600 staff have been trained in providing active support to assist people to participate in day-to-day activities, and 2000 staff have also participated in information sessions workshops.

Other strategies that the senior practitioner has put in place: the enhancing restrictive interventions data system, to monitor behaviour support plans. There are a lot of people who require these. Over the period of the last two years the senior practitioner has put in place a data system so it can be monitored, and also strategies to reduce restrictive interventions.

Behaviour support plans are an evidence-based plan for an individual with a disability that identify the behaviours of concern and sets out the use of alternatives to restrictive interventions. They also require restrictive interventions to be used as a last resort. Since 2006 data has indicated there has been an increase in the number of plans that include positive behaviour support strategies that reduce the dependency on restrictive interventions. I think the senior practitioner talks about this in his report, indicating he is working with disability service providers, whether they are department or community sector organisations, to ensure that we achieve the 100 per cent implementation of behaviour support plans for those who require them.

That is the work of the senior practitioner. From 1 July that is what has been his focus, on trying to get there, and we are getting closer to that. There are changes, and we are starting to see some changes in restrictive practices. We obviously want to drive down those restrictive interventions where they are not appropriate. I would make it clear, though, that the decisions in relation to restrictive interventions are made by clinicians, not by governments. They are made by clinicians and the role of the senior practitioner is to oversight those and ensure that people have the skills to look at other ways and other methods to prevent restrictive interventions or to at least be monitoring what those restrictive interventions are and reporting on those.

**Dr SYKES** — A clarification, through the Chair. Minister, you have acknowledged there has been a serious problem. Can you now guarantee that your department will be upholding the law and providing a behaviour support plan in which relevant people are consulted for every use of seclusion or restraint? Can you guarantee that going forward?

**Ms NEVILLE** — That is the role of the senior practitioner. That is why we have set up the senior practitioner, because we want to have behaviour support plans. Across a whole range of agencies we need to bring about cultural change and practice change. There is a rigorous monitoring, training and education program in place. Those behaviour support plans are being developed and increasing as we speak, and they will continue to do that. It is an absolute priority of the senior practitioner and of the government to see that happen.

**Dr SYKES** — Chair, I still have not quite got my answer. The minister has indicated the process. My question was: can the minister, as the minister responsible, provide that guarantee, that her department under her responsibility will comply with the law by having a behaviour support plan in which relevant people are consulted on each and every occasion?

**Ms NEVILLE** — For the senior practitioner, as is indicated in there, this is a priority in his work. It is a priority for government to make sure that they occur, and we will continue to work as one of our top priorities to ensure that happens.

**Dr SYKES** — So you as the minister, will you give that guarantee or do you refuse to give that guarantee, Minister?

**The CHAIR** — I think you have had three goes at that. I think the minister has answered that one. Ms Graley.

**Mr DALLA-RIVA** — That is another law broken.

**The CHAIR** — Without assistance.

**Ms GRALEY** — Minister, I would like to talk about an issue that is important to many families in my electorate who have children with a disability, and that is the very important aids and equipment program. I know it is something that people are very interested in when they have a child with a disability. I would like you to outline what support is being provided for individuals to live at home independently and also to support families caring for children with a disability.

**Ms NEVILLE** — As you have indicated, the aids and equipment program is well utilised and a very important part of the supports that can be provided not only to families and carers but also to individuals to enable them to live at home. The program provides subsidised aids and equipment to assist people to be independent in a range of ways — they are able to live at home, to be involved in local community or to continue to work as well. The program is important in supporting families and other carers. The program also provides domiciliary oxygen, incontinence aid services and vehicle and home modification service schemes. An investment of \$20.3 million was committed under LFS3 over four years, commencing in 2007–08, to assist and an additional 11 000 people. The government's commitment is reflected in ongoing increases in funding for the program.

The 2010–11 budget invests \$8 million over four years to provide aids and equipment to 857 adults and 100 children and vehicle modifications for a further 50 people. This is on top of last year's budget estimate of \$31.6 million to assist 28 820 people and a one-off boost of \$300 000, which took the total to 30 000 people being assisted with aids and equipment at home and vehicle modifications.

The program also funds specialist services provided through the Motor Neurone Disease Association, Vision Australia, Technical Aid to the Disabled and VicDeaf. These are valuable services that improve the quality of life and safety of people with a disability.

A review of the program by KPMG in November 2007 recommended a significant restructure. As a result, the program is now undergoing a two-year reconfiguration. Following consultation on a new model of delivering the program, key reforms include the replacement of the current 25 local issuing centres with a single statewide service. The new service will provide a streamlined single point of access for individuals irrespective of where they live. This will ensure equal access throughout Victoria for people with permanent or long-term disability.

The new service model will provide easier and more timely access for people, with improved processing and prioritisation. Demand for the program continues to increase as a result of change in community needs, with our ageing population, advances in technology, community inclusion and increased community-based supports. The

government will continue to invest in the program to enhance the independence of people with a disability and to support them, their families and their carers to be able to participate more fully in our community.

**Mr WELLS** — Minister, I really do need to come back to best interest case plan, because this morning we have been around and around in circles and we have not actually gained any new information. You have spoken about draft plans which are not part of the legal obligation, and we are not particularly interested in the excuses that you have given us. Can I quote to you the Ombudsman's report from November 2009 on page 79? This is what it says, so hopefully this will clarify the point:

The department —

that is, your department —

provided my office —

the Ombudsman's office —

with a copy of the audit outcomes from the region. The audit revealed that 11 per cent of children in the region did not have a best interests case plan in place.

That is what the Ombudsman said, and that is the information that your department gave the Ombudsman, so it is very clear that it is verifiable information that in 11 per cent of the cases vulnerable kids did not have a best interests case plan. So my question once again — and we will try to clear this up — is: with that information in mind, how many cases in 2008–09 were not completed? How many in 2009–10 — this financial year — have not been completed to date? What is your expectation in 2010–11 of cases that will not be completed?

**The CHAIR** — Minister, insofar as it relates to the annual estimates or receipts for payments and other budget papers, any supplementary instruments or receipts for payments presented to the Assembly or the Council.

**Ms NEVILLE** — Chair, again I will try to be clear on the answer on this.

**Mr WELLS** — I think, Minister, with respect — —

**The CHAIR** — Without assistance.

**Mr WELLS** — No, I am just trying to assist the minister

**The CHAIR** — No, I am chairing this.

**Mr WELLS** — I am just trying to assist the minister.

**The CHAIR** — I am chairing this.

**Mr WELLS** — I am just trying to assist the minister.

**The CHAIR** — If I am not here, you are the Deputy Chair, and you chair it. But at the moment I am here, in which case if you want to ask anything, you do it through the Chair. You have asked your question; you have finished your question. The minister is answering. When the minister has completed the answer you may wish to seek any clarification, but it has to be a clarification and not an additional question or we will move on to the next question, which is the normal process.

**Mr WELLS** — I am seeking to assist the minister.

**The CHAIR** — Let me do the chairing, not you. The minister, to answer.

**Mr WELLS** — We still have not had an answer yet.

**The CHAIR** — Mr Wells, thank you very much. The minister, to answer.

**Mr WELLS** — This is about our fifth time of trying to get an answer.

**Ms GRALEY** — Try listening.

**Mr WELLS** — We have been listening all morning. We have had nothing but excuses and more excuses —

**The CHAIR** — The minister, to answer without the commentary and without the debate. If you wish to debate the matter, do it in the house, not here. Here we have questions and here we have answers provided by the ministers.

**Mr WELLS** — We have not got the answers.

**The CHAIR** — Without the commentary and without the interjections that you are making, the minister, in respect of the budget, as I have said before, in terms of the question asked.

**Ms NEVILLE** — Clearly what we have is an interpretation of a statutory obligation, from Mr Wells.

**Mr WELLS** — Hang on. I am quoting from the Ombudsman.

**The CHAIR** — Without assistance.

**Mr WELLS** — Did the Ombudsman have this wrong?

**The CHAIR** — Without assistance, Mr Wells. I am tired of your continual interjection.

**Mr WELLS** — We are sick and tired of getting excuses.

**The CHAIR** — I think you ought to respect the processes. As I have said to you on a number of occasions, and I will say it to anyone around the table, you need to respect the processes, and the processes are: you ask questions in silence; answers are given in silence. Can we continue to follow that particular process?

**Mr WELLS** — If we get some answers.

**The CHAIR** — You have just shown that you have no respect for the processes. I am very disappointed in you as Deputy Chair. The minister to answer, without assistance.

**Ms NEVILLE** — What I am saying is based on a legal view that lodging a best interests case plan as part of the court disposition — not my view, a legal view — —

**Mr RICH-PHILLIPS** — Whose legal view?

**Ms NEVILLE** — — is a mechanism through which the statutory obligation is met. However, what then happens is you have the draft. It is attached — —

**Mr WELLS** — Yes, I know, but you keep referring to a draft plan. That is not the law. The law is not that. You know that.

**The CHAIR** — Without assistance. The minister is answering the question without assistance.

**Mr WELLS** — No, she is not.

**Ms NEVILLE** — We are meeting the statutory obligation.

**Mr RICH-PHILLIPS** — That is not what the secretary said.

**Ms NEVILLE** — Where we have an issue is whether we are meeting the practice that we have laid down for ourselves, which is the six weeks in which you have the meetings with family, when you implement — —

**Mr RICH-PHILLIPS** — We are well aware we have a number of cases where we have not complied with that requirement.

**The CHAIR** — Without assistance.

**Mr RICH-PHILLIPS** — That was your secretary.

**The CHAIR** — Without assistance. Ignore interventions, Minister.

**Ms NEVILLE** — Where you implement the case plan following the meetings with families and other relevant specialists, we meet the statutory obligation.

**Mr WELLS** — No, you are not.

**Ms NEVILLE** — We are not meeting the practice obligation.

**The CHAIR** — In terms of your practice going forward — the last part of Mr Wells's question — how are you going to proceed in the future?

**Ms NEVILLE** — If you have a look at the recommendations of the Ombudsman in relation to this and also what we have committed to the Ombudsman to do, which is to establish an independent compliance committee — —

**Mr RICH-PHILLIPS** — Oh, good, another committee.

**Mr WELLS** — That is what we need.

**Ms NEVILLE** — It is an audit committee that will look at compliance — —

**Mr WELLS** — Let's not focus on the kids.

**The CHAIR** — Without assistance. Listen to the answer, please.

**Ms NEVILLE** — This was the recommendation from the Ombudsman. We have accepted the recommendations. We are implementing an independent audit committee to oversight compliance with statutory and practice obligations of the department. As agreed with the Ombudsman, the outcomes of meeting those statutory and practice obligations will be reported to the Parliament.

**The CHAIR** — If you could provide the committee as appropriate when these are available, it would be welcomed by this particular committee.

**Mr DALLA-RIVA** — On a point of order, Chair.

**The CHAIR** — Yes, Mr Dalla-Riva, a point of order?

**Mr DALLA-RIVA** — In respect of the question that was asked by Mr Wells, Mr Wells was very specific about the act and the responsibilities.

**The CHAIR** — What is the point of order?

**Mr WELLS** — He is getting to it. Why do you always want to shut down the opposition?

**Mr DALLA-RIVA** — I am trying to get there.

**The CHAIR** — Mr Dalla-Riva has the call on a point of order. In terms of the process, it has to be a point of order rather than asking another question.

**Mr DALLA-RIVA** — I am. Mr Wells was speaking specifically about the preparation of case plans. The law is very clear. I might be an old copper who used to read the law and apply it — —

**The CHAIR** — What is the point of order?

**Mr DALLA-RIVA** — — but the law is very clear. It says the preparation of a case plan must be completed within six weeks after the making of the court order. After the making! It says 'after'.

**The CHAIR** — What is your point of order, Mr Dalla-Riva?

**Mr WELLS** — I seek clarification. The minister does not understand that part of it.

**Mr DALLA-RIVA** — The minister continually refers to the issue about making a draft plan before the court order, and then she says that is clarifying meeting her statutory obligations. That is not correct, and I would like to see the legal advice, Chair, if she has got that legal advice.

**The CHAIR** — Thank you for the point of order. There is no point of order.

**Mr DALLA-RIVA** — Before and after — there is a big difference.

**The CHAIR** — Insofar as we are seeking the background for anything underpinning the arrangements that the minister has described, if anything could be made available by the minister, we would appreciate that. Mr Noonan?

**Mr WELLS** — No, I seek clarification, please, Chair.

**The CHAIR** — I think we have moved on.

**Mr WELLS** — No, I need to seek clarification.

**The CHAIR** — No, I think we will move on.

**Mr WELLS** — The basis of my question was not answered, so I would seek clarification, please. That was in regards to the numbers in 2008–09, 2009–10 and 2010–11. That is clearly in the forward estimates period and you have just brushed over it.

**The CHAIR** — I have not. I asked the minister specifically to talk about the arrangements for the future. She gave an answer on that one — —

**Mr WELLS** — Can you clarify for me — —

**The CHAIR** — Because I specifically asked about that and how she was going to carry things forward in terms of these particular plans. She answered that because I specifically brought her back to that, as you would have known if you had listened. Mr Noonan has the call.

**Mr RICH-PHILLIPS** — Where are the numbers? The question was about the numbers.

**Mr NOONAN** — Minister, you referred to the 55 new workers in the youth area, which is referred to in budget paper 3, page 314, over the forward estimates period. I wonder whether you can provide the committee with some further information about this particular initiative as part of the forward estimates.

**Ms NEVILLE** — The government is committed to ensuring community safety and has been concerned about what appears to be an increase in youth violence. In this budget we have committed an additional \$22 million to address the underlying causes of youth crime and to bolster our diversion initiatives, early intervention programs and support services for vulnerable young people. This innovative and progressive suite of new initiatives will strengthen the service response to youth crime across the state by providing 55 new youth workers on the ground, a rapid response team to support police dealing with young people in crime hot spots, a new behaviour-change program for young people who are found carrying or offending with a knife and an intensive bail support pilot that will provide an alternative to remanding young people.

Young people who offend are often amongst the most disadvantaged in the state. The initiative draws on what we know is the best way to help vulnerable and at-risk young people get back on track. It responds to increases in offending by young people and concerns about young people committing violent crimes, such as knife and other weapons offences. We know it is crucial to provide earlier support to young people to reduce their likelihood of going on to commit more offences in the long term. Effective diversion requires a targeted, comprehensive and early response that links young people in with alternative support services and strengthens their connection to community, to education, to family and back into training.

Vulnerable young people need support to build a positive future without crime. They also need real and structured alternatives to custody when they demonstrate risky behaviour such as involvement in a knife culture. As I said, there will be 55 new youth workers, half of those will be based in community-based settings, working with services like mental health, drug and alcohol, and family support services, connecting them back into

education and training. There will be a rapid response team with youth workers and police trying to get to young people who might be at incidents, particularly first offences or at risk of committing an offence.

Those young people who are caught carrying or offending with knives will be able to, either by a court order or via the police, participate in a new behaviour-change program. A new intensive bail support pilot program will also offer the courts an alternative to remanding a young person charged with offences in custody. It will provide a real alternative for those young people, with conditions to ensure both community safety and opportunities to continue to connect those young people to education and training.

**The CHAIR** — Thank you, Minister. There is time for one last quick question.

**Mr DALLA-RIVA** — Minister, back on the issue of the child protection and family services and the output measure that is required, I note that in the earlier discussions and the conversations we have had that there may have been a point about a review being completed following the Ombudsman's report into the child protection program. I also note Ms Callister's comments on 26 March this year when she said:

We are well aware that we have a number of cases where we have not complied with that requirement.

despite what you said earlier —

We are establishing a new audit and compliance team in the department that will monitor those things far more actively.

I ask: when was that review completed by your department, who did that review, what did it find, can you table it for the committee as to the outcomes that you expect it to deliver?

**Ms NEVILLE** — Chair, can I just clarify?

**The CHAIR** — Okay.

**Ms NEVILLE** — I am not sure which review you are referring to. There is a governance review, which relates to how our regional offices operate so that we — —

**Mr DALLA-RIVA** — So there was no review as to the Ombudsman's report — specifically about the best interests case plan issues?

**Ms NEVILLE** — The Ombudsman has undertaken a review of child protection. The Ombudsman has made a series of recommendations, and I am happy to go through in detail exactly which ones have been implemented and which have not, but given that there are 42 — —

**The CHAIR** — We do not have time.

**Mr DALLA-RIVA** — Specifically about the best interests case plan — —

**Ms NEVILLE** — In relation to the recommendation which he makes not just about best interests but also about practice and compliance issues more broadly — I cannot recall exactly the recommendation he made, but it is a broad one — he indicates that there needs to be some compliance and audit oversight and a reporting of that to Parliament. We have agreed with that. That compliance audit by the compliance committee has been established by myself. It will report to me as minister and there will be a report on our compliance with statutory and practice obligations to the Parliament. I indicated that earlier to the Chair.

**The CHAIR** — I also asked whether you could provide — —

**Ms NEVILLE** — We are reporting back regularly to the Ombudsman, and the Ombudsman is aware of that.

**Mr DALLA-RIVA** — Was there a review internally undertaken in response directly to the issue about the best interests case plan situations that were raised in the Ombudsman's report?

**Ms NEVILLE** — Recommendation 14 is to establish arrangements to ensure compliance, and that is what we have done. We have met the recommendation. We regularly report back to the Ombudsman, and he is aware that we have met that obligation to establish arrangements to comply with practice standards and statutory obligations in relation to a number of — I will not read them all out.

**Mr DALLA-RIVA** — So there is no internal review?

**Ms NEVILLE** — We have undertaken that. That audit committee will be responsible for that. The Ombudsman has asked us to have that audit committee to be responsible for looking at practice standards and key statutory obligations, such as — and he lists them: best interests, stability plans, cultural support plans — and to report those to Parliament, and that is what we will do.

**Mr DALLA-RIVA** — Was there any external review undertaken as a result?

**Ms NEVILLE** — That committee will be responsible — —

**Mr WELLS** — So to fix the problem of child protection you have set up a committee.

**Mr DALLA-RIVA** — That is what I am trying to work out.

**The CHAIR** — Mr Wells, thank you!

**Ms NEVILLE** — We have complied with the recommendation of the Ombudsman.

**Mr WELLS** — You have set up a committee to fix child protection in this state.

**The CHAIR** — And I asked previously — and the minister agreed — to provide some further details on those arrangements on notice. I thank Ms Callister, Mr Asquini, Mr Rogers and Mr Hall for their attendance.

**Witnesses withdrew.**