



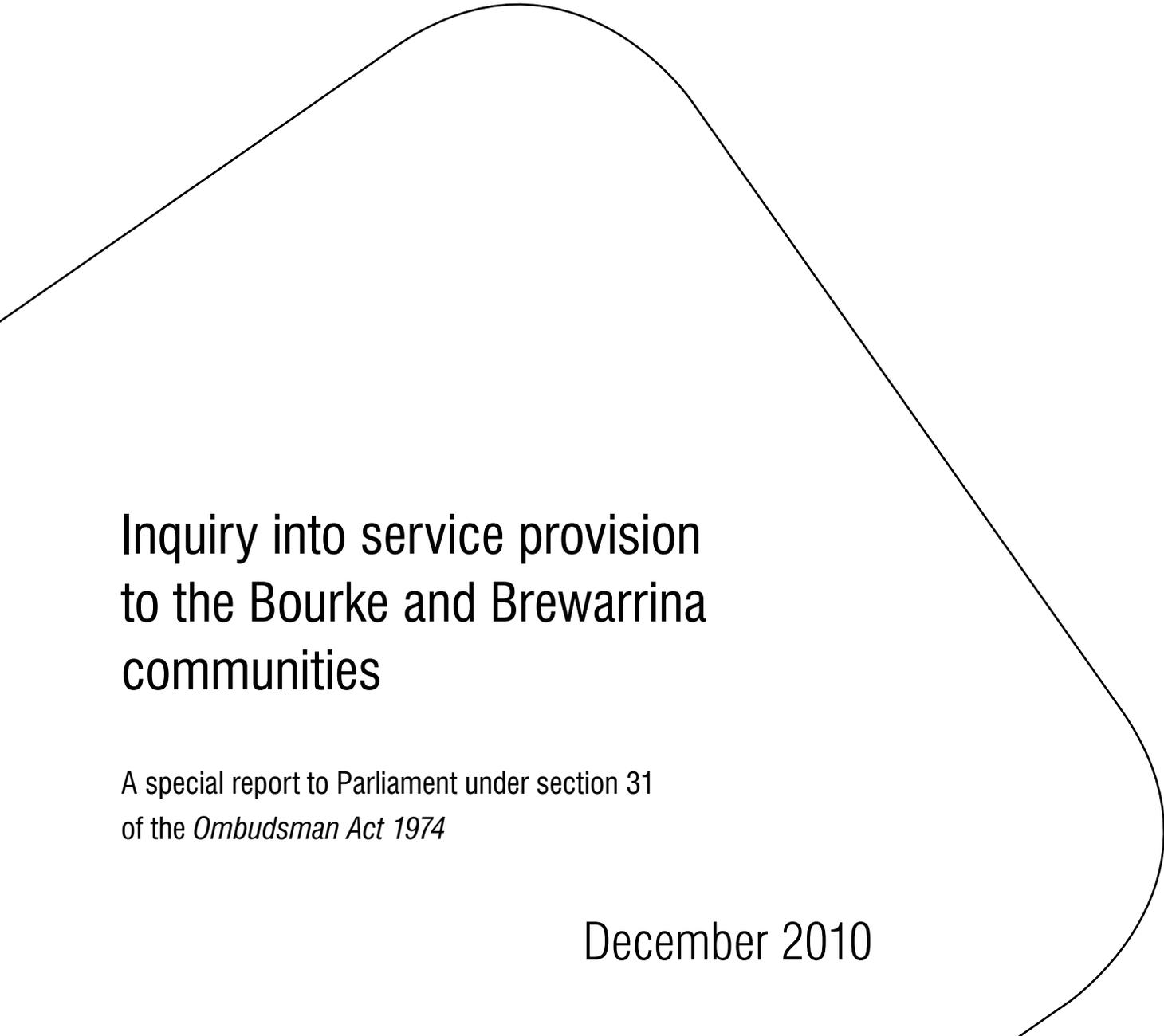
NSW Ombudsman

---

# Inquiry into service provision to the Bourke and Brewarrina communities

A special report to Parliament under section 31  
of the *Ombudsman Act 1974*

December 2010



# Inquiry into service provision to the Bourke and Brewarrina communities

A special report to Parliament under section 31  
of the *Ombudsman Act 1974*

December 2010



NSW Ombudsman

Our logo has two visual graphic elements; the 'blurry square' and the 'magnifying glass' which represents our objectives. As we look at the facts with a magnifying glass, the blurry square becomes sharply defined, and a new colour of clarity is created.

NSW Ombudsman  
Level 24, 580 George Street  
Sydney NSW 2000

General inquiries: 02 9286 1000  
Facsimile: 02 9283 2911

Toll free (outside Sydney metro): 1800 451 524  
Tel. typewriter (TTY): 02 9264 8050

Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

ISBN: 978-1-921131-63-9

© Crown Copyright, NSW Ombudsman, December 2010.

*This work is copyright, however material from this publication may be copied and published by State or Federal Government Agencies without permission of the Ombudsman on the condition that the meaning of the material is not altered and the NSW Ombudsman is acknowledged as the source of the material. Any other persons or bodies wishing to use material must seek permission.*

---



NSW Ombudsman

December 2010

Level 24 580 George Street  
Sydney NSW 2000

Phone 02 9286 1000

Fax 02 9283 2911

Tollfree 1800 451 524

TTY 02 9264 8050

Web [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

The Hon Amanda Fazio MLC  
President  
Legislative Council  
Parliament House  
Sydney NSW 2000

The Hon Richard Torbay MP  
Speaker  
Legislative Assembly  
Parliament House  
Sydney NSW 2000

Dear Madam President and Mr Speaker

I submit a report pursuant to s.31 of the *Ombudsman Act 1974*.

I draw your attention to the provisions of s.31AA of the *Ombudsman Act 1974* in relation to the tabling of this report and request that you make it public forthwith.

Yours faithfully

Bruce Barbour  
**Ombudsman**



---

# Ombudsman's message

The over-representation of Aboriginal children and young people in the child protection and juvenile justice systems is of significant concern. Just over half of all juveniles in detention in NSW are Aboriginal. In Western NSW, Aboriginal children make up over 80 percent of detainees.<sup>1</sup> Aboriginal children also make up over one third of the more than 17,000 children in out-of-home care.<sup>2</sup> Tackling systemic disadvantage is critical to improving the outcomes for Aboriginal children and their families in this State, and reversing these trends for future generations.

Since receiving a complaint from the Brewarrina Aboriginal Community Working Party (ACWP) in late 2007 that alerted us to concerns about the adequacy of the response of Community Services to vulnerable children and their families in the community, we have worked closely with the ACWPs from Brewarrina and nearby Bourke, local service providers and government agency staff to explore how Community Services might improve its caseworker presence and service delivery in Western NSW.

The circumstances of three 'at-risk' families from Brewarrina were also brought to our attention by the ACWP to help illustrate the impact of limited service capacity in their community and the Western region more generally. The significance of the concerns have been demonstrated by the fact that two children from one of the three families, were the subject of 65 and 101 risk of harm reports respectively in the preceding six years – and one of these children was sexually assaulted five months after the ACWP raised its concerns about these families.

Community leaders from Bourke and Brewarrina have held long-standing concerns about service sector inefficiencies and the limited reach of major early intervention and prevention programs. In light of these and a number of other related concerns, we decided to inquire into and review the delivery of community services to the Brewarrina and Bourke communities.

Despite attempts to increase caseworker numbers in high-need areas and provide staff in these locations with better infrastructure and support, these initiatives appear to have had little impact in towns such as Brewarrina and Bourke.

Our Inquiry has provided a litmus test of whether the various federal and state government initiatives aimed at addressing Indigenous disadvantage and child protection are making, or are likely to make, a difference in high needs Aboriginal communities across the State.

Our inquiry found that there are a number of challenges which will need to be addressed in order to build an effective service system within disadvantaged rural and remote Aboriginal communities. These challenges include providing a broad range of competent and well targeted services, strengthening the Aboriginal service sector, achieving 'integrated' and efficient service provision, and rationalising governance and accountability arrangements.

The communities themselves have also sent a strong message to us throughout our consultations that they 'need to see action'. For this reason, it will be critical for the Department of Human Services together with other agencies in the fields of health, education and justice, to develop a clear action plan to effectively address the challenges identified.

Often when public reports are made about disadvantaged communities, the impression given is one of government agencies actively seeking to impose their will on the community to deal with problems. From our extensive experience in working with Aboriginal communities, we have been struck by the high level of commitment and concern from community leaders wanting to see action taken by government agencies to address the needs of those most vulnerable. Community leaders have told us that they want 'the truth to be told about the problems their communities are facing'.

Clearly these issues are of significant public interest and, as such, I believe it appropriate to make this report to Parliament. Our work as documented in this report is also directly relevant to our on-going audit responsibilities in relation to the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities*.

I would also like to take this opportunity to extend my thanks to the many people who gave generously of their time, experience and insight during our consultations.



Bruce Barbour  
**Ombudsman**

---

1 Information provided by Graham Scaysbrook, the Juvenile Justice representative at our meeting with the Bourke community on 23 August 2010.

2 Department of Human Services, Community Services, Quarterly Data June 2009 to June 2010.



---

# Contents

<b>Executive summary .....</b>	<b>VII</b>
Background to the report .....	VII
What we found .....	VIII
Summary of recommendations .....	X
<b>Chapter 1. Introduction.....</b>	<b>1</b>
<b>Chapter 2. Sources of information .....</b>	<b>3</b>
<b>Chapter 3. Major state and federal initiatives .....</b>	<b>5</b>
3.1. Federal landscape.....	5
3.2. Reforms to Aboriginal child protection in NSW .....	11
3.3. The NSW Government’s whole of government plan for Aboriginal Affairs .....	24
<b>Chapter 4. Our consultations and related actions.....</b>	<b>27</b>
4.1. Brewarrina community .....	27
4.2. Bourke community .....	34
4.3. Related agency consultations.....	38
<b>Chapter 5. Our findings and recommendations .....</b>	<b>43</b>
5.1. Providing a broad range of competent and well-targeted services .....	44
5.2. Strengthening the Aboriginal service sector .....	49
5.3. Achieving integrated and efficient service provision.....	50
5.4. Rationalising governance and accountability arrangements .....	51
5.5. Summary of recommendations .....	54



---

# Executive summary

The purpose of this report is to outline our findings and recommendations following our examination of the concerns raised by the Bourke and Brewarrina Aboriginal Community Working Parties about service delivery to vulnerable children and their families in these communities.

A significant period of time has elapsed since the concerns of both communities were first brought to our attention, and it is now almost 18 months since the release of *Keep Them Safe*. For this reason, we believe it is timely for us to document the progress made in addressing the specific needs of, and challenges currently being faced by, the Bourke and Brewarrina communities. We recognise that many of the needs and challenges are common to those faced by a significant number of other disadvantaged communities. Therefore, the response to the concerns raised by these two communities will help inform the approaches taken to addressing the critical issues being faced by disadvantaged communities in rural and remote locations across the state.<sup>3</sup>

This report has not only focused on Community Services, it has also examined broader human services issues which need to be considered as part of improving service delivery to rural and remote communities – including those issues that relate to the implementation of *Keep Them Safe*.

## Background to the report

Our observations and recommendations are made against the background of our extensive work over the past 10 years with Aboriginal communities. In carrying out this work, we have consulted with thousands of Aboriginal people as well as many hundreds of frontline agency staff and organisations. Our systemic review work has included auditing the implementation of the NSW Police Force's *Aboriginal Strategic Direction* over four years, conducting a review of the supports provided to the carers of Aboriginal children, and reviewing the implementation of Ageing, Disability and Home Care's *Aboriginal Consultation Strategy and Aboriginal Policy Framework*.<sup>4</sup> This has assisted us in identifying what is needed to improve service delivery to Aboriginal communities.

In October 2009, we were given legislative responsibility for auditing the implementation of the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities*. An important starting point for this work has been reviewing how services are currently being delivered in key locations and how service delivery could be improved.

Over the past three years, community leaders from Brewarrina and Bourke have sought to engage us in ongoing discussions about addressing the circumstances of vulnerable Aboriginal children and their families in their communities. Both communities have expressed concerns about the need for government agencies to address inefficiencies within the service sector in order to ensure that services are delivered in a more targeted, integrated and accountable way. They have repeatedly raised concerns with us, and Community Services, about the limited reach of existing initiatives such as the Intensive Family Based Service (IFBS) and Brighter Futures in Bourke and Brewarrina. Community leaders have also proposed several options to address the circumstances of a relatively young group of children who are disengaging from the education system and who are often involved in risk-taking behaviour.

Our continued work with the Bourke and Brewarrina communities has involved regular discussions with representatives from Community Services, as well as other human service and justice agencies in the Western region. What has emerged from these discussions is an increased acceptance of the need to explore a better way of delivering an integrated and targeted response to the families who need it most. Senior region agency managers/directors have recognised that investments in multiple services are not leading to sufficient outcomes for vulnerable children and families in rural and remote communities. They have stressed that while recruiting good quality staff to rural and remote locations is critical to delivering frontline services, placing additional staff in the region without 'rebuilding' the way services are delivered and monitored will not necessarily lead to substantial improvements in outcomes for communities.

---

3 AbSec's submission in response to our provisional report agreed that: '... the service delivery and child protection issues raised in this report are not unique to the Bourke and Brewarrina communities.' However, AbSec highlighted that in supporting this statement it should be noted that: 'there are communities in NSW that are over-served, those that are under-served and those communities where the only services are provided by inappropriate non-Aboriginal service providers who are not delivering on community expectations – which result in a different set of inferior outcomes for Aboriginal people.'

4 The reports resulting from these systemic reviews are available on our website [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

---

At present, several new major programs and initiatives are being implemented in Bourke and Brewarrina. Safe Families, the \$25 million program to combat child sexual abuse in the Orana Far West Region, is being implemented in Bourke and Brewarrina.<sup>5</sup> The Federal Government, under the National Partnership Agreement on Indigenous Early Childhood Development, has committed \$74.7 million over six years to build nine Indigenous Child and Family Centres across NSW, and negotiations are underway to implement such a centre in Brewarrina.<sup>6</sup> If these initiatives are tailored and implemented in such a way as to meet the specific needs of each community where they are located, and are well integrated with other services and resources, they could provide an excellent platform for the development of more effective service models.

## What we found

Taking into account the current federal and state reform agenda and the clear messages we have received from our work with the Bourke and Brewarrina communities (and other communities across the Western region), we believe that several critical issues need to be dealt with in order to provide a solid platform for a broad range of competent, well-targeted and integrated services operating under an effective planning and governance framework. In order to build such a platform, it is clear that the following areas need to be addressed:

- providing a broad range of competent and well-targeted services
- strengthening the Aboriginal service sector
- achieving 'integrated' and efficient service provision, and
- rationalising governance and accountability arrangements.

### Provision of a broad range of competent and well targeted services

The nature of our ongoing role in reviewing the delivery of community services has highlighted the need for the provision of a broad range of competent and well targeted services.

There are a number of challenges inherent in building an effective service system within disadvantaged Aboriginal communities. Some of the more immediate challenges include addressing workforce capacity issues, building a solid evidence base about community needs, and developing a targeted approach to identifying vulnerable children and families.

#### Addressing workforce capacity

Unless, and until, vital positions in key government and non-government agencies in high needs rural and remote communities are able to be filled by suitably qualified staff, fundamental service gaps will remain.

The ongoing inability to address staffing and other shortfalls in service capacity in both Bourke and Brewarrina has seriously eroded community confidence in the capacity of key government and non-government agencies to identify and respond to the needs of the most at-risk children and families.

#### Building an evidence base

The establishment of an efficient service system must be informed by a solid evidence base.

The planning and design process should include using location specific population-based data against a range of well-being indicators to identify community needs. In conjunction with this, a needs analysis and service mapping should be undertaken to determine whether an appropriate suite of services is available to address the range of needs identified. As part of this aspect of the planning process, it is important to look not only at whether there is a service type which can, in theory, address each major identified need, but also whether the outcomes indicate that the critical needs are in fact being addressed.

#### Well targeted approaches to identifying children and families at risk

Communities have argued that if state and federal agencies carry out a comprehensive local needs analysis and act 'as one human services provider', this will lead to better identification of vulnerable families requiring support, more coordinated and streamlined service delivery, and increased resource capacity and accountability.

---

<sup>5</sup> [www.daa.nsw.gov.au](http://www.daa.nsw.gov.au). Accessed 12 August 2010.

<sup>6</sup> Hon Kate Ellis MP and Hon Linda Burney MP, 'Six new centres for Indigenous children in NSW', Media release, 31 December 2009.

---

Informed by these strong community sentiments, this Office has been arguing for the development of an 'intelligence-driven' approach to child protection. While NSW has successfully employed evidence-based intelligence strategies to identify and target high risk young offenders, the same rigorous practice has not been applied to identifying the most vulnerable children and young people. This has prevented the early detection of children and young people at critical stages of their lives for the purpose of providing them with much needed support. Police and Community Services information holdings clearly show that for many young offenders, their anti-social behaviour occurs within complex and difficult family environments. It should be noted that in smaller communities such as Bourke and Brewarrina, community members and local agency staff are often well placed to identify vulnerable families – and are an under-utilised resource in this respect.

The shift towards a more intelligence-driven approach for identifying those who are most vulnerable should be complemented by solid integrated case management practice. This should involve holistically assessing individual needs and directly facilitating access to a range of services.

## Strengthening the Aboriginal service sector

*Keep Them Safe* endorses Aboriginal children in need of care and protection being supported by Aboriginal organisations. It gives Community Services the responsibility for 'identifying which existing Aboriginal programs need a transition plan to move them across to Aboriginal organisations for delivery.' In this regard, we note the work currently underway to develop an NGO capacity building plan which includes a focus on the Aboriginal service sector. Both AbSec and SNAICC<sup>7</sup> are supportive of a transitional approach which involves partnerships between experienced providers and Aboriginal organisations for the purpose of skilling partner Aboriginal organisations to assume eventual control of services. It will be critical for Aboriginal organisational capacity building opportunities to be identified for both the Bourke and Brewarrina communities.

## Achieving integrated and efficient service provision

Justice Wood recommended that '*Services should be integrated, multi-disciplinary and co-located, wherever practicable and child and family services should be established in locations of greatest need, by outreach if necessary.*'<sup>8</sup> Given the range of social problems which confront many Aboriginal families in the Bourke and Brewarrina communities, there is an overwhelming case to support a strong interagency approach.

## Rationalising governance and accountability arrangements

### Leadership

Perhaps the most significant issue which has emerged from our discussions with communities is their desire to see action. For example, at a meeting with the Bourke community in August 2010 the Chairperson of the Bourke ACWP posed the question to the agency representatives in the room – '*who here has the clout to make sure that service providers are doing what they are supposed to?*'

Major funding agencies and/or service providers such as NSW Health, Community Services, Ageing, Disability and Home Care, NSW Housing and the Department of Education and Training have a direct service delivery and/or funding role. These agencies are not only making their own determinations about how their agency will design and deliver services, they are also making decisions about broad program design and service delivery for organisations that they fund. While these decisions are informed by policy commitments and related practice requirements – such as those contained in *Keep Them Safe*, the *State Plan* and *Two Ways Together* – these commitments and requirements do not guarantee that holistic service models are rolled out at a local level. It is noted that because neither Regional DPC nor Aboriginal Affairs NSW provide frontline services or have significant roles in administering service agreements of funded organisations, their staff lack sufficient standing to lead major government and non-government initiatives, particularly in the absence of more overt authority to do so.

While the restructure of NSW public sector departments in 2009 provides an opportunity for government agencies to improve collaborative planning and funding processes, it is unclear how the requisite integrated service design and accountability mechanisms will be delivered to individual communities.

---

<sup>7</sup> Secretariat of National Aboriginal and Islander Child Care.

<sup>8</sup> *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, Recommendation 10.4.

## Improving service planning and accountability processes

For more efficient and cohesive service planning and delivery to occur, it is critical that existing consultation, governance and accountability mechanisms for various programs and services are rationalised.

Both the Bourke and Brewarrina communities have spoken of the need for agencies and non-government organisations to work in a holistic way to respond to the critical areas of disadvantage in their communities. In the context of high needs, rural and remote communities such as Bourke and Brewarrina, a 'single' agency service delivery plan aimed at addressing critical community needs should be the goal.<sup>9</sup> Such a plan should be informed by the Federal Government *Closing the Gap* targets as well as relevant NSW policy objectives and advice from community members.

## Community governance and accountability

From our meetings with many communities over the years, we are convinced of the value of listening and responding to what communities know about what they need. Having said this, it is also important to acknowledge some of the issues that may have to be confronted in connection with community consultation. In any community, a range of competing interests and divisions can exist. This is not unique to Aboriginal communities. However, it can present a potentially significant obstacle for government agencies seeking broad endorsement of plans to improve service delivery.

The Murdi Paaki Regional Assembly is the recognised consultative group with which state and federal agencies are committed to working with in Western NSW under the Murdi Paaki Regional Partnership Agreement and the *Two Ways Together Partnership Community Governance Framework*. The principles of the Framework require that once a group has been formally recognised, it has responsibility for leading the development of a community action plan with government agencies. These principles also require a group's membership to reflect the diversity within the community and to be inclusive of men and women, people of different ages and 'all clans, families and factions'. A core function of recognised groups is to demonstrate how it has sought the views of the community that it represents in relation to important issues, communicated decisions and managed conflicts.

While government agencies, and others wishing to 'do business' with communities, should consult the recognised community working group and advise them of any plans to consult with the community more broadly, this does not absolve government agencies from also consulting with those community leaders (and other key stakeholders) who do not participate in the community working party process. In fact, if a particular initiative does not receive endorsement by a broad cross-section of the community, this will undermine its effectiveness, including by adversely impacting on referrals and service take-up.

While achieving 'community unity' is not the role of government agencies, government agencies can facilitate collaborative service planning and integration through building community support for specific initiatives.

## Summary of recommendations

**As we have noted several times in this report, the critical challenges in providing improved service delivery to vulnerable children and families in Brewarrina and Bourke, are similar to those faced by many other high need communities in disadvantaged rural and remote locations. For this reason, we have structured our initial recommendations around what should be undertaken to meet the challenges facing high need communities in locations of this kind generally. These recommendations are followed by those which specifically pertain to Brewarrina and Bourke.**

### General recommendations

- 1. The Department of Premier and Cabinet, together with human service and justice agencies,<sup>10</sup> should develop an action plan for responding to the critical service delivery challenges in high need communities in disadvantaged rural and remote locations.<sup>11</sup> As part of developing this action plan:**

<sup>9</sup> In section 3.3.2. we discuss community action plans developed by partnership communities with the support of Aboriginal Affairs NSW.

<sup>10</sup> The action plan should be developed following consultation with relevant federal and local government agencies, Aboriginal representative bodies and the non-government sector.

<sup>11</sup> We acknowledge that criteria needs to be developed to determine those communities which should be covered by the initiatives contained within the proposed action plan.

- a. More generally, strategies for addressing the critical service delivery challenges which have been outlined in chapter 5 should be identified.
- b. A mechanism should be identified for guaranteeing a more comprehensive identification (and ongoing analysis) of critical community need.
- c. A mechanism should also be developed for measuring current (and ongoing) capacity, efficiency and outcomes of the service sector in meeting need – both in terms of broad community need, and those within the community who are particularly vulnerable.

As part of developing this mechanism, a strategy should be developed for rolling out sophisticated intelligence driven child protection practice to identify those high risk children and families who require an integrated case management response.

- d. The potential for developing (and driving) more effective integrated service delivery should be examined, together with the potential benefits of establishing cross-agency multi-service outlets and/or creating local service coordinator positions to facilitate access to a wide range of services from across the service system.
- e. Following further analysis of the inefficiencies which currently exist in relation to service planning and delivery, specific strategies need to be developed targeted at addressing the systemic weaknesses that have been identified in this report relating to inadequate leadership, poor accountability and inefficient governance arrangements. The response in this regard needs to address not only what is required to drive improved practice from the 'top down' but also what is required to make substantial improvements in these areas through more effective and accountable community engagement.
- f. A comprehensive strategy needs to be developed to address the failure to adequately respond to those children and young people living in high-risk environments, who are often engaged in serious anti-social behaviour and/or are disengaged from the school system.  
As part of developing this strategy, consideration needs to be given to the principle of self-determination, particularly in the context of exploring options for more meaningful engagement with Aboriginal leaders around the development of specific strategies for supporting individual families. (In this regard, we believe that careful consideration needs to be given to engagement models being trialled elsewhere that more fully involve community leaders in decision-making and support processes.)
- g. A clearly defined process for the development and implementation of a service capacity building plan (which includes strategies for establishing new, and enhancing existing, Aboriginal organisations) should be established.
- h. A more comprehensive recruitment and retention strategy for disadvantaged rural and remote locations should be developed. (This strategy should have clear targets which need to be met and a rigorous monitoring and reporting framework.)

2. Within six months of the date of this report, the Department of Premier and Cabinet should provide advice to this office on the steps taken to implement recommendation 1. In addition, further reports should be provided to this office until all of the elements of recommendation 1 have been fully implemented.

## **Brewarrina and Bourke recommendations**

In our view, there are compelling reasons why it is important that prompt, and effective action is taken to address the long-standing concerns of both of these communities in relation to service delivery and inefficiency. Therefore, while it is critical Brewarrina and Bourke be incorporated within the broader action plan that we have recommended, early discussions with these two communities should take place concerning the action needed to address the concerns that they have identified as a priority.

Against this background, we recommend that:

3. The Department of Premier and Cabinet, together with human service and justice agencies, should develop an action plan regarding its proposals for dealing with the particular concerns of the Bourke and Brewarrina communities about local children and young people living in high-risk home environments, who are often engaged in serious anti-social behaviour and/or are disengaged from the school system.
4. The Department of Human Services should fully document its service reconfiguration plan for Brewarrina (including timeframes for key initiatives), and outline in its plan, how it intends to embed programs such as Safe Families and the Indigenous Child and Family Centre into the proposed service system. Its plan should also include how it proposes to resolve outstanding community concerns relating to Bulgan Place.

In due course, the proposed service reconfiguration plan should be incorporated into the action plan to be developed by the Department of Premier and Cabinet in response to recommendation 1.

5. Human service and justice agencies should develop a specific plan for building a better integrated and more efficient service system for delivering human services to the Bourke community. This plan should include, but not be limited to, actions directed towards addressing the service delivery problems identified by the community, and a strategy for embedding programs such as Safe Families into the proposed service system. The plan should include timeframes for key actions. As a preliminary step, a decision will need to be made concerning which agency(s) should have lead responsibility for the plan's development. In addition, a rigorous monitoring process should also be established.

In due course, this initial action plan developed for Bourke should be incorporated into the action plan to be developed by the Department of Premier and Cabinet in response to recommendation 1.

6. The Department of Human Services should explore the possibility of establishing an Aboriginal out-of-home care organisation in Bourke.
7. The Department of Human Services, together with the Brewarrina Aboriginal Community Working Party and other key local stakeholders, should develop a strategy for implementing the *Partnership Community Governance Framework* in Brewarrina. In particular, consideration should be given to appointing a sufficiently senior community facilitator to take responsibility for working with the Aboriginal Community Working Party and other key community stakeholders, to develop a community action plan and strengthen community governance arrangements.
8. The Department of Human Services should ensure that the proposed Service Level Agreements entered into with the Bourke and Brewarrina Aboriginal Community Working Parties clearly articulate the specific commitments made in relation to critical areas identified by each community.
9. Within three months of the date of this report, the Department of Human Services should provide advice to this office on the steps taken to implement recommendations 3 – 8. In addition, further reports should be provided to this office until all of the elements of recommendations 3 – 8 have been fully implemented.

---

# Chapter 1.

## Introduction

This report relates to an inquiry under section 11 of the *Community Services (Complaints Reviews and Monitoring) Act 1993*, and our audit responsibilities under section 43C of that Act. It outlines our observations and recommendations following our examination of concerns raised by the Bourke and Brewarrina Aboriginal community working parties about service delivery to vulnerable children and their families in these communities. These concerns were first raised with us in August 2007.

The circumstances of three 'at-risk' families from Brewarrina were also brought to our attention by the ACWP to help illustrate the impact of limited service capacity in their community and the Western region more generally. The significance of the concerns have been demonstrated by the fact that two children from one of the three families, were the subject of 65 and 101 risk of harm reports respectively in the preceding six years – and one of these children was sexually assaulted five months after the ACWP raised its concerns about the families.

To assist the Department of Human Services to develop an action plan in response to our final recommendations, we prepared a provisional report in which we recommended that the Department of Human Services consult with the Department of Premier and Cabinet, and other lead state and federal human service and justice agencies, Aboriginal community working parties, and relevant peak bodies to allow them to give proper consideration to, and provide their views on, the challenges outlined in chapter 5 of this report. Those who provided their views were supportive of our observations and findings – where appropriate, these views have been incorporated throughout the report.

The response from the Department of Human Services acknowledged that:

*... there is a significant need in the Bourke and Brewarrina communities for an effective, integrated approach to service provision, particularly for vulnerable children and families. This need is also experienced in a range of rural and remote communities, mainly but not exclusively in Western Region ...*

*The most effective strategies to assist isolated communities are not always clear. The Ombudsman's provisional report highlights a number of issues confronting Aboriginal children and young people and the Bourke and Brewarrina communities in general.<sup>12</sup>*

The responses from the Brewarrina and Bourke Aboriginal community working parties emphasised the need for a clear accountability process and implementation plan to be developed in response to our recommendations. In this regard, both communities suggested that the service level agreements they plan to sign with the Department of Human Services should be more than mere statements of commitment to work together, and should clearly articulate specific local commitments relating to issues such as minimum staffing levels, service reconfiguration, key performance measures and local capacity building plans.<sup>13</sup>

Both Aboriginal community working parties and other community stakeholders have also stressed the need for the Department of Human Services to have a meaningful exchange with them about how they can be effectively engaged in the process of identifying, and responding to, the most vulnerable children and families in their communities.<sup>14</sup>

Similarly, the response from AbSec highlighted the need for the Department of Human Services to have a meaningful dialogue with the Bourke and Brewarrina communities around building capacity with local individuals and organisations. In this regard, AbSec stressed that a frank assessment should be undertaken of the broad skills base within communities to ensure that capacity building strategies are well-targeted. If this does not occur, AbSec warned that it will continue to be difficult for Aboriginal community organisations to be competitive in any tender processes, and Justice Wood's vision of a strengthened Aboriginal service sector will not be realised. Finally, on this issue of capacity building, AbSec noted its concern that if *'sufficient organisational and workforce capacity is not built with communities prior to funding being allocated for specific initiatives, then governments are setting communities up to fail.'*<sup>15</sup>

---

<sup>12</sup> Department of Human Services response, 17 November 2010.

<sup>13</sup> Brewarrina Aboriginal Community Working Party response 24 November 2010; Murdi Paaki Regional Assembly response, 22 November 2010.

<sup>14</sup> Ibid.

<sup>15</sup> AbSec response, 22 November 2010.



---

## Chapter 2.

# Sources of information

Much of the information we have considered has been provided to us by the Brewarrina and Bourke ACWPs and Community Services personnel in the form of:

- Correspondence, including:
  - complaint from Brewarrina Shire Council to this office dated 17 August 2007 which raised concerns about the adequacy of Community Services' response to vulnerable children and their families in Brewarrina
  - a letter from the Ombudsman to the (then) Director-General for Community Services, Dr Neil Shepherd, dated 15 November 2007, requesting advice about caseworker presence and service capacity improvement initiatives in the Western region
  - a letter from the (then) Deputy Director-General for Community Services (Strategy, Communication and Governance), Ms Donna Rygate, to this office dated 22 August 2008 in response to the above request for advice, and
  - second complaint from the Brewarrina ACWP to this office dated 12 November 2008 outlining concerns relating to the circumstances of three families in Brewarrina and the 'systemic impact of diminished service capacity.'
- Case practice review reports completed by Community Services for the three Brewarrina families.
- Formal responses from Community Services to our notice of inquiry issued on 26 June 2009 in relation to the adequacy of services funded by Community Services in the Bourke area generally, including information about the delivery of Brighter Futures and the Intensive Family Based Service in Bourke.<sup>16</sup>
- Outcomes from meetings facilitated by this office with the Brewarrina and Bourke ACWPs (and relevant agency staff) between September 2007 and August 2010.
- Outcomes from meetings with human service and justice agency representatives between May to August 2010; key federal policy initiatives aimed at addressing Indigenous disadvantage and child protection; the Report of the findings of the Special Commission of Inquiry into Child Protection Services in NSW (the Wood Inquiry) and the Government's response to the Inquiry, *Keep Them Safe*.<sup>17</sup>
- Formal responses to our provisional report by the Department of Human Services, Assistant Commissioner Steve Bradshaw (NSW Police Force – Western Region), AbSec, the Murdi Paaki Regional Assembly, the Brewarrina ACWP, Ourgunya Safe House and Brewarrina community members.

---

<sup>16</sup> We note that Community Services has since taken steps to address the concerns raised in our inquiry about the need for the funded organisation to provide more effective services and engage a wider range of clients. Community Services provided responses to our notice of inquiry on 14 August 2009, November 2009 and 3 February 2010. A response to our provisional report was received on 7 September 2010.

<sup>17</sup> *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008; NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009–2014*, March 2009.



---

# Chapter 3.

## Major state and federal initiatives

Significant policy developments aimed at addressing Indigenous disadvantage and child protection, were taking place, at both a federal and state level, at the time of the Brewarrina community's August 2007 complaint. The national reform agenda took shape during the course of the Wood Inquiry, with key developments discussed in the Inquiry's final report.

In this chapter we outline the major commitments and strategies proposed by the Federal Government, as well as the broad observations and principles outlined by Justice Wood in relation to improving service delivery to Aboriginal communities. We also outline the commitments that were made, and actions proposed in, *Keep Them Safe* to address the Inquiry's findings and recommendations, as well as other significant initiatives which were either already in place and/or expanded as a result of recent reforms.

The report then considers the critical child protection and broader service delivery challenges which have been highlighted during our consultations with the Bourke and Brewarrina communities and lead agencies. We have presented our report in this way so as to enable a comparison to be made between the key elements of the state and federal agenda with the evidence provided by these two communities as to what is actually required.

### 3.1. Federal landscape

#### 3.1.1. The Murdi Paaki COAG trials

A significant development in relation to Aboriginal community consultation mechanisms occurred with the introduction of community working parties in NSW. In 2002, the Coalition of Australian Governments (COAG) selected eight sites across the country to examine the delivery of a 'whole of government approach in partnership' with Aboriginal communities. The Far Western NSW region known as Murdi Paaki was one of the eight sites chosen. One of the key elements of the COAG trial was the establishment of community working parties as a primary mechanism for consultation and representation at the community level.

In 2006, the Federal Government commissioned an independent evaluation of the eight COAG trial sites. The evaluation found that the Murdi Paaki trial '*has been highly successful to date, largely because of the Aboriginal community's commitment to improving governance and establishing community decision-making forums across the region, and Government support for these structures*'.<sup>18</sup> The evaluation of the Murdi Paaki trial also noted the following positive outcomes:

- Murdi Paaki is regarded as one of the more advanced COAG trial sites in Australia in relation to its community capacity and governance.
- Representatives from the two lead government agencies selected to participate in the trial have developed strong relationships with communities and have a 'visible presence in the region'.
- Consultations in the Murdi Paaki region revealed strong support for the 'refreshed' community working party model and community action plans.
- The governance capacity of communities has improved and many communities appear better able to articulate their priorities to government in a constructive fashion.
- Eighteen shared responsibility agreements were signed during the trial.

The NSW Government submission to the Inquiry into Overcoming Indigenous Disadvantage outlines data in relation to indicators in the areas of housing, health, educational attainment, and law and justice for the Murdi Paaki region during the trial period. The submission notes that there has been 'substantial improvements' across these indicators, and while also noting that it is not possible to draw direct causal links between the trial initiatives and these improved outcomes, the submission does attribute the improvements to the success of the partnership approach in the region.<sup>19</sup>

---

<sup>18</sup> NSW Government submission to the Inquiry on Overcoming Indigenous Disadvantage, page 82.

<sup>19</sup> Ibid, page 83.

### 3.1.2. The National Indigenous Reform Agreement

In May 2008, the Federal Government announced \$1.2 billion of funding over five years to be spent on a broad range of programs to 'Close the Gap' on Indigenous disadvantage such as literacy and numeracy; child and maternal health; drug and alcohol services; chronic diseases; early development and parenting support; and employment. The Federal Government indicated that the COAG had adopted the six Closing the Gap targets and had established a working group on Indigenous Reform to 'develop a detailed work plan for meeting the targets' and identify duplication and overlap between the Commonwealth and States/Territories.<sup>20</sup> The National Indigenous Reform Agreement was settled by COAG in November 2008.

The Agreement commits all jurisdictions to achieving six targets aimed at 'Closing the Gap' in life expectancy and other key social outcomes between Indigenous and non-Indigenous Australians within a generation. It plans to do this through focusing on reducing disadvantage across seven key 'building blocks': early childhood, schooling, health, economic participation, healthy homes, safe communities, governance and leadership.<sup>21</sup> The Agreement sets out six service delivery principles for programs and services for Indigenous Australians:

- Programs and services should contribute to Closing the Gap by meeting the targets endorsed by COAG while being appropriate to local needs.
- Engagement with Indigenous men, women and children and communities should be central to the design and delivery of programs and services.
- Programs and services should be directed and resourced over an adequate period of time to meet the COAG targets.
- Programs and services should be physically and culturally accessible to Indigenous people recognising the diversity of urban, regional and remote needs.
- There should be collaboration between and within government at all levels and their agencies to effectively coordinate programs and services.
- Programs and services should have regular and transparent performance monitoring, review and evaluation.

The Reform Agreement also links to other national agreements and partnerships which aim to address the COAG targets. There are six National Partnership Agreements that have been developed by COAG which cover the following areas:

- Closing the Gap in Indigenous Health
- Indigenous Early Childhood Development
- Remote Service Delivery
- Remote Indigenous Housing
- Indigenous Economic Participation, and
- Remote Indigenous Public Internet Access.

While all six Agreements are intrinsically linked to improving Aboriginal child safety and wellbeing, the National Partnership Agreements on remote service delivery and Indigenous early childhood development are particularly relevant to the concerns raised by the Bourke and Brewarrina communities in relation to the need to improve agency service capacity and efficiency in these locations and in the Western region more broadly. These Agreements are discussed in further detail below.

#### 3.1.2.1. Remote Service Delivery

The National Partnership Agreement on Remote Service Delivery (RSD) came into effect on 27 January 2009. It aims to 'close the gap' on Indigenous disadvantage for Aboriginal people living in remote locations. The RSD partnership commits an amount of \$291.2 million over six years to improve service delivery in 29 priority communities. At this stage, Wilcannia and Walgett are the only RSD priority communities in NSW.<sup>22</sup> In a fact sheet released by COAG about the National Partnership Agreement on RSD, it explicitly differentiated the Agreement from the COAG trial, stating that:

*This Agreement will implement major reforms to service delivery in remote Indigenous communities, supported by substantial additional investment. Unlike a trial, this approach is about making a sustained commitment to address remote service delivery in a large number of locations.*<sup>23</sup>

<sup>20</sup> Media release, Minister for Families, Housing, Community Services and Indigenous Affairs, 13 May 2008.

<sup>21</sup> Council of Australian Governments *Intergovernmental (IGA) on Federal Financial Relations Schedule F: National Indigenous Reform Agreement*, 2009. [www.coag.gov.au](http://www.coag.gov.au). Accessed on 10 September 2010.

<sup>22</sup> The RSD strategy may be expanded to other remote locations on the basis of a common set of 'investment principles'.

<sup>23</sup> COAG Fact Sheet on *Remote Service Delivery*. [www.coag.gov.au](http://www.coag.gov.au). Accessed on 13 September 2010.

---

The position of Coordinator General for Remote Indigenous Services was established in 2009. It is a statutory position and its role is to oversee, and report on, the performance of State and Federal Government agencies in meeting their commitments to implement the National Partnership Agreement on RSD. Mr Brian Gleeson was appointed to the position in June 2009. The Coordinator General is required to report to the Minister for Families, Housing and Community Services and Indigenous Affairs (FaHCSIA) on a twice yearly basis.

At the State/Territory level, an appointed non-statutory senior officer is responsible for the function of the Coordinator General for Remote Indigenous Services within their own jurisdiction, and as such, is required to perform similar functions to the Commonwealth Coordinator General. The NSW Coordinator General is the current CEO of Aboriginal Affairs NSW, Mr James Christian. To manage the RSD, a single Government Interface has been established with a senior NSW Government Officer as the Director. Federal and NSW Government staff report to the Director. Locally, there is a Partnership Community Project Officer (funded by NSW Government Partnership Community Program), an RSD Coordinator (funded by FaHCSIA) and an Indigenous Engagement Officer (also funded by FaHCSIA) in each RSD community. The role of the staff is to implement the rollout of the RSD Strategy at the 'coalface'.

The *Remote Service Delivery Bilateral Implementation Plan for NSW (2009–2014)* provides the foundation for the implementation of the RSD Strategy in Walgett and Wilcannia. The NSW Bilateral Implementation Plan notes that the Intergovernmental Aboriginal Affairs Group (IAAG)<sup>24</sup> will provide the overarching coordination for the arrangements described in the Partnership Agreement on RSD. A joint Board of Management to oversight the delivery of the Partnership Agreement on RSD will also be established in each jurisdiction.<sup>25</sup>

The role of the Board is to provide leadership and direction on service delivery outcomes for Walgett and Wilcannia. The Board is jointly chaired by the FaHCSIA State Manager and the NSW Coordinator General. The Board's terms of reference indicate that its membership will comprise a mix of representatives from Commonwealth and State agencies including: the NSW Department of Premier and Cabinet, Aboriginal Affairs NSW, FaHCSIA, the Commonwealth departments of health and ageing, education and workplace relations, Indigenous Business Australia, and the Crime Commission. The Board will meet every two months to oversight progress of the implementation and local operational plans.

The NSW Bilateral Implementation Plan states that the Board will function to:

- Facilitate intergovernmental collaboration on key policy and operational issues related to the delivery of the remote service delivery reform agenda.
- Agree on an evidence-based reporting and benchmarking framework to track progress against the achievement of key outcomes, milestones and performance indicators.
- Provide leadership and set the long term strategic direction for the program to ensure achievement of program outcomes.
- Review and agree on local operational plans, which reflect the Implementation Plan objectives and targets.
- Approve key decisions and funding agreements, authorise financial expenditure and, where appropriate, make recommendations to respective governments.
- Take a systemic and strategic approach to anticipating, analysing and responding to emerging issues and risks.
- Foster a results orientated culture that is based on a strong spirit of co-operation both within and between governments.
- Consider issues that have been escalated for discussion or decision by the local remote service delivery government interface and by stakeholders.

---

<sup>24</sup> The Intergovernmental Aboriginal Affairs Group is responsible for delivering on priorities and establishing results-based targets consistent with the National Indicators Framework developed to support the *Overarching Agreement for Aboriginal Affairs between the Commonwealth and the State of NSW (2005-2010)*. It is a high level strategic direction setting, monitoring and review group. It will also provide a strategic framework that seeks to match priorities identified in this agreement with local and regional priorities.

<sup>25</sup> Such a board has been established in NSW.

A 'single government interface' through a regional operations centre (ROC) will be established in each jurisdiction to serve the 29 RSD communities.<sup>26</sup> ROCs will operate in addition to FaCHSIA's existing network of Indigenous Coordination Centres (ICCs). The ROC in NSW is located in Dubbo and is collocated at the ICC (also located in Dubbo). The purpose of ICCs is to act as the coordination point for federal service delivery and oversee the local delivery of federally funded programs in Aboriginal communities.<sup>27</sup> In this regard, ICCs and ROCs have similar mandates. However, the ROC's focus is solely on nominated RSD sites, whilst the ICC's provide an interface for Commonwealth agency Indigenous business in all other communities.<sup>28</sup>

In addition, Remote Service Delivery Coordinators are expected to work closely with Aboriginal Affairs NSW. The NSW Bilateral Implementation Plan makes it clear that Aboriginal Affairs NSW staff in the Western region are expected to take on responsibilities related to the implementation of the RSD strategy, in addition to their responsibilities under *Two Ways Together*<sup>29</sup> and the Partnership Community Program<sup>30</sup> (both of these initiatives are discussed in further detail later in this chapter).

The implementation of the RSD strategy will involve:

- engagement with communities
- baseline mapping and service audits
- establishing integrated planning, coordination, and service reporting mechanisms, and
- developing local implementation plans to improve service design and delivery, reporting and sharing best practice.

The NSW Bilateral Implementation Plan specifies that Local Implementation Plans (LIPs) will be developed for each RSD priority community. These LIPs are structured around the seven 'building blocks' identified by COAG. Data available through the Australian Bureau of Statistics and the NSW Government's *Two Ways Together* Indicators Report will inform the performance reporting process. LIPs for Walgett and Wilcannia were released in August this year. These plans are informed by several 'inputs' including consultation with the local Aboriginal community (drawing on local and expert knowledge), and baseline mapping which will include an analysis of the social and economic situation of both communities and the identification of possible service gaps.

By way of example, the Walgett LIP commits the Federal and State Governments to working together with the Walgett community to:

- improve the access by Aboriginal families in Walgett to a full range of suitable and culturally inclusive services
- raise the standard and range of services delivered to Aboriginal families in Walgett and ensure that services are broadly consistent with those provided to other people in communities of a similar size, location and level of need
- improve governance and leadership within the Aboriginal community and community run organisations
- provide simpler access and better coordinated government services for Aboriginal people in Walgett, and
- increase the economic and social participation wherever possible, and promoting personal responsibility, engagement and behaviours consistent with positive social norms.

Monthly progress reports on the implementation of the LIP will be provided to the Walgett and Wilcannia Aboriginal Community Working Parties, as well as through existing regional and state-wide governance frameworks.

<sup>26</sup> Some jurisdictions may have more than one ROC.

<sup>27</sup> ICCS were established by the Federal Government in 2004 as part of a set of reforms aimed at consolidating a 'whole-of-government' approach to Indigenous issues. An independent evaluation of ICCs undertaken by KPMG in 2007 described the purpose of these centres as '... breaking down silos between departments, reducing red tape, duplication and harnessing a range of services for Indigenous communities across a range of government departments.' [www.fahcsia.gov.au](http://www.fahcsia.gov.au). KPMG, Evaluation of Indigenous Coordination Centres, Department of Families, Community Services and Indigenous Affairs, July 2007, page 1.

<sup>28</sup> The FaCHSIA website notes that 'the network of Indigenous Coordination Centres remains in place to serve the Indigenous populations in their regions, including whole-of-government coordination and brokering access to mainstream programs. The work of ROCs is focused on the priority communities.' [www.fahcsia.gov.au](http://www.fahcsia.gov.au). Accessed on 13 September 2010.

<sup>29</sup> The NSW Government's ten year whole of government plan for Aboriginal Affairs.

<sup>30</sup> The *Two Ways Together* Partnership Community Program is a priority of the NSW State Plan and is the local level implementation of *Two Ways Together*.

### 3.1.2.2. Indigenous early childhood development

Indigenous Child and Family Centres (ICFC) are an initiative of the National Partnership Agreement on Indigenous Early Childhood Development. The purpose of the centres is to *'facilitate the integrated delivery of services, including antenatal services, child and maternal health services, parenting and family support services, and early learning and child care.'*<sup>31</sup> The Agreement requires the NSW and Federal governments to develop nine centres (four in regional and remote communities) including in Brewarrina and Lightning Ridge. All nine centres will be operational by early 2012.<sup>32</sup> Their establishment and ongoing operation will involve Community Services, Health, the Department of Education and Training, Aboriginal Affairs NSW, the Department of Premier and Cabinet and Commerce.<sup>33</sup>

While it is intended that ICFCs will have considerable flexibility to ensure services are delivered in ways that meet the specific needs and priorities of individual communities, they will provide a range of health services including immunisation, screening and developmental checks, and incorporate the Aboriginal Maternal and Infant Health Strategy. Child care places are to be provided for up to 59 children (depending on the size of the community and likely demand) and are to comply with all NSW and Commonwealth regulatory requirements of a centre-based children's service. The types of care could include long day care, pre-school, or occasional care. The management of each centre will include community engagement and brokering the provision of appropriate parent and family support services, such as parenting groups and related programs and supported playgroups. Each centre will have a manager responsible for ensuring common referral processes for parents and their children, coordination and scheduling of services, and service brokerage.

Approximately \$2.5 million will be provided for the design and construction of each centre and approximately \$1 million will be provided annually for the management of each centre and the provision of early learning and child care services up to 30 June 2014.

The performance indicators which will be used to measure success against the objectives are consistent with the COAG targets and include:

- Increased proportion of Indigenous children attending the Child and Family Centres who have had all age-appropriate health checks and vaccinations.
- Increased proportion of Indigenous three and four year olds participating in quality early childhood education and development and child care services.
- Increased proportion of Indigenous children attending the Child and Family Centres who go on to attend school regularly.
- Increased proportion of Indigenous children and families accessing a range of services at or through Child and Family Centres, including child care, early learning, child and maternal health, and parent and family support services.<sup>34</sup>

Negotiations have commenced with the Brewarrina community around the specifications for the ICFC, and are reported on in further detail in chapter 4.

### 3.1.3. The National Framework for Protecting Australian's Children

*Protecting Children is Everyone's Business: the National Framework for Protecting Australia's Children 2009-2020* was endorsed by COAG in April 2009. It articulates a strategic national framework for change across the child services sector. The national framework spans 12 years and includes triennial action plans which specify the responsibilities of individual states and territories, and timeframes for completion. A set of 'indicators of change' will be used to monitor the success of the national framework.

The national framework recognises the efforts currently being undertaken by State and Territory governments, particularly in the area of early intervention and prevention. It highlights that in order for state and territory efforts to be truly effective, they need to be coordinated with Australian Government programs and policies. By committing to better linkages between the many supports and services provided by state and federal agencies – avoiding duplication, coordinating planning and implementation and better sharing of information and innovation – the national framework aims to deliver a 'more integrated' child protection response.

31 Registration of interest for Indigenous Child and Family Centres, December 2009.

32 Hon Kate Ellis MP and Hon Linda Burney MP, 'Six new centres for Indigenous children in NSW', Media release, 31 December 2009.

33 *Keep Them Safe, A shared approach to child wellbeing 2009-2014*, March 2009, chapter 1.

34 Registration of interest for Indigenous Child and Family Centres in Blacktown, Ballina and Campbelltown, February 2010.

---

The national framework includes six supporting outcomes to achieve its high-level goals. The following strategies are included under supporting outcome 5: *'Indigenous children are supported and safe in their families and communities'*:

- Expand access to Indigenous and mainstream services for families and children.
- Promote the development of safe and strong Indigenous Communities.
- Ensure that Indigenous children receive culturally appropriate protection services and care.

There are a number of three-year actions sitting under these strategies. Key actions include:

- Strengthening the application of, and compliance with, the Aboriginal and Torres Strait Islander Child Placement Principle.
- Expanding the Indigenous Parenting Support Services to additional sites.
- Linking 35 Indigenous Child and Family Centres with the range of family and community programs for at-risk children.
- Improving access to child and maternal health services for Indigenous families.
- Developing and expanding the Indigenous child protection and welfare workforce.
- Improving child protection service delivery for Indigenous families and children (including working with Aboriginal organisations to increase capacity and playing an enhanced role in out-of-home care and other service options, and implementing strategies under *Keep Them Safe* including working with Aboriginal communities to develop capacity of services).

All of the above strategies and actions are reflected in *Keep Them Safe* commitments and are discussed in further detail later in this chapter.

### 3.1.4. Overcoming Indigenous Disadvantage

In July 2009, the Productivity Commission's Steering Committee for the Review of Government Service Provision released its fourth *Overcoming Indigenous Disadvantage* (OID) report, as part of a series commissioned by the COAG in 2002 to provide regular reports against indicators of Indigenous disadvantage. In March 2009, the terms of reference for the OID framework were amended to align with the six Closing the Gap targets.<sup>35</sup>

The 2009 Overcoming Indigenous Disadvantage (OID) report found that:

*... across nearly all of the indicators in the OID, there are wide gaps in outcomes between Indigenous and non-Indigenous Australians. While the gaps are narrowing in some areas, in too many cases outcomes are not improving, or are even deteriorating. We still have a long way to go to fulfill COAG's commitment to close the gap in Indigenous disadvantage.*<sup>36</sup>

The report reveals that Indigenous people have 'shared in the general economic prosperity over the past decade' however, in areas such as criminal justice, the outcomes have been deteriorating. While there have been increases in the employment-to-population ratio for Indigenous people between 2001 and 2006 (43% to 48%), corresponding increases against this indicator for non-Indigenous people have left the 'gap' unchanged. Similarly, the proportion of Indigenous 19 year olds completing year 12 or equivalent increased in the same period (31% to 36%) however, the non-Indigenous increase against this indicator was slightly higher (6%). A lower proportion of Indigenous than non-Indigenous students achieved the NAPLAN<sup>37</sup> minimum standards in reading, writing and numeracy at all year levels in 2008. Limited data is available on Indigenous pre-school participation; therefore it is difficult to draw any conclusions on this indicator. Indigenous infant mortality rates (0–12 months) have recently improved. However, child mortality rates (0–4 years) have remained constant.<sup>38</sup> Overall, the mortality rates for Indigenous infants and children are still two to three times higher than rates for non-Indigenous infants and young children.

An important focus of current federal and state policies aimed at addressing Indigenous disadvantage and child protection, is the need to build a solid evidence base to gain a better understanding of whether success is being achieved against key indicators. This data should underpin effective service planning and delivery. In this regard, the OID report notes that up to ten years of data is available for certain indicators. However, for critical indicators such as life expectancy, there is currently no trend data available. In this regard, the former Prime Minister Kevin Rudd's comments are apposite:

---

<sup>35</sup> Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage – Key Indicators report*, July 2009.

<sup>36</sup> Ibid, Foreword, page iii.

<sup>37</sup> National Assessment Program Literacy and Numeracy.

<sup>38</sup> Ibid op cit. see page 14 for NSW progress against this indicator.

---

*Without high quality data, it is impossible to understand where we are headed in terms of overcoming Indigenous disadvantage. Through the National Indigenous Reform Agreement, all Governments have committed to ensuring their data is of high quality, and moreover, is available for reporting purposes. This undertaking has been made with specific reference to the need for data to be provided for the OID report.<sup>39</sup>*

### **3.2. Reforms to Aboriginal child protection in NSW**

The Special Commission of Inquiry into Child Protection Services in NSW (the Wood Inquiry) was established in November 2007. The Honourable Justice James Wood AO QC conducted the inquiry and released his report in November 2008. The Wood Inquiry report made 111 recommendations for systemic change, including a number of specific recommendations in relation to Aboriginal communities. The Inquiry also articulated eight principles and 17 goals which it believed should underpin the child protection system in NSW.

The NSW Government's response to the Wood Inquiry, *Keep Them Safe*, was released in March 2009. *Keep Them Safe* summarised Justice Wood's key principles relating to Aboriginal communities in the following terms:

- *empowerment of local Aboriginal communities to participate in decision-making concerning the care and protection of their children;*
- *a focus on local circumstances including the composition of individual Aboriginal communities, the strength and capacity of local leadership and the physical availability of government and non-government resources;*
- *the need for integrated locally based services providing a full continuum of care, ranging from prevention/ early intervention through to targeted and specialist support services.<sup>40</sup>*

The actions outlined in *Keep Them Safe* aimed at improving child protection responses and service delivery more generally for Aboriginal people are informed by these principles and can be grouped under three broad themes:

1. Self-determination
2. Improving service availability and delivery
  - integration and cooperation
  - improving government agency and NGO workforce capacity
  - building the capacity of the Aboriginal service sector, including the Aboriginal out-of-home care sector
  - expanding the services provided to Aboriginal people by ensuring that services are culturally appropriate and competent; and
3. Building an evidence base.

All actions in *Keep Them Safe* will affect Aboriginal communities in some way. In this regard, *Keep Them Safe* commits to developing an Aboriginal Impact Statement for all actions, not just those that specifically affect Aboriginal communities. Some of the most important and immediate general actions include the establishment of Child Wellbeing Units, the trial of Regional Intake and Referral Services and the trial of Family Case Management. *Keep Them Safe* recognises that these are significant actions that require early consultation with Aboriginal organisations and communities.

*Keep Them Safe* acknowledges that:

*... there are ... many strengths in Aboriginal communities and a deep commitment to the care of children on the part of community members. These strengths provide a solid basis for the Government, working in partnership with families and communities, to renew efforts to reverse these trends for the next generation of Aboriginal children. The Government supports the [Wood] Inquiry's finding that leadership from both the Government and community is essential.<sup>41</sup>*

---

39 Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage – Key Indicators*, July 2009, Overview, page 3.

40 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, page 29; NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009–2014*, March 2009.

41 NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009–2014*, March 2009, page 28.

### 3.2.1. Self-determination

The Wood Inquiry listed the following principles as relevant to the process of self-determination for Aboriginal communities:

- Primary responsibility for rearing and supporting children should rest with families and communities, with government providing support where it is needed, either directly or through the funded non-government sector.<sup>42</sup>
- Aboriginal and Torres Strait Islander people should participate in decision making concerning the care and protection of their children and young persons with as much self-determination as is possible, and steps should be taken to empower local communities to that end.<sup>43</sup>
- Positive outcomes for children and families are achieved through development of a relationship with the family that recognises their strengths and their needs.<sup>44</sup>

The Inquiry made a number of recommendations to give effect to the principles of self-determination. Many of these recommendations are also directly relevant to building capacity within the Aboriginal service sector and providing culturally appropriate and competent services to Aboriginal children, young people and their families.

*Keep Them Safe* acknowledges that the principles of empowerment of Aboriginal communities is part of NSW law under sections 11, 12 and 13 of the *Children and Young Persons (Care and Protection) Act 1998*. Importantly, it also acknowledges that the Act prescribes not only the basis for consultation with Aboriginal families about placement decisions for children who are removed from their parents, but it also provides the ‘... foundation for the way government agencies consult with families, organisations and communities; develop, design and fund programs; prepare guidelines for service delivery and develop partnerships. The need to effectively apply these principles is relevant for all core programs and funding streams.’<sup>45</sup>

In recognition of the Wood Inquiry’s proposition that the ‘best evidence’ for what works in addressing the issues in Aboriginal communities is likely to be drawn from Aboriginal people themselves, *Keep Them Safe* also includes a set of actions aimed at examining the viability of community-driven proposals that were brought to the inquiry’s attention (a number of these are outlined in section 3.3.2.4).

#### 3.2.1.1. Partnership approaches to care and protection

The Wood Inquiry recommended that:

*The NSW Government should develop a strategy to build capacity in Aboriginal organisations to enable one or more to take on a role similar to that of the Lakidjeka Aboriginal Child Specialist Advice and Support Service, that is, to act as advisers to DoCS<sup>46</sup> in all facets of child protection work including assessment, case planning, case meetings, home visits, attending court, placing Aboriginal children and young persons in OOH and making restoration decisions.*<sup>47</sup>

In response, *Keep Them Safe* identified Community Services as the agency with lead responsibility to:

*Establish a partnership with peak Aboriginal child welfare organisations and other peaks that:*

- *provides advice on developing a service system to respond to the needs of Aboriginal children, families and communities*
- *includes building the capacity of Aboriginal organisations and communities*
- *provides better support to foster and kinship carers*
- *Investigates establishing Aboriginal NGOs in each Community Services Region that could act as a linkage point between Community Services and communities with the eventual possibility of taking on case management responsibilities.*

On 17 March 2010, a Memorandum of Understanding (MoU) between the Department of Human Services, Community Services and AbSec came into effect. The purpose of the MoU is to establish the respective roles and responsibilities of both parties in the development of – an Aboriginal child specialist advice and support model of consultation based on the Victorian ‘Lakidjeka model’, and in providing advice for the establishment of the four new Intensive Family Based Services to be operated by Aboriginal organisations.<sup>48</sup>

<sup>42</sup> *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, principle 10.5.

<sup>43</sup> *Ibid*, principle 10.10.

<sup>44</sup> *Ibid*, principle 10.7.

<sup>45</sup> NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009–2014*, March 2009, page 30.

<sup>46</sup> At the time of the Wood Inquiry, ‘Community Services’ was known as the Department of Community Services (DoCS).

<sup>47</sup> *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, Recommendation 8.5.

<sup>48</sup> Hon Linda Burney MP, Media release, 25 November 2009.

Funding has been made available to pilot the Lakidjeka-style model – provisionally known as Protecting Aboriginal Children Together (PACT) – in ‘one or two’ locations in the second half of 2010. In selecting sites, two critical criteria are:

- a well functioning CSC, with demonstrated capacity to work with the Aboriginal community, and
- the existence of non-Aboriginal NGOs committed to service delivery for Aboriginal children and, importantly, to working in partnership with Aboriginal organisations to achieve this.<sup>49</sup>

The KTS Annual Report 2009–2010 reports that an implementation plan is being developed and AbSec has commenced the service mapping process.<sup>50</sup>

### 3.2.2. Improving service availability and delivery

In terms of service availability generally, the Inquiry recommended that government agencies and non-government organisations should be funded to deliver a broad range of services to vulnerable children and families covering the full continuum of universal, secondary and tertiary services and these services should target ‘transition points’ for children and young people.<sup>51</sup>

However, the Inquiry acknowledged the particular problems facing many Aboriginal families are the result of a wide range of causes of disadvantage, and as such, they often require an ‘*effective network of government agencies and sufficiently supported and funded organisations at a local level*’ to work together to provide a holistic response to addressing their needs.

Justice Wood also noted that the risks associated with the problems being faced by these families are significantly increased when they are living in ‘... *small towns or in isolated communities without the services and social infrastructure that support families elsewhere. The existing services ... are fragmented, poorly linked, and do not reach the more high risk, remote communities*’.<sup>52</sup>

#### 3.2.2.1. Integration and cooperation

*Keep Them Safe* recognises that:

*... the culture in Government agencies needs to change. To bring this about, the Government will investigate and apply models for workforce management and collaborative service delivery with the goal of making NSW an international benchmark in family and community services.*<sup>53</sup>

...

*A key challenge identified by the Inquiry is the need for significant changes to the undesirable silo delivery of services to services that are designed around the needs of children, families and local needs. This requires regional planning and delivery mechanisms which bring together all the key government and non-government service providers and other stakeholders who understand what is needed in communities to assist them in their role in delivering outcomes for children.*<sup>54</sup>

On the specific issue of integrated service delivery, Justice Wood outlined a number of goals. Some of the goals that he outlined which are more pertinent to delivering services to Aboriginal communities, particularly those in rural and remote locations include:<sup>55</sup>

- All services should be integrated and, where possible, co-located or operated in ‘hubs’, with outreach capacity.

49 ARTD Consultants, Report to AbSec and Community Services: *Protecting Aboriginal Children Together: Consultation Model*, 21 June 2010.

50 *KTS Annual Report 2009–2010*, page 36.

51 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, Recommendation 10.4.

52 *Ibid*, page 789.

53 NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009–2014*, March 2009, page iv.

54 *Ibid*, page 49.

55 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, Recommendation 10.4 and 10.5.

- There should be integrated locally based universal, secondary and tertiary services for Aboriginal communities which should include a broad range of services.<sup>56</sup>
- All services should be delivered as close as possible to where children and families live. For example, schools should be used as community centres, transport should be available and the hours of operation should be flexible.
- Casework actions should connect the child, young person and family with other providers and community supports that can identify, and mutually commit to addressing the needs of the child and family through an integrated system of services and care.
- Each human service agency should have a statutory obligation and a professional commitment to ensure interagency cooperation in the provision of child protection services.<sup>57</sup>

In order to give effect to these goals, the Inquiry specifically recommended that:

*Services should be integrated, multi-disciplinary and co-located, wherever practicable and child and family services should be established in locations of greatest need, by outreach if necessary.*<sup>58</sup>

In support of this recommendation, the Inquiry highlighted that:

*Co-location and hubs' should be used to greater effect to develop relationships, to enable more efficient communication and information sharing, to increase the understanding of each agency's mandate, procedures, knowledge and skills and to integrate and streamline service provision.*<sup>59</sup>

The Inquiry noted that the Northern Territory Inquiry, Little Children are Sacred, recommended the development and/or expansion of health services, in particular, pre-natal and maternal health services such as home visiting programs delivered through primary health care centres, which could essentially act as 'service hubs'.<sup>60</sup> In this regard, the Inquiry recommended that 'co-located child and family centres servicing Aboriginal communities, involving health and education services be developed'.<sup>61</sup> The Inquiry was informed by Premier and Cabinet that an Indigenous Child and Family Centre model was being considered by the COAG Working Group on Indigenous Disadvantage.<sup>62</sup>

In terms of reforming the child protection system in this critical area more generally, the Inquiry proposed a range of collaborative strategies such as the adoption of a common assessment framework by justice and human service agencies, an integrated case management response for all 'frequently reported families', free exchange of information between agencies and NGOs for child protection purposes, and a 'multi-agency systems approach to case review'.<sup>63</sup>

<sup>56</sup> *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, Recommendation 10.4 and 10.5. Such services should include:

- home visiting, preferably by nurses, high quality child care, preferably centre-based, primary health care, school readiness programs, routine screening for domestic violence, preschool services, school counsellors, breakfast programs and early learning programs
- sustained home visiting, parenting education, supported playgroups, counselling services, the Home School Liaison Program and accommodation and rental assistance
- drug and alcohol counselling and rehabilitation services, sexual assault counselling, forensic services for sexual assault victims, PANOC services, services for adolescents aged 10–17 years who display sexually abusive behaviours, allied health services such as speech pathology and mental health services
- secondary and tertiary services that include intensive, short term, in house and crisis interventions and that provide links to other services following intensive support, where needed
- the availability of counselling or other similar services from other agencies should not be dependent upon a risk of significant harm report being made to DoCS, or DoCS having allocated the report/case.

<sup>57</sup> *Ibid*, Recommendations 24.1, 24.2 and 24.3.

<sup>58</sup> *Ibid*, Recommendation 10.4.

<sup>59</sup> *Ibid*, page 995.

<sup>60</sup> *Ibid*, page 789.

<sup>61</sup> *Ibid*, Recommendation 10.4(g).

<sup>62</sup> *Ibid*, page 791.

<sup>63</sup> *Ibid*, Recommendation 10.7.

A number of specific *Keep Them Safe* actions relevant to collaborative and integrated service delivery to Aboriginal children and families include:

- Piloting a program aimed at identifying Aboriginal children and young people in the Western region who are frequently encountered by child protection and other human and justice services agencies and developing an integrated case management plan to provide more effective services to address their risks and needs.<sup>64</sup>
- Continuing to give priority to implementing the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006–2011*.<sup>65</sup>
- Ensuring that, in establishing the new Child Wellbeing Units and Regional Intake and Referral Services, appropriate referral pathways are put in place to link Aboriginal children, young people and their families with culturally appropriate human and justice services in their local community to meet their needs.<sup>66</sup>
- Working with Aboriginal Communities to establish nine Indigenous Child and Family Centres across NSW.<sup>67</sup>

It is also important to consider the three specific recommendations made by the Inquiry to strengthen accountability around collaborative interagency work:

#### **Recommendation 24.1**

The legislation governing each human services and justice agency should be amended by the insertion of a provision obliging that agency to take reasonable steps to coordinate with other agencies any necessary decision making or delivery of services to children, young persons and families, in order to appropriately and effectively meet the protection and care needs of children and young persons.

#### **Recommendation 24.2**

Each human services and justice agency CEO should have, as part of his or her performance agreement, a provision obliging performance in ensuring interagency collaboration in child protection matters and providing for measurement of that performance.

#### **Recommendation 24.3**

The Director-General, each Deputy Director General and each Regional Director of DoCS should have, as part of his or her performance agreement, a provision obliging performance in ensuring interagency collaboration in child protection matters and providing for measurement of that performance.

In response to these recommendations, Chapter 16A of the Children Young Persons (Care and Protection) Act was passed to facilitate the exchange of information and the coordination of services to children and young people by certain agencies that have responsibilities for their safety, welfare or well-being:

(a) *by authorising or requiring those agencies to provide, and by authorising those agencies to receive, information that is relevant to the provision of those services, while protecting the confidentiality of the information, and*

(b) *by requiring those agencies to take reasonable steps to co-ordinate the provision of those services with such other agencies.*<sup>68</sup>

64 Funding has been allocated under *Keep Them Safe* to trial Stage 1 of Family Case Management (FCM) over 12-18 months. The project will be piloted in eight sites across South West Sydney, South East Sydney and Western NSW. FCM is led by the Department of Premier and Cabinet and will rely on local groups of senior managers from human services and justice agencies and non-government organisations identifying 'frequently encountered families' and providing them with integrated case management and brokerage.

The target group is 'families that include a child or young person at risk of harm and who continue to come into contact with multiple agencies and services and show little or no improvement in their situation'. Each region will support between 45–90 families. Significantly, each region will have a coordinator to provide administrative and organisational support to the FCM local groups. Stage 1 will be independently evaluated to determine whether FCM will be rolled out across the state and if so, in what form. The Western NSW sites will work exclusively with Aboriginal families and will be led by a non-government organisation. Mission Australia is managing the project in Western NSW. According to the *KTS Annual Report 2009–2010*, a coordinator was expected to be recruited in July 2010, page 23.

65 As noted previously, in October 2009 we were given legislative responsibility to conduct a three year review of the implementation of the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities*. This was in response to the endorsement in *Keep Them Safe* of the Wood Inquiry's recommendation that we audit the implementation of the Aboriginal Child Sexual Assault Taskforce's recommendations. In light of the major reforms that have taken place since the Interagency Plan was introduced, our audit will also examine the additional outcomes achieved by partner agencies through their implementation of *Keep Them Safe* and associated initiatives – particularly those designed to improve service delivery to Aboriginal communities.

66 As a result of changes to the mandatory system, vulnerable children and families who fall below the statutory intervention threshold will now be referred to a family referral service (FRS). The FRS pilot commenced operating in May 2010 in Dubbo, Newcastle and Sydney. The pilot will test different methods for linking families with supports in their local area. The catchment area for the Dubbo FRS includes Bourke and Brewarrina.

67 Details about the implementation of Indigenous Child and Family Centres have been outlined in section 3.1.2.2 of this report.

68 Section 245A(1) of the *Children Young Persons (Care and Protection) Act 1998*.

The *Keep Them Safe* Action Plan also undertakes to amend the performance agreements of senior executives of human service and justice agencies by inserting a requirement to ensure effective interagency collaboration in child protection matters.<sup>69</sup> In addition, the Action Plan commits to the 'development of mechanisms to monitor interagency collaboration at an agency and regional level to demonstrate improved interagency work with children and families.' Department of Premier and Cabinet (DPC) has lead responsibility for the Regional Coordination Program and employs 10 regional coordinators across the state to support the strategic management of projects and issues at a regional level.

Overall regional strategic management is largely driven through Regional Justice and Human Service Coordination Committees, which comprise regional managers/directors of justice and human service agencies, who 'facilitate interagency and cross-sectoral work at the local level' and oversee the implementation of key NSW Government initiatives including *Keep Them Safe*. In addition, DPC has appointed Regional Project Managers in nine regions across NSW to work with justice and human services agencies and non-government organisations to support regional delivery of the *Keep Them Safe* Action Plan. (The governance role of DPC is discussed in further detail in section 3.3.3).

### 3.2.2.2. Improving agency and NGO workforce capacity

Improving service delivery in regional and remote communities, not only through workforce strategies, but also through agency capacity building, was a focus of the Wood Inquiry and is also a priority area for *Keep Them Safe*:

*Improving service delivery to regional and remote communities is also a high priority for Government agencies and NGOs, and the Government is pleased that the Inquiry investigated these needs. A plan for attracting, retaining and supporting staff in regional and remote areas will be outlined in the workforce and cultural change implementation strategy.*

*This will focus on equipping community service employees in regional and remote areas with the skills, resources and professional support to enable them to coordinate services for diverse and disparate communities. The Government will particularly focus on how to provide communities with simple access to a wide range of services, so that different services are located in the same place and it is easier for the service system to detect and meet more specialist needs. As part of these initiatives, the Government will work closely with NGOs to design and implement early intervention and prevention programs for regional Aboriginal communities.<sup>70</sup>*

The Wood Inquiry highlighted that the recruitment and retention of skilled Aboriginal and non-Aboriginal staff across the State is an ongoing difficulty for all human service agencies. While a number of specific initiatives implemented by Community Services to improve the recruitment and retention of Aboriginal staff throughout 2006-2007 were noted, these initiatives had achieved only limited success. The Inquiry was advised by the then Department that:

*... in response to its limited success in recruiting to the new caseworker positions in Western Region, coupled with the high vacancy rate for already existing caseworker positions, a specific strategy to recruit casework staff for Western NSW has been developed [by DoCS] and is being considered by Premier and Cabinet.*

*DoCS is undertaking a number of targeted advertising campaigns to fill vacancies in particular towns in Western Region.*

*To address serious staff shortages in regional and remote areas of the State in the short term, DoCS has developed an internal short term rural secondment program for experienced metropolitan casework staff, which entitles staff to a travel allowance.*

...

*DoCS is one of the NSW government agencies participating in the Remote Areas Attraction and Retention Pilot announced by the then Premier in October 2006. Seven caseworker positions in the Bourke CSC grouping are part of this Pilot. As at April 2008, five of these positions were filled and a further position was expected to be filled. Under this Pilot some incentives are offered.<sup>71</sup>*

The Inquiry was informed the Department of Premier and Cabinet was considering a proposal developed by Community Services that contained incentives more generous than those offered in the Remote Areas Attraction and Retention Pilot in nominated locations in Western NSW. This proposal was being considered in the context of the broader provision of human services across government agencies.

69 A Key Result Deliverable for interagency collaboration on child protection matters was included in the Performance Agreements for Community Services Senior Executives, including Regional Directors, in September 2009. The relevant directors-general of the 12 principal departments are required to include in their 2010-2011 performance agreements details regarding interagency collaboration on child protection matters and provide for measurement of performance (*KTS Annual Report 2009-2010*, page 93).

70 NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009-2014*, March 2009, Chapter 6: Strengthening partnership across the community services sector.

71 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, page 51.

The Inquiry was also advised that Premier and Cabinet had commenced work on the Human Service Delivery in Rural and Remote Areas Project to address staffing shortages in these locations. The recommendations from the project were due to be brought before Cabinet by the end of 2008 and were to address four specific issues: new service delivery models, government employee accommodation, uniform public sector incentives; and education, training and government assistance.

DPC's 2008–2009 annual report indicated that during that year it carried out a review of *'Human Services Delivery in Rural and Remote NSW, including a review of the employment benefits for staff in remote areas as well as measures to attract and retain staff in regional and remote locations.'*<sup>72</sup> We understand that the review and recommendations are still under consideration.

The Inquiry reported that DoCS was considering alternative models of service provision for locations such as Western NSW to provide staff with a supportive working environment. A 'hub and spoke' model, where a caseworker may be permanently placed at a remote location, but is attached to a larger hub office for supervision, training and administrative support, was being considered for this purpose.

In relation to the capacity of the Aboriginal child protection workforce, Premier and Cabinet noted that the shortage of Aboriginal workers was a particular concern, and that the capacity to work successfully with Aboriginal children and families is undermined by a shortage of Aboriginal caseworkers. Premier and Cabinet suggested the use of flexible team based approaches, similar to those employed in primary health care in Aboriginal health services, would allow for the employment of senior members of the Aboriginal community who are already active in looking after children, in a team of child welfare and development professionals:

*In such a model professional staff play not only a casework role but also a leadership, standard and protocol setting role as well as providing guidance and mentoring to team members with less formal training. It may be possible to base such services within the more robust Aboriginal health services.*<sup>73</sup>

Justice Wood noted that: *'Challenges remain in securing the level of training, support and supervision of the Aboriginal caseworkers who are needed to maximise engagement with Aboriginal communities.'*<sup>74</sup> The Wood Inquiry recommended that an NGO workforce strategy be developed and adequate funding provided to NGOs to assist them to attract experienced staff.<sup>75</sup>

KPMG was subsequently engaged by the departments of Human Services and Premier and Cabinet to develop workforce and non government organisation (NGO) capacity building plans to support the implementation of *Keep Them Safe*.<sup>76</sup>

A discussion paper was released early in 2010 to facilitate the development of these plans. Consultation on the discussion paper was conducted in March 2010. The consultation process included an online questionnaire, the facility to provide email responses to the discussion paper and a 'small number' of targeted workshops, including with Aboriginal 'representative' groups and *Keep Them Safe* advisory groups.

A final KTS Workforce Development and NGO Capacity Building Plan was released in November 2010. The plan is generally limited to NGOs involved in the delivery of services and supports to children and their families, i.e. early intervention and prevention, child protection and other support services (such as domestic violence, drug and alcohol, mental health and crisis accommodation services).

However, in acknowledgement of KTS's recognition that there should be an expansion of the Aboriginal service sector, the plan also includes the majority of Aboriginal specific NGO service providers in NSW on the basis of both their limited number and the fact that those which do not currently provide services to children and their families *may* have a role in doing so in the future.<sup>77</sup>

At this stage, the plan does not incorporate a specific service delivery model for the Western region. Specific project proposals will be developed by a steering committee comprised of NGO peak organisations and government representatives. The plan will be implemented over five years.<sup>78</sup>

72 Department of Premier and Cabinet, *Annual Report 2008–2009*.

73 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, page 73.

74 *Ibid*, page 790.

75 *Ibid*, Recommendation 10.8.

76 [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au). Accessed 23 July 2010.

77 *Keep Them Safe Workforce and NGO Capacity Building Plan*, November 2010, pages 7–8.

78 Community Services, *KTS Update*, 22 November 2010.

### 3.2.2.3. Building the capacity of the Aboriginal service sector

The Wood Inquiry also recognised that in order to achieve improved services to Aboriginal communities it is critical for the justice and human services sectors and the NGO sector to recruit and retain a sufficiently skilled and culturally competent Aboriginal and non-Aboriginal workforce in all parts of the State. In addition, the Inquiry recognised the equally critical need to expand and strengthen the services provided by Aboriginal organisations.

The Inquiry highlighted SNAICC's<sup>79</sup> recommendation that *'the implementation of self-determination would require the transfer of aspects of control and resources from government agencies to local Aboriginal communities.'*<sup>80</sup> SNAICC also noted that under its *Aboriginal Strategic Commitment 2006–2011*, DoCS already has an obligation to *'work with Aboriginal communities and Aboriginal and non-Aboriginal NGOs funded by DoCS to increase their capacity to deliver prevention and early intervention services for Aboriginal children and young persons and their families and communities.'*

However, the Inquiry also drew attention to the limited capacity of some Aboriginal organisations to establish effective partnerships with Community Services and other agencies. The Inquiry highlighted that *'the quantity and difficulty of the work required to bring the Aboriginal NGOs to the point where they can realistically take full responsibility for the safety and welfare of Aboriginal children should not be underestimated.'*<sup>81</sup>

In line with the recommendations of the Wood Inquiry, *Keep Them Safe* has confirmed that non-government service providers will play a more prominent role in the delivery of frontline services to children, young people and families in NSW.<sup>82</sup> More particularly, it recognised that there are too few Aboriginal services and that building the capacity of the Aboriginal service sector is an essential component of delivering services which are tailored to the specific needs of Aboriginal communities. As noted previously, the NGO capacity building plan developed by KPMG includes a focus on the Aboriginal service sector.<sup>83</sup>

Specific *Keep Them Safe* actions aimed at building capacity in the Aboriginal service sector include reforming funding for Aboriginal services and transitioning the delivery of existing 'Aboriginal programs' to Aboriginal organisations. These actions are intended to be implemented through a 'partnership approach' between government agencies and peak Aboriginal child welfare organisations, Aboriginal organisations and communities at a local level.

In addition, *Keep Them Safe* has committed to:

- Exploring the creation of Specialist Aboriginal Child Protection Teams in each Community Services Region. These teams would also work with non-government Aboriginal child protection services.
- Developing strategies for further capacity building with Aboriginal communities and organisations.
- Developing the capacity of Aboriginal and non-Aboriginal NGOs to deliver a full range of primary, secondary and tertiary services to children, young persons and families, particularly those who present with a range of complex and chronic needs.
- Forming a partnership with AbSec, Aboriginal peak organisations and communities to strengthen the capacity of Aboriginal NGOs and to develop a service system that is responsive to the needs of Aboriginal children, young people and their families.
- Reforming funding arrangements for Aboriginal services to simplify processes.

In addition to *Keep Them Safe*, the NSW Government has committed to build the capacity of non-government organisations more generally through:

- *Stronger Together* (the NSW disability action plan); the NSW Health NGO review; and the reviews of funding for Out of Home Care and Community Service Grants Program services.
- The Better Services and Value Plan which involves a general review of government sector expenditure, including services by the government sector from NGOs.
- A funding reform project established as part of the service delivery plan for the new Department of Human Services, which aims to deliver a standardised approach to NGO funding, reduce costs and improve service quality.<sup>84</sup>

79 Secretariat of National Aboriginal and Islander Child Care.

80 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, page 424.

81 *Ibid*, page 425.

82 *NGOs and the new system*, [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au) Accessed 16 June 2010.

83 KPMG, *Keep Them Safe Discussion Paper – NGO Capacity Building and Workforce Development Plan*, 2010.

84 *Ibid*, pages 5–6.

## The Aboriginal out-of-home care sector

The Inquiry also had regard to Community Services' efforts in building capacity with seven Aboriginal out-of-home care service providers to 'help build on existing service provision and help them to become strong and sustainable providers of OoHC for Aboriginal children and young people.'<sup>85</sup>

In doing so, the Inquiry noted that while the project was well received by AbSec, it expressed concern that the scope of the project was not expansive enough to cater for the 3,200 Aboriginal children in out-of-home care at that time. In fact, if successful, the Aboriginal out-of-home care sector would have only provided placements for less than 15% of these children. Community Services acknowledged that '*Significant further work is required across the State to build sufficient system capacity to meet needs.*'<sup>86</sup> (The number of Aboriginal children in out-of-home care as at March 2010 was 5,712.)<sup>87</sup>

Several of the Wood Inquiry's recommendations were consistent with the findings from our 2007 review *Supporting the carers of Aboriginal children*<sup>88</sup> and have been adopted as specific actions in *Keep Them Safe*, including:

- Revising and expanding training and other supports provided to carers, before and after children are placed with them.
- Building the capacity of Aboriginal organisations so they have a greater role in planning the care of Aboriginal children in local Aboriginal communities and recruiting and training more Aboriginal carers.<sup>89</sup>

*Keep Them Safe* highlights that '*careful work will be required with Aboriginal organisations to build capacity to provide out-of-home care to Aboriginal children prior to transitioning service provision for Aboriginal children.*'<sup>90</sup>

There have recently been a number of developments in this area. These include:

- Funding of \$26 million over three years for an Aboriginal out-of-home-care capacity building initiative to grow the placement capacity of six Aboriginal out of-home care services. Annual funding of up to \$11 million will be provided to these agencies once growth targets are reached.<sup>91</sup> We understand that as at June 2009, 268 Aboriginal 'foster care places' were created as part of this project.
- A one-off grant of \$683,801 to AbSec to establish and coordinate state-wide support groups for Aboriginal foster and kinship carers. The funding will allow AbSec to employ three new Aboriginal carer support workers who will be responsible for establishing and maintaining local peer support groups for each region, particularly in rural and remote NSW.<sup>92</sup>

Whether these initiatives lead to an overall shift in the number of Aboriginal out-of-home care places will need to be closely tracked on a regional and local basis. In this regard, it is worth noting that the absence of an Aboriginal out-of-home care service in the Western region means that it will not benefit from the \$26 million funding injection.

### 3.2.2.4. Culturally appropriate and competent service delivery

The Inquiry highlighted that despite the over-representation of Aboriginal children in the child protection system, culturally appropriate interventions for Aboriginal children, young people and their families are '*not widespread in any of the agencies that are expected to work with them.*'<sup>93</sup> Justice Wood noted that in order to provide culturally appropriate and competent services, Aboriginal ways of understanding must be respected and incorporated into models of service delivery. Justice Wood went on to outline a number of principles for the way forward which have been 'proposed and reiterated' through the literature:

*Favoured models of intervention:*

- a. are tailored to meet the needs of specific localities*
- b. are based on community development principles of empowerment*
- c. are linked to initiatives that deal with poor health, alcohol abuse and similar problems in a holistic manner*
- d. employ local people where feasible*
- e. respect traditional law and customs where appropriate*
- f. employ a multidisciplinary approach*
- g. focus on partnership between agencies and community groups*

85 Report of the Special Commission of Inquiry into Child Protection Services in NSW, November 2008, page 771.

86 Ibid, pages 775–776.

87 www.community.nsw.gov.au. Accessed 12 August 2010.

88 NSW Ombudsman, *Supporting the carers of Aboriginal children*, 2007. www.ombo.nsw.gov.au.

89 NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009–2014*, March 2009, Chapter 6.

90 Ibid.

91 Department of Community Services, *Annual Report 2008–2009*.

92 Hon Linda Burney MP, 'New services to help children and families at risk', Media release, 14 July 2010.

93 Report of the Special Commission of Inquiry into Child Protection Services in NSW, November 2008, page iv.

- h. add value to existing community structures where possible
- i. place greater stress on the need to work with men
- j. place more emphasis on intervention that maintains family relationships and healing.<sup>94</sup>

The Inquiry made a number of recommendations in relation to the introduction of specific 'promising programs and initiatives' that were raised with the Inquiry, as well as extending existing programs which have a record of success. In this regard, the Inquiry noted the success of the Aboriginal Maternal Infant Health Strategy, stating that it '*generally demonstrated better outcomes than some other programs*'.<sup>95</sup>

In addition to the initiatives already outlined, *Keep Them Safe* committed to a number of specific actions aimed at providing culturally appropriate and competent services to support Aboriginal children and families in direct response to the Inquiry's recommendations. A number of these initiatives are relevant to particular issues raised by the Bourke and Brewarrina communities or have direct relevance to these locations. Some of these initiatives are currently being implemented while others are under consideration:

- An Expansion of the Aboriginal Maternal Infant Health Strategy; an extension of the Brighter Futures program to children aged 9 to 14 years with priority access given to Aboriginal children; and the establishment of four new Intensive Family Based Services to be run by Aboriginal NGOs.
- A commitment to establish the Safe Families program in the Orana Far West region.
- An increase in the number of Aboriginal student liaison officers (from 11 to 26) to work with an increased number of communities to identify solutions for non-attendance of Aboriginal students.<sup>96</sup>
- An examination of the feasibility of the recommendation to establish boarding type accommodation for Aboriginal children and young people at risk and developing more detailed options for providing care and education for them.
- A commitment to consider: the feasibility of a state-wide rollout of Family Group Conferencing based on the Dhum Djirri Model; the provision of services for men, such as healing programs and men's groups; making greater use of night patrols in smaller and more remote communities;<sup>97</sup> and following the completion of an evaluation, an expansion of the Nowra Care Circle model.<sup>98</sup>

### Aboriginal Maternal and Infant Health Strategy

The Aboriginal Maternal and Infant Health Strategy (AMIHS) was established by NSW Health in 2001 in five (later six) regions, with the overall goal of improving the health of Aboriginal women during pregnancy and decreasing perinatal morbidity and mortality. At a minimum, each AMIHS service employs either an Aboriginal midwife, a non-Aboriginal midwife who plays a mentoring role to Aboriginal health workers, or an Aboriginal Education Officer. While each program is slightly different, most generally provide antenatal checks, support during birth, education and information and transport assistance. AMIHS employees work closely with Aboriginal medical services.<sup>99</sup> An evaluation of AMIHS in 2006 measured the success of the strategy against the following indicators:

- Maternal age (> 20 years)
- First antenatal visit before 20 weeks
- Smoking in second half of pregnancy
- Preterm birth (before 37 weeks)
- Low birth weight (less than 2,500 grams)<sup>100</sup>

<sup>94</sup> Ibid, page 781.

<sup>95</sup> Ibid, page 782.

<sup>96</sup> An additional 25 home school liaison officers and 15 Aboriginal student officers (including two in Lachlan and Warrumbungle in Western NSW) were established in early 2010 ([www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au). Accessed 13 September 2010). The *KTS Annual Report 2009–2010* notes that there has been difficulty filling one of the home school liaison officer positions in Western NSW, page 68.

<sup>97</sup> The Safe Aboriginal Youth Patrol model is now operating in 11 locations, including Bourke and Brewarrina, *KTS Annual Report 2009–2010*, page 39.

<sup>98</sup> A Family Group Conferencing Pilot was launched in 2008. An Expert Working Party is leading this work comprising representatives from the Children's Court, Community Services, Legal Aid NSW, the Law Society and the Bar Association, as well as 'leading practitioners and academics in the fields of ADR and care and protection'. The Department of Justice and Attorney General is the lead agency – *KTS Newsletter*, July 2008. The Nowra Care Circle trial commenced in December 2009. An evaluation of the program undertaken by the Cultural and Indigenous Research Centre Australia, made a range of positive findings and the Department of Justice and Attorney General is considering options for a potential expansion of the program to other locations, *KTS Annual Report, 2009–2010*, page 38.

<sup>99</sup> NSW Health, *Review of substance use in pregnancy services*, November 2009.

<sup>100</sup> NSW Health, *Evaluation of Aboriginal Maternal and Infant Health Strategy*, 2006.

The evaluation concluded that the strategy was achieving its goals and demonstrated a significant improvement in perinatal morbidity and mortality rates. One of the strengths of the AMIHS appears to be its flexible approach to service delivery.<sup>101</sup>

In 2007, the NSW Government agreed to expand the AMIHS to establish an additional 17 teams across the state and link it with the Brighter Futures program. *Keep Them Safe* supported the expansion of the AMIHS to a total of 31 services. All 31 services are now reportedly operating.<sup>102</sup> There is no service in Brewarrina (Bourke is already an AMIHS site).<sup>103</sup> However, we understand that the Aboriginal Medical Service in Brewarrina provides some antenatal care through a visiting general practitioner, a registered nurse and an Aboriginal health worker.<sup>104</sup>

### Expansion of IFBS and Brighter Futures

The Wood Inquiry noted that the evaluation of the IFBS showed 'a significant reduction in child protection reports and OOHC placements for children and young people following the intervention'<sup>105</sup> and recommended that the program be expanded to both Aboriginal and non-Aboriginal families.<sup>106</sup>

The 2008 evaluation of the IFBS (undertaken by the Economics, Statistics and Research Directorate within Community Services) draws on information from four IFBS sites, including Bourke, and includes an analysis of the impact of the program on risk of harm reports received and on out of home care placements.

The evaluation report indicates that an average of 11 families per service received an intervention in 2006–2007. The program target for the IFBS is 28 family interventions per year, which suggests that overall, the IFBS services had been operating below their funded capacity. A range of contributing factors were cited, including that services have been operating without full staff capacity over most of the reporting period. The evaluation also reported that in Bourke, there were significant difficulties with the referring relationship between the CSC and the service.<sup>107</sup>

The evaluation report notes that in addition to working directly with clients, IFBS services undertake a range of ad hoc and informal activities to support families in the community. These activities were estimated to account for approximately 15% of case workers' time in all services except Bourke: 'in Bourke, where there has been a particular problem in relation to referrals to the service, it is estimated that the IFBS caseworker has been active in engaging with the community and providing informal and unstructured support to local families for up to 75 per cent of their time.' The benefit of this community based support work was not assessed by the evaluation due to data constraints.<sup>108</sup>

As part of *Keep Them Safe*, four new IFBS services will be established to be operated by Aboriginal organisations following a tender process. According to the KTS Annual Report 2009–2010, sites have been identified and consultations have started with relevant Aboriginal communities.<sup>109</sup> However, it is unclear which sites have been selected and whether there are plans to transition existing IFBS services (including Bourke) to an Aboriginal NGO and/or an established mainstream provider in partnership with an Aboriginal NGO.

The Wood Inquiry also recommended that Brighter Futures be extended progressively to provide services to children aged 9–14 years, with priority of access to services for Aboriginal children and their families.<sup>110</sup> Community Services has proposed a demonstration project to address the needs of vulnerable 9 to 15 year olds by offering targeted, coordinated and tailored services, with priority access for Aboriginal children and their families. It is proposing to trial the project for two years in the three locations where Family Referral Services have been established (Dubbo, Mt Druitt and Newcastle), with each site having the capacity to service 100 children. This 'co-location' will enable referral pathways to be tested.

The three locations also include a high number of Aboriginal children within the age target range and account for a high number of child protection reports involving Aboriginal children.

101 Dr Elisabeth Murphy, Presentation on the Aboriginal Maternal and Infant Health Strategy (2009) [www.changechampions.com.au](http://www.changechampions.com.au). Accessed 26 July 2010.

102 KTS Annual Report 2009–2010, page 66.

103 NSW Health, *Review of substance use in pregnancy services*, November 2009.

104 Ibid.

105 NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009–2014*, March 2009, Chapter 3: Better protection for children at risk.

106 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, Recommendation 10.5.

107 Department of Community Services, Economics, Statistics and Research Directorate Service System Development Division (Sue Leahy, Merran Butler, Nicola Robinson and Ben Smith), *Intensive Family Based Services Evaluation Report*, March 2008.

108 Ibid, page 36.

109 KTS Annual Report 2009–2010, page 42.

110 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, Recommendation 10.5.

---

On 12 July 2010 we provided feedback to Community Services about its draft proposal. We highlighted that although the proposal seeks to give priority to Aboriginal children, it does not include any information to indicate how specific services will address the needs of the Aboriginal community. We also expressed concerns that the eligibility criteria for the program appear to be contradictory to the aims of the program, and likely to exclude a large number of Aboriginal children. For example, the aim of breaking intergenerational disadvantage would seem difficult to achieve if a significant child protection history renders a family unsuitable for the program. We understand that a final proposal has yet to be endorsed.

### **Safe Families**

During 2009, the implementation of Safe Families also commenced. The program is 'location specific' and aims to tackle Aboriginal child sexual assault by partner agencies working in a coordinated and collaborative way with Aboriginal communities to provide early intervention and prevention services, increased child protection responses, and integrated community development. The program recognises that child sexual assault cannot be addressed in isolation of the impact of related issues such as health, substance abuse, family violence, housing and education. Case plans are developed for each family and cover the specific needs of each child. Support is also provided to individuals and groups by providing tools and prevention strategies and by readying people for other services.<sup>111</sup>

The program works in partnership with communities to raise awareness, provide information and education. The program also provides direct support to families and children. The Safe Families Program also funds extended Joint Investigation Response Team (JIRT) services in far Western NSW so that appropriate investigation and support can be available in Safe Families communities.

Aboriginal Affairs NSW, NSW Health and Community Services are major partners in the implementation and ongoing operation of Safe Families and the ICFC. While the 'lead agency' for Safe Families is Aboriginal Affairs NSW, Safe Families teams include one Aboriginal Affairs NSW worker (engagement officer); one GWAHS worker (Aboriginal health worker) and three Community Services workers (two caseworkers and an administrative officer).

Towards the end of last year, most of the staff had been recruited to the Wilcannia Safe Families team, which was the first of the five designated sites to become 'operational'. The other sites are Walgett, Lightning Ridge, Brewarrina and Bourke. We understand that there have been ongoing difficulties in recruiting staff to the teams in each location. However, more recently, the Lightning Ridge site was re-established in March 2010, and the Bourke office opened on 27 September. Consultations are underway with the Walgett and Brewarrina communities to establish teams in these locations.

The staffing for the program in each location includes:

- A part time engagement officer (Aboriginal Affairs NSW)
- Two caseworkers and a part-time administrative officer (Community Services)
- An Aboriginal family health worker (Greater Western Area Health Service)

In addition, the five Safe Families locations share:

- A program manager (Aboriginal Affairs NSW)
- Two casework managers (Community Services)
- A manager, client services (Community Services)
- A senior clinician (Greater Western Area Health Service), and
- An area manager, sexual assault (Greater Western Area Health Service)

An important feature of the program is the establishment of local Aboriginal reference groups in each location to facilitate the involvement of Aboriginal community members in decision making. The Orana Far West Safe Houses Project is also a component of Safe Families. Building capacity with the region's safe houses is critical to the success of the Safe Families program. We understand that Aboriginal Affairs NSW and Community Services are working towards establishing close links between both programs.<sup>112</sup> The program is still developing and recent work has strengthened program governance arrangements and clarified the roles and responsibilities of partner agencies. The operational responsibilities of all partner agencies are outlined in the program's Service Provision Guidelines.

---

111 Aboriginal Affairs NSW, Presentation about Safe Families, 9 March 2010.

112 NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009–2014*, March 2009, Chapter 5: Better supporting Aboriginal children and families.

### 3.2.3. Building an evidence base

Another strong theme which informed many of the Inquiry's recommendations around improving service delivery to Aboriginal communities is the need for a solid evidence base to be built, in relation to the types of approaches that have a proven track record of success; supported by a common framework for evaluating service outcomes, and related consistent data collection and reporting by agencies and funded organisations.

A key principle articulated by the Inquiry on this issue was that 'Assessments and interventions should be evidence based, monitored and evaluated.' The Inquiry outlined six goals to support the application of this principle:<sup>113</sup>

- There should be a consistent common framework for the evaluation of service outcomes.
- Measures of the performance of agencies engaged in child protection work at the local, regional and state level, should be compatible, population and outcome based, as well as process focused.
- Annual reporting requirements for all government agencies and NGOs should include reporting on their child protection functions and outcomes.
- Data should be collected, shared and published so as to inform research and further the safety, welfare and well-being of children and young persons.
- A research agenda should be developed across governments and should include NGOs.

In commenting on the need for improved 'data quality' the Inquiry noted that this issue had also been raised by then Department of Aboriginal Affairs in its 2008 *Two Ways Together* Report on Indicators.<sup>114</sup> By way of example, the Inquiry referred to Action 33 of the *Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities*. This action seeks to measure compliance with the application of the Aboriginal Child Placement Principle. The performance measure is the percentage of placements which meet the relevant criteria. However, the Inquiry noted that '... *In short, it is likely that the data are not of sufficient quality to adequately measure compliance*'.<sup>115</sup>

In addition, the inquiry referred to the Interagency Plan in order to highlight the need for 'outcome based' as well as 'process focussed' performance measures:

*It appears to the Inquiry that the performance indicators [in the Interagency Plan] are often designed to measure a process (such as a review of legislation, revision of policy or procedures, development of an education package or of a plan for delivery of annual training, or preparation of a research paper or options paper.) This means that they measure how well the process has been undertaken, rather than giving a measure of tangible or practical outcomes for Aboriginal children and young persons or their families. Even where the action relates to a specific service, such as Intensive Family Based Services, current performance indicators are about the completion of a service evaluation, rather than whether there has been a greater availability of services or any improvement in outcomes for Aboriginal children and young person.*

*... While the Interagency Plan appears to have generated significant activity levels within each of the agencies since its release in 2006, the nature of the draft performance measures makes it difficult to assess the actual impact on Aboriginal people and communities, or on those Aboriginal children and young persons who are experiencing or are at risk of sexual assault ... The inquiry could not access a report measuring success against the Interagency Plan and this task is not being undertaken by Aboriginal Affairs.*<sup>116</sup>

The Inquiry noted that there has been limited research, and therefore understanding of, the critical issues facing Aboriginal communities in NSW. In recognising this, (the then) DoCS informed the Inquiry that it had appointed a senior research officer (Aboriginal) to its Centre for Parenting and Research in 2007. At that time, a literature review was being undertaken in relation to early intervention strategies for Aboriginal children, and the evaluations of IFBS and Brighter Futures had 'some regard to Aboriginal families' (these evaluations were discussed previously in section 3.2.2.4).<sup>117</sup>

113 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, principle 10.11.

114 *Ibid*, page 761.

115 *Ibid*, page 768.

116 As a result, the Inquiry recommended that the Ombudsman should be given authority to audit the implementation of the Aboriginal Child Sexual Assault Taskforce recommendations as described in Recommendation 21 of the Taskforce's report. *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, page 769.

117 *Ibid*, page 771.

---

The Inquiry also considered a number of programs, services and strategies based on the level of 'promise' they showed, as well as their potential for broader application. The types of factors that the Inquiry took into account in assessing the potential of particular 'approaches' was based on:

- a. Any available formal evaluation of the program and its outcomes.
- b. Annual reports or other service data to show the utilisation and/or effectiveness of the service or program.
- c. Less formal evidence' such as expert opinion (including recommendation of the program by an agency with expertise in the field), consumer satisfaction surveys or qualitative impressions of program staff on the outcomes achieved by the service.
- d. The extent to which the intervention is consistent with the principles found in the literature, including the extent to which it complies with the principles in practice, as well as the extent to which the principles were incorporated in program design and development.<sup>118</sup>

We have already discussed that in direct response to the Inquiry's recommendation relating to the need for an expansion of the availability of a broad range of culturally appropriate and competent services for Aboriginal communities, *Keep Them Safe* has committed to implementing and then evaluating specific programs, and considering the feasibility of others. In this regard, *Keep Them Safe* has supported the development of a 'learning exchange for communities and government to share experience and good practice information through resource services and workshops.' Finally, *Keep Them Safe* recognises that:

*The challenge for the Government and community organisations with service provision for Aboriginal children and their families is to continue to build the evidence base on what works in terms of effective service interventions.*<sup>119</sup>

### 3.3. The NSW Government's whole of government plan for Aboriginal Affairs

#### 3.3.1. NSW State Plan

The updated NSW State Plan (2010) has seven priorities to guide Government decision making and resource allocation. 'Stronger communities' is one of the seven priorities under the Plan and 'strengthen Aboriginal communities' is one of eight supporting strategies under this area. A number of targets aimed at improving health, education, employment and social outcomes for Aboriginal people will be used to measure the success of the Plan. Significantly, the Plan includes 'Increase effective partnerships with Aboriginal communities by 2011' as one of its specific targets. Together with *Keep Them Safe*, the NSW Aboriginal Affairs Plan, *Two Ways Together* is the vehicle by which the NSW Government will drive State Plan initiatives to improve the delivery of services to Aboriginal children and families.

The State Plan highlights several 'priority areas' under *Two Ways Together* which relate specifically to Aboriginal child safety and wellbeing, these include:

- partnering with 40 communities to set up recognised community governance bodies to improve community wellbeing and respond to local needs.
- providing better protection for our Aboriginal children by implementing *Keep Them Safe*; the *NSW Interagency Plan To Tackle Child Sexual Assault in Aboriginal Communities*; and *Safe Families*.
- piloting a new consultation model with Aboriginal community groups to agree how best to keep Aboriginal children and young people safe, including community input on individual child protection decisions.
- establishing four new non-government operated Intensive Family Based Services.

The Plan also lists several strategies aimed at improving education outcomes for Aboriginal children and young people, such as 'closing the gap' for Aboriginal students in literacy and numeracy within a decade.

---

118 Ibid, pages 782–783.

119 NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009–2014*, March 2009, page 35.

---

### 3.3.2. Two Ways Together

#### Report on Indicators 2009 – key findings

Aboriginal Affairs NSW has responsibility for coordinating the implementation of *Two Ways Together*. As part of its coordination role, it produces a biennial report using both national and NSW specific measures. The most recent *Two Ways Together Report on Indicators* (Report on Indicators) was published in 2009.<sup>120</sup> In line with NSW State Plan and COAG targets, the report provides data on outcomes for Aboriginal people relating to areas such as education, health, community services, housing, justice and economic development.

A significant Closing the Gap target is to 'halve the gap in mortality rates for Aboriginal children under five within a decade'. The Report on Indicators shows a significant reduction in the gap between Aboriginal and non-Aboriginal infant mortality rates. This has been attributed, at least in part, to the increasing proportion of Aboriginal expectant mothers participating in anti-natal visits in the first 20 weeks of their pregnancy through the Aboriginal Maternal Infant Strategy. However, Aboriginal people – particularly women – continue to be over-represented in statistics for incarceration and court appearance rates, and as victims of crime.

Families and young people are one of the seven priority areas under *Two Ways Together* (and as noted previously, under the NSW State Plan strengthening Aboriginal communities, and improving child wellbeing, health and safety) are specific target areas. It is well documented that Aboriginal children and young people are significantly over-represented in reports of child abuse and neglect. As at March 2010, Aboriginal children represented 31.2% of all children in out-of-home care.<sup>121</sup> For this reason, a focus of *Keep Them Safe* is reversing this trend. The two initiatives highlighted by the Report on Indicators in relation to improving outcomes for Aboriginal children and families are the Intensive Family Based Service and Brighter Futures. While the report describes both these initiatives, it does not provide any data in relation to outcomes.

The report provides limited data on Aboriginal student attendance rates for primary and secondary government schools across the State (years 7 to 10 only). Between 2006-2008, attendance rates for government primary and secondary schools were lower for Aboriginal students than for non-Aboriginal students. As is the case for all other students, attendance rates are higher during primary years. In this regard, the average attendance rates for Aboriginal students in primary schools increased slightly from 87.8% in 2006 to 88.2% in 2008. For secondary school students, the average attendance rate also increased slightly from 78.6% in 2006 to 79.4% in 2008. However, the report does not provide a regional or local school breakdown of these statistics.<sup>122</sup>

COAG has also identified school attendance as one of the key performance indicators to measure progress against Closing the Gap.

#### Partnership Community Program

The *Two Ways Together* Partnership Community Program is a priority of the NSW State Plan and is the local level implementation of *Two Ways Together*. The program provides communities the opportunity to work with government agencies to develop strategies and services that will improve outcomes for Aboriginal people at the local level. Under the Program, Partnership Community Project Officers are employed by Aboriginal Affairs NSW to help Aboriginal communities develop a local community governance body that is representative of the community and an active voice on behalf of the community. The development and recognition of governance bodies will support local leadership to be active participants in decision making regarding their community. Funding for the program ends 30 June 2011. In addition, Aboriginal Affairs NSW employs regional managers and engagement officers to work with communities, including communities participating in this program, and with agencies to improve the coordination of services to Aboriginal people. Community governance bodies are supported by Aboriginal Affairs staff to identify community priorities and to develop an action plan that involves working together in partnership with government agencies. The program will build on work already underway in the 40 partnership communities that have been identified across the State. Two key components of the program are the *Draft Partnership Community Governance Framework* and Guidelines for the way NSW Government agencies will work together and in partnership with communities identified through the program.<sup>123</sup>

In September 2010, the Federal Government through the Department of Families, Housing Community Services and Indigenous Affairs (FaHCSIA) also indicated its support for community governance bodies recognised in the program. FaHCSIA indicated its intention to write to each of these bodies to confirm that they will continue to engage with them as the voice of Aboriginal people in that community.

---

120 Department of Human Services, *Two Ways Together Report on Indicators 2009*.

121 The rise in Aboriginal children in out-of-home care over the last five years may be partly attributed to improvements in recording and collection of Aboriginality in children's records. It may also reflect changes in the out-of-home care system that now recognise kinship care arrangements. Department of Human Services, *Two Ways Together Report on Indicators 2009*, page 121.

122 Department of Human Services, *Two Ways Together Report on Indicators 2009*, page 65.

123 [www.daa.nsw.gov.au](http://www.daa.nsw.gov.au) Accessed on 13 September 2010.

---

### 3.3.3. The role of Premier and Cabinet in coordinating regional services and programs

As previously noted, the Department of Premier and Cabinet (DPC) also has a role to play in relation to the coordination of NSW Government services and programs at a regional level. DPC regional coordinators lead Regional Justice and Human Service Coordination Committees. In addition to representatives from lead human services agencies in each region, a 'dedicated Aboriginal representative' and a representative of local government and the non-government service providers in each region participates in the region committee.<sup>124</sup>

There is a requirement for each committee to develop a regional action plan. These committees report progress against the action plan to the Justice and Human Services CEO Forum.

At present, the role of DPC regional coordinators appears to be restricted to providing advice about making existing governance structures and partnerships between agencies and communities work better, rather than playing a significant decision making role about service design and delivery. While these officers play an important role in bringing together agencies, their ability to influence service delivery in a practical way is limited because they are not responsible for providing frontline services or for playing an overarching role in relation to funding agreements entered into with non-government organisations.

---

<sup>124</sup> NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009–2014*, March 2009, Chapter 7: Delivering the Plan.

---

# Chapter 4.

## Our consultations and related actions

Since 2007 we have worked collaboratively with community members and agency representatives on identifying and addressing a range of concerns about the delivery of services to the Bourke and Brewarrina communities. In this chapter we document the discussions which have taken place involving community leaders and agency representatives.

In doing so, we highlight the most significant issues which community leaders have put forward as needing to be addressed by Community Services in partnership with other human service and justice agencies to meet the particular service delivery challenges faced by Bourke and Brewarrina. Many of these challenges are also common to other communities across the Western region. We also report on certain significant developments which have unfolded during the period covered by our inquiry and the steps we have taken to progress specific community concerns.

Between June and August this year, we participated in a series of consultations with Western region agency managers/directors. During these meetings, agency participants identified a range of factors that need to be addressed in order to achieve a better integrated and more effective service system. The key outcomes from these discussions are also detailed in section 4.3 below.

We have appreciated the willingness of community leaders to generously give of their time to discuss their concerns about their communities. We have also appreciated the constructive approach taken by agency representatives during our consultations with them: in particular, we note the commitment shown by Community Services' Regional Director (Western) to consult with communities.

### 4.1. Brewarrina community

#### August – November 2007

On 17 August 2007, Brewarrina Shire Council forwarded to us a complaint from an Aboriginal community member raising concerns about the adequacy of Community Services' response to vulnerable children in Brewarrina. Shortly after receiving the complaint, we met with the then Director-General for Community Services, Dr Neil Shepherd, who discussed with us his plans to increase caseworker numbers in high-need areas and provide staff in these locations with better infrastructure and support.

On 13 September 2007, we met with representatives from the Brewarrina community, Aboriginal Affairs NSW, Brewarrina Shire Council and local police and service providers. At this meeting, significant concerns were expressed by community members and workers about the lack of child protection and early intervention resources available to the Brewarrina community, and alleged ongoing sexual abuse of local young adolescent girls. We made a commitment to continue to work with the Brewarrina ACWP, other community stakeholders and Community Services to address these concerns. We also undertook to request specific advice from Community Services about its caseworker presence in the Western region.

#### **Ombudsman request for information about Community Services' caseworker presence in the Western region**

On 15 November 2007, we sought formal advice from Community Services about:

- areas in the Western region anticipated to benefit from an enhanced case worker presence
- the number and level of filled case worker positions in each of those locations over the past 12 months
- the anticipated number and level of operational positions in each of these locations once the proposed plans have been fully implemented
- what service arrangements are being considered to provide a casework service to the more remote locations throughout Western region
- any other service improvement initiatives in Western region implemented over the past five years or currently being planned in relation to out-of-home care, family support services (including early intervention services) and improved interagency practice, and
- information relating to the outcomes that have resulted from the service improvement initiatives implemented to date.

---

Shortly after this request for information was issued, the Wood Inquiry was established. Due to the Wood Inquiry's announcement of its intention to examine issues affecting Aboriginal communities and rural and remote service delivery, we had limited consultations during 2008 with the Brewarrina and Bourke communities and Community Services personnel from the Western region. However, we provided the Wood Inquiry with a substantial body of child protection related information – informed by our work in reviewing the delivery of community services – including 10 submissions.<sup>125</sup>

## August – November 2008

### Community Services' proposed service delivery model for Western region

Prior to the Wood inquiry reporting its findings, we received a formal response to our request for advice from the then Deputy Director-General for Community Services (Strategy, Communication and Governance), Ms Donna Rygate, on 22 August 2008. Ms Rygate indicated that a 'whole-of-government approach' (involving NSW Health, Community Services, the Department of Education and Training and the NSW Police Force) was being considered by government to address human services delivery in rural and remote NSW. We were advised that a decision had been made to establish a steering committee on human services delivery. The Committee was to report on options and make recommendations by 30 September 2008 about:

- new service delivery models
- uniform NSW public service incentives
- government employee accommodation, and
- staff education, training and government assistance.

Ms Rygate indicated that as an interim measure, Community Services would implement its own proposed service delivery model for Western region. Ms Rygate advised that work was underway to implement this model, including preparation of a detailed plan outlining locations, staff and costings. The plan was due to be finalised for consideration by the then Director-General of Community Services by late August 2008.

Community Services provided us with advice about an impressive suite of proposals to recruit and retain skilled staff in rural and remote areas. These focused on filling the significant number of substantive casework vacancies in the region. The proposed service delivery model also recognised the need for greater management support in the Western region by proposing to establish a Director, Practice Standards to focus on improving professional skills and casework quality.

However, Community Services acknowledged that these steps alone would not address problems associated with attracting and retaining good quality staff. For this reason, the proposal centred on a trial caseworker recruitment model in the Murdi Paaki region, with Bourke as a service 'hub'. Additional 'hub' sites were also proposed for Broken Hill and Dubbo. While the department anticipated difficulties attracting suitably qualified staff to Bourke, it planned to raise the casework establishment from 11 to 16 staff. We were advised that because these staffing numbers had been calculated on the number of child protection reports for each location, Community Services would ensure that staff designated for each location would be 'quarantined' and dedicated to servicing that community.

The hub model was to be complemented by a three-tiered incentive package and a capacity building program with the Aboriginal service sector. The proposal also recognised the need to provide staff with suitable accommodation. Community Services indicated that it had held off releasing the incentive package component of the service delivery model until the *Remote Areas Attraction and Retention Pilot 2006/2009* led by the Department of Premier and Cabinet (DPC) had been completed.

Following receipt of this advice we resolved to allow these particular issues to be progressed through the Wood Inquiry.

---

<sup>125</sup> Our submissions to the Wood Inquiry are available at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

---

## **The second complaint from the Brewarrina community – the impact of diminished service capacity on vulnerable children**

On 22 October 2008 – almost 12 months after we received the original complaint about the adequacy of Community Services' response to vulnerable children – the Brewarrina ACWP determined to write to us to express concern at *'the failure of government agencies to protect Brewarrina's most vulnerable children.'* The following day, two houses and powerlines were destroyed by fire and several other homes were threatened. Four girls aged between nine and 14 years of age were found to be responsible for lighting these fires.<sup>126</sup>

On 12 November 2008, Ms Jenny Barker, the Chair of the Brewarrina ACWP, wrote to us expressing the ACWP's escalating concerns about *'the systemic failure of agencies and in particular the NSW Department of Community Services (DoCS) to protect and case manage children and families at risk in Brewarrina.'* The letter included descriptions of the circumstances of three local families to illustrate 'systemic failure' and questioned the service capacity of Community Services and other agencies operating in and/or servicing Brewarrina. The letter stated that there were no longer any Community Services caseworkers operating out of Brewarrina. The letter also noted that some of the children the ACWP were concerned about had been involved in the fire incident.

We immediately forwarded the correspondence to the then Director-General for Community Services, Ms Jennifer Mason, and sought advice about the circumstances of the three families profiled. (Community Services conducted case practice reviews for each family at our request. The outcomes are detailed in Appendix 1).

### **April 2009**

On 28 April 2009, a member of the Brewarrina ACWP informed us that a 12 year old girl had allegedly been sexually assaulted by an influential member of the Brewarrina community four days earlier.<sup>127</sup> The community member stated that the girl was one of the children involved in the 2008 fire incident and that her family had not received any intensive casework support since that time. The community member was concerned that despite local police promptly arresting and charging the alleged offender, the victim and other relevant witnesses had not been interviewed by the Joint Investigation Response Team (JIRT). The community member advised us of the ACWP's concern that the victim and her family would need to be supported, particularly given the victim's older sister was a witness to the alleged assault and had reported the matter to the police.

We contacted Brewarrina police, Community Services and JIRT to ensure these concerns were addressed, that the family was provided with secure accommodation and that consideration was given to the care arrangements for the other children in the family. We later received advice that Ourgunya Safe House was providing support to the family following the alleged assault. Several months later, the Brewarrina ACWP asked to meet with us to discuss their concerns about the management, utilisation and quality of services provided by Bulgan Place, a local homelessness facility funded by the SAAP program. At our meeting with the ACWP on 2 April 2009, they expressed concern about a perceived lack of close monitoring by Community Services of compliance by Bulgan Place with its funding agreement, in circumstances where the service was receiving approximately \$537,000 annually.

### **May 2009**

On 13 May 2009, we attended a meeting between the Brewarrina ACWP, Community Services' Regional Director (Western), local police and representatives from the Children's Guardian, AbSec and the Association of Children's Welfare Agencies. Brewarrina police indicated that they regularly encountered local children on the streets late at night whose home environments were unsafe. To address this, the ACWP proposed the establishment of a safe place facility run by local women to provide the children with temporary accommodation and support services for their families. The ACWP recognised that it may not be possible for all children and young people at risk to be accommodated together in such a facility, and that the facility may also need to be complemented by the recruitment of additional local foster carers. The community further recognised that they would need to guard against the facility becoming a 'substitute home' for local children. To address this, they proposed that the facility should include a case management component to support families to provide safe and healthy environments for their children. Participants at the meeting committed to work together to develop a more detailed proposal.

---

<sup>126</sup> On 24 October 2008, at a meeting between the mothers of the children involved in the fire incident, police, Community Services, community elders and members of the Community Justice Group, it was determined that one of the children should be cautioned and that two others be dealt with by way of a youth conference. The youngest child was below the age of criminal responsibility. Police made a risk of harm report to Community Services about all four children involved in the incident.

<sup>127</sup> The accused person pleaded guilty to the sexual assault and was recently sentenced.

---

The community also raised concerns about the four Community Services caseworker positions in Brewarrina having been vacant for some time, the ineffectiveness of mainstream early intervention and prevention programs, and the limited reach of Brighter Futures in Brewarrina. The Community Services' Regional Director (Western) indicated her commitment to working with the community to attempt to fill the vacant early intervention and prevention positions, including by actively identifying suitable local candidates. It was agreed that there was a need to significantly boost local capacity to work with vulnerable families and that any service level agreement between Community Services and the ACWP should include a requirement that funded services demonstrate effective engagement with, and outcomes for, the communities they serve.

## June 2009

On 26 June 2009 we facilitated a meeting in Sydney between the Chair of the Brewarrina ACWP and representatives from the Office of the Children's Guardian, AbSec, the Association of Children's Welfare Agencies and Community Services to discuss the safe place proposal.

Ms Barker (chair of the ACWP) opened this meeting with the following remarks:

*There are a large number of kids on the street at night under the age of ten in Brewarrina. I can set them up a bed and give them a feed but that's not good enough. I'm here to talk to each of you about what we need to do for our children. I don't want any more talk-fests. We want assistance for our kids in Brewarrina and we know that we are not the only community who needs help with this problem. We have added up the huge amount of money coming into the community and the situation is only getting worse. We need to look carefully at what sort of services are being delivered and how this can be improved. We don't want an everyday safe house' of the kind that DoCS usually funds, we want something different – something designed by the community.*

Community Services' Director of Partnerships and Planning (Western) reiterated Community Services' support for the safe place model. However, he noted that the proposal would need to take into account out-of-home care legislative requirements. He also noted that there would need to be a reconfiguration of the service system in Brewarrina in order to fund a safe place.

Mr Bill Pritchard, the CEO of AbSec, outlined the benefits of funding an experienced non-government provider to manage the safe place facility in partnership with a local Aboriginal community organisation, under the operation of a 'sunset clause' that would see the management of the facility transitioned to the community after a specified period.

A key outcome of the meeting was an agreement that we would attend a one day service mapping workshop with women from the Brewarrina community in August 2009. In addition, Community Services' Director of Partnerships and Planning (Western) agreed to develop a proposal for service reconfiguration by the end of September 2009.

## August 2009

The workshop with women from the Brewarrina community took place on 26 August 2009. It signalled a turning point in the relationship between the main family and interest groups in Brewarrina. Discussions were frank and constructive and participants found the open exchange of information very useful. For example, several ACWP members learned for the first time during the meeting of plans to implement the Safe Families in Brewarrina.

The group acknowledged that a safe place facility without appropriate support services for families would only provide a 'band-aid' solution. For this reason, the group mapped out the existing services in the community, and identified a set of priority areas which needed addressing to facilitate a reconfiguration of services that would allow for the establishment of a safe place facility and complementary family support services.

In addition to mapping existing services, the group articulated the need for:

- Government agencies to work together to address the needs of at-risk young people who are often involved in risk-taking behaviour and are disengaged from the school system.
- Government agencies to listen to communities about what they need and what will work before imposing upon them programs that have been designed 'in Sydney' (such as Brighter Futures and Safe Families).
- Greater flexibility in the design of Community Services (and other relevant) positions to expand the local workforce and play to community strengths – 'off-the shelf' positions attached to specific programs often remain unfilled because community members do not have the 'essential skills' determined by government agencies.
- More representative governance structures in relation to the operation of individual services and programs – ideally, all programs and initiatives should be governed by a single 'umbrella' reference committee which has broad community representation.

- The development of a 'whole of community' action plan which maps how existing services will work with each other – the aim of this would be to reduce duplication and inefficiencies (it was noted that Aboriginal Affairs NSW was in the process of developing such a plan).
- Bulgan Place funding to be redirected to assist with the Community Services' reconfiguration plans while retraining and redeploying existing employees.
- Better coordination of program planning and delivery by federal and state government agencies.
- Improved accountability mechanisms between agencies and the community in relation to funding agreements and service outcomes.

A key outcome of the meeting was a decision to form the 'Brewarrina Safe Place Group', which would be open to all community women interested in supporting the safe place initiative irrespective of whether or not they were an ACWP member.

## November 2009

To progress the issues identified at the August meeting, on 17 November 2009 we attended a meeting between the Brewarrina Safe Place Group and a number of other community members and representatives from Community Services, Aboriginal Affairs NSW and AbSec.

Participants described the positive progress made as a result of the coming together of different sections of the community to achieve the common goal of improving the circumstances of local children and services to Aboriginal people. One community member noted that *'Brewarrina could be a model community for others around the state.'* Ms Barker commented that *'the community has held many service contracts over the years and has led the community successfully in a range of areas. I am very proud to see everyone here today – the past is the past and things have to be created by us – for us.'* Ms Grace Beetsen, Manager of the Ourgunya Safe House, noted that *'we all need to work together – not in isolation – there is excitement and goodwill in the community right now and if given the chance to work together, we will achieve a great deal more.'* Community Services' Chief Executive (Operations) stated that *'what is happening here in Brewarrina is exactly what Justice Wood had envisaged would start to take place. I will make it clear to head office that [we] will work with the community and that it's not for us in Sydney to tell the community how they should do business.'*

The need for meaningful consultation with the community about service planning and delivery, and greater transparency and accountability in relation to service outcomes, was once again a focus of community concern. Community members wanted to know what types of data could be made available to them to help identify the number of families requiring intensive support. There was general support for the proposition that this data needs to be made available before new programs are developed. However, Community Services' Regional Director (Western), cautioned that it can be dangerous to rely too heavily on statistics to determine the level of need when data is not coupled with an 'agency presence' in the community, as this lack of presence can contribute to under-reporting. She also highlighted the importance of *'communities coming up with their own measures for 'well-being', such as children regularly attending school or being able to sleep at night because their home has air-conditioning.'*

Community Services' Director of Partnerships and Planning (Western), advised he was still in the process of developing a proposal for service reconfiguration in Brewarrina. There was general consensus amongst participants that the funding for Bulgan Place could be redirected towards current priority initiatives such as the safe place and related family support services. Community Services' Director of Partnerships and Planning (Western) indicated that AbSec would be an important partner with the community to identify *'a 'designated agency' that could provide an out-of-home care service which would ideally be managed by an Aboriginal organisation after a designated period.'*

Community members outlined their concern that there had been a lack of consultation about the implementation of Safe Families in Brewarrina. The majority of participants had not heard of the program until it was discussed at the meeting. The community's primary concern was that Brewarrina needed more family support workers rather than additional 'engagement officers'. Community members expressed the view that a number of women in the community would be well-placed to perform this support worker role.

An Aboriginal Affairs NSW representative explained the reasoning behind the decision not to publicly name the Safe Families locations and acknowledged the program had been put together 'very quickly' to meet a June 2010 deadline. She also indicated that Aboriginal Affairs NSW would complete the Brewarrina community action plan after the various initiatives planned for implementation in Brewarrina had been 'bedded down.'

---

The apparent lack of coordination between federal and state government agencies in arriving at decisions to fund specific programs was also raised as a concern. In this regard, we undertook to meet with the State Manager of FaHCSIA, to brief him on the outcomes from the meeting and discuss the need for integrated service planning and delivery generally.<sup>128</sup>

## April 2010

Early in 2010, we received advice from the Chair of the Brewarrina ACWP that relations had broken down with certain members of the ACWP. This was confirmed during separate discussions held with Ourgunya Safe Place and other community members. At around the same time, a dispute also arose in relation to the membership of the Bulgan Place Board.

We understand that the relationship between the ACWP and Community Services also became strained due to the handling by Community Services of its decision to serve a breach notice on the Bulgan Place Board (several of the Board members are also members of the ACWP). Ms Barker and other ACWP members took the view that this action was inappropriate given Community Services had failed to respond to the concerns that members had been raising for some time about the management of the service. Ms Barker advised us that she and another ACWP member, had joined the Bulgan Board approximately 18 months previously in an attempt to improve its operations.

We met with the Brewarrina ACWP on 21 April 2010 to discuss their concerns. Rather than accede to the ACWP's request to formally 'investigate' these concerns, we encouraged them to directly resolve the issue with Community Services as soon as possible. We also suggested that – given the general support at the November 2009 community meeting that Bulgan Place's funding should be redirected towards another purpose – there was little merit in allowing the circumstances surrounding the issuing of the breach notice to detract from progress towards reaching agreement on service reconfiguration and the related funding and rollout of new programs.

We were advised at the 21 April meeting that Community Services had approached the Brewarrina ACWP about signing a service level agreement. In addition, Ms Barker noted that she had recently met with 'a *different representative from Community Services*' about the proposed Indigenous Child and Family Centre (ICFC). Earlier that morning, another member of the ACWP advised us that she had attended a separate meeting with representatives of the Safe Families program.

Despite the fact that Safe Families and the ICFC aim to provide an 'integrated service' with a focus on early intervention and prevention, it appeared that agency negotiations with the community around the local implementation of these initiatives were taking place separately. We expressed concern that Community Services staff involved in the proposed service reconfiguration for Brewarrina (including the transitional arrangements for the operation of Bulgan Place and the establishment of a safe place facility and associated support services) were not playing an active part in planning discussions around the implementation of the ICFC and Safe Families. We stressed that in order for these major initiatives to be successful, partner agencies needed to operate 'hand-in-glove' with each other and garner broad community support for their implementation.

The ACWP agreed with our suggestion to bring together representatives from FaHCSIA, Aboriginal Affairs NSW and Community Services to explore how best to ensure a coordinated and integrated response to service planning before the signing of a service level agreement. We undertook to arrange a meeting in early June.

## June 2010

On 3 June 2010 we convened a meeting in Dubbo with the Chair of the Murdi Paaki Regional Assembly (MPRA), Alistair Ferguson, members of the Brewarrina ACWP, and senior personnel from the Department of Premier and Cabinet, Aboriginal Affairs NSW, including Mr Christian, and Community Services' Regional Director (Western). Manager of Regional Strategies (Western) was also present and advised us that while she is a Community Services employee, she is currently responsible for representing the state and federal governments in their negotiations with the Brewarrina community about the establishment of the ICFC. Representatives from FaHCSIA and AbSec were invited to the meeting but were unable to attend.

We emphasised our concerns about the need for the service reconfiguration process in Brewarrina to involve broad community representation. In particular, we stressed that the process could not succeed without the leadership of the ACWP and other key stakeholders, including Ourgunya Safe Place. In this regard, Mr Alistair Ferguson, the Chair of the MPRA, noted his call for service level agreements across the Murdi Paaki region to require broad community engagement by both Aboriginal and non-Aboriginal service providers.

---

<sup>128</sup> On 4 March 2010 we met with representatives of FaHCSIA, including the State Manager, Mr Brian Stacey and representatives of the Commonwealth Ombudsman's office. We agreed to provide regular feedback to FaHCSIA about the outcomes from our consultations with communities and undertook to meet with FaHCSIA's regional staff during our visits, including staff involved in the delivery of the Remote Service Delivery program and Indigenous Coordination Centre Managers.

---

A significant part of the meeting was devoted to discussion about Community Services' handling of the breach notice relating to Bulgan Place. In her opening remarks, Ms Barker made it clear that until the ACWP's concerns about this were addressed, they could not be confident in their relationship with Community Services.

The ACWP and Bulgan Place Board members present at the meeting expressed concern about a range of actions which appear to have flowed from the ongoing dispute about the 'true' membership of the Bulgan Board, including access to bank accounts and other assets. The ongoing dispute around the board membership was also having a broader impact on community governance. Finally, the ACWP acknowledged that an acceptable interim solution would be to install an 'independent' organisation to operate Bulgan Place for a brief period until the membership of the Board could be clarified. However, they were concerned to learn that Community Services had awarded the Bulgan Place service contract to Centacare for a period of 12 months, in the absence of clarity about plans to transition the operation of the service to the community once the Board membership issue had been resolved.

In response, Community Services' Regional Director (Western) expressed regret about the way decisions relating to Bulgan Place had been communicated. However, she communicated her view that, given the events that had unfolded, the best way for Community Services to keep Bulgan Place open was to install an independent operator who would be expected to consult closely with the community about the best way to provide its services.

There was general agreement that there was an urgent need to resolve the dispute relating to the membership of the Bulgan Place Board to allow all parties to move forward. It was also agreed that there was a need for Centacare to have a clear understanding about how it should work with the community. Mr Christian suggested that the best way to resolve the 'Bulgan issue' was to gain agreement from all parties to wind up Bulgan's operations in order to allow a new, representative board to be created which could guide Centacare's work. Mr Christian recommended independent mediation to facilitate this.

Community Services' Manager of Regional Strategies (Western) advised participants about the consultations that had taken place to-date with the Brewarrina community about the establishment of the ICFC. She indicated that a call for nominations for the centre's reference group had been recently announced but that only a small number of people expressed an interest (all were accepted onto the committee). We asked about what additional attempts had been made to broaden the committee's representation. She stressed the need to move quickly given the centre is scheduled to be operational by 2012 and that tender documentation was due to be finalised by the end of July 2010. We understand that recruitment action is currently underway for the position to establish the ICFC and to staff the Safe Families team.

While we understand that the Community Services' Manager of Regional Strategies (Western) had consulted the ACWP and held community information sessions earlier this year, other community stakeholders have informed us they have not been specifically approached. They include Ms Beetson in her capacity as the Manager of the Ourgunya Safe House. Ms Beetson suggested this was problematic given the *'important role played by the safe house in protecting local women and children and its anticipated role in the implementation of Safe Families.'* While Ms Beetson was not present at the June meeting, she has contacted our office on several occasions this year to express her concerns about the circumstances of vulnerable children and their families in Brewarrina, as well as community governance and agency consultation processes. Ms Beetson said that irrespective of whether or not she was a member of the ACWP, given that her service provides critical support to vulnerable families in the community, agencies were obligated to consult with her, consistent with the objectives of Aboriginal Affairs NSW's *Partnership Community Governance Framework*. Ms Beetson also expressed the view that having separate reference committees for the ICFC and Safe Families reinforces an uncoordinated and potentially divisive approach.<sup>129</sup>

It became evident during the meeting on 3 June that despite their significant and long-standing involvement with the Brewarrina community, Community Services' Regional Director (Western) and Director of Partnerships and Planning (Western) had not participated in joint planning discussions between the ACWP and Community Services' Manager of Regional Strategies (Western) about the establishment of the ICFC. Community Services' Regional Director (Western) indicated that she had not participated because she was sensitive to the 'ill feeling' towards her as a result of the handling of the Bulgan Place breach notice and did not want this to impact on the discussions. However, she affirmed her commitment to 'joint planning' into the future. The Area Director, Aboriginal Affairs NSW, also indicated that Community Services and Aboriginal Affairs NSW plan to 'link' the reference committees for Safe Families and the ICFC.

---

129 Meeting with Grace Beetson on 21 April 2010.

---

The meeting was a good opportunity to discuss the impact of community divisions on the ability of agencies to successfully engage stakeholders and build broad support for new initiatives. We stressed that unless these divisions could be addressed, the success of initiatives was at risk. Mr Christian confirmed that the Brewarrina ACWP is the recognised consultative group with which state and federal government agencies are committed to working under the Partnership Community Program and the Murdi Paaki Regional Partnership Agreement. Mr Christian communicated a view that while ACWPs should be inclusive, they also have the right to sanction certain behaviours and expel members where appropriate. Having said this, Mr Christian also emphasised the potential for all community members to make a valuable contribution and stated that it would be regrettable if this did not occur.

Once a group has been formally recognised under the *Partnership Community Governance Framework*, it has responsibility for leading the development of a community action plan with government agencies. Its membership should reflect the diversity within the community and be inclusive of both men and women, people of different ages and 'all clans, families and factions'. A core function of recognised groups is to demonstrate how it has sought the views of the community it represents in relation to important issues, communicated decisions and managed conflicts.<sup>130</sup>

Following the meeting, Mr Christian advised us that he had written to the Chair of the ACWP and other former members formalising his offer to arrange independent mediation to help resolve existing tensions and explore how best to establish an appropriate community governance model consistent with the principles of the Partnership Communities Program. We understand that Aboriginal Affairs NSW facilitated a meeting in June with a number of members of the Brewarrina community to listen to their concerns, but that mediation between the relevant parties has not yet taken place. At the time of writing, the dispute about the membership of the Bulgan Place Board and the operations of the Brewarrina ACWP remains unresolved.

## 4.2. Bourke community

### December 2007

In December 2007, we were invited to attend a meeting with the Bourke Aboriginal Community Working Party (ACWP) to discuss a range of concerns which they believed needed to be brought to the attention of the Wood Inquiry. These included:

- the level of compliance by Community Services with the Aboriginal Child Placement Principle and the need to identify and recruit more local Aboriginal carers
- the adequacy of interagency initiatives to identify, and respond to, children and young people at risk
- the need for a 'safe place' for children found on the streets late at night, and<sup>131</sup>
- improving the coordination and delivery of state and federal government funded programs.

The meeting also included representatives from Aboriginal Affairs NSW and the National Indigenous Intelligence Taskforce. We informed participants that we had requested information from Community Services about service capacity in the Western region and that we would provide feedback to them about Community Services' response in due course. We also indicated that we would highlight their concerns in our submissions to the Wood Inquiry.

### 2009

On 30 March 2009, we met with the then Chair of the Bourke ACWP, Mr Alistair Ferguson, who raised concerns with us about the need to better integrate and coordinate direct and funded services being delivered in Bourke. Mr Ferguson suggested that the multitude of existing management and reference committees needed to be rationalised and brought within one overarching governance structure. In his view, the Bourke ACWP and Human Services Interagency Committee should be utilised for this purpose. This approach would help ensure:

- agencies and funded organisations work together to better identify and manage children and families most at risk
- services and programs match 'identified need'
- a broad cross-section of the community have input into decisions about service planning and delivery, and
- inefficiencies and gaps within the current service system are being identified and remedied.

---

<sup>130</sup> Aboriginal Affairs NSW, *Two Ways Together, Draft Partnership Community Governance Framework*, January 2009.

<sup>131</sup> We continued to progress discussions with Community Services and other stakeholders around the development of a safe place model throughout 2009 – see section 4.1.

Mr Ferguson also noted that there needed to be greater transparency around the reporting of outcomes achieved by funded organisations.<sup>132</sup> Mr Ferguson indicated that the ACWP was not in a position to know how many families were being assisted by local organisations and the nature of the services being provided to them, which programs and services were achieving success, and which services that did not appear to be meeting the needs of individuals identified as requiring support. Finally, Mr Ferguson indicated that community leaders needed support from agencies to help them promote success stories to encourage greater take-up of services and participation in programs.

A further meeting in Bourke took place on 12 May 2009. Community Services' Regional Director (Western) was present as well as representatives from AbSec, and the Office of the Children's Guardian. Significantly, Community Services' Regional Director (Western) advised meeting participants that the Bourke Intensive Family Based Service (IFBS) was staffed with four caseworkers, one manager casework and one clerical officer. At that time, only two families were receiving a service, and the annual budget for the IFBS was approximately \$800,000. There were no Community Services caseworkers attached to the Brighter Futures program at that time.

During the remainder of 2009, we spoke regularly with Mr Ferguson who remained concerned about what he and other ACWP members considered a lack of progress by Community Services in relation to improving service efficiency and accountability in Bourke. These concerns were shared by local police who were dealing with an increase in the committal of violent crime, largely by young people from Bourke. Police and PCYC personnel indicated they were keen to garner support from other lead agencies to develop a collaborative response to managing at-risk families and young people.

### **Families receiving IFBS and Brighter Futures services in Bourke**

As a result of these concerns, we decided to request details about the delivery of the IFBS and Brighter Futures programs in Bourke. On 26 June 2009, we requested the following information from Community Services about the delivery of Brighter Futures and the IFBS in Bourke:

1. The number of different families supported by IFBS Bourke in each year since commencement of the service and details of any assessment undertaken of the outcomes achieved.
2. The number of different families currently receiving an IFBS service in Bourke and the nature of the services being provided.
3. A detailed breakdown of all annual operating costs associated with the IFBS.
4. The number of different families supported by Brighter Futures in Bourke in each year since commencement of the service and details of any assessment undertaken of the outcomes achieved.
5. The number of different families currently receiving a Brighter Futures service in Bourke and the nature of the service being provided.

Community Services forwarded their initial response to this request on 14 August 2009. On 25 September 2009, we sought a more comprehensive response, including information about outcomes achieved by the IFBS and Brighter Futures. A second response was provided by Community Services in November 2010. After further discussions with Community Services about deficiencies in this response, a final response was provided to us on 3 February 2010. However, the final response did not include all of the information we requested in relation to the outcomes achieved by the programs. Community Services advised that '*given the variety of tasks and actions considered as outcomes, it is difficult to measure outcomes for the Program.*'

Community Service's response to our inquiry indicated that, at that time, only one family was being supported by the IFBS in Bourke.<sup>133</sup> Community Services provided advice that the Bourke IFBS had a funding base of \$814,759 for the 2009–2010 financial year.<sup>134</sup>

According to Community Services' 2008–2009 annual report, by June 2009 3,700 families were taking part in Brighter Futures across NSW or were just about to start receiving services. More than 23% (approximately 850) of these families were Aboriginal.

<sup>132</sup> In 2008–2009 Community Services provided funding of \$254,537 to Dunbi Place and \$318,367 to Edith Edwards Women's Centre. It is unclear from Community Service's 2008–2009 annual report whether Bourke Family Support Service received any funding in that year. In addition, a range of other organisations receive Federal and State government funding to deliver programs and services in Bourke.

<sup>133</sup> Advice provided by Community Services on 27 November 2009 in response to Ombudsman Notice of Inquiry.

<sup>134</sup> According to Community Services' 2008–2009 annual report, more than 195 children took part in, or received support from, an Aboriginal IFBS service as at 30 June 2009. The report did not include information about the location of the families taking part in these programs/ services or the specific outcomes. Therefore, it is difficult to compare and contrast Bourke with the other Aboriginal IFBS sites.

---

In response to our inquiry, Community Services advised that they had not case managed any families in Bourke (or Brewarrina) through its Brighter Futures program.<sup>135</sup> We understand that an early intervention worker position for Community Services was created in Bourke in April 2008. However, our most recent advice from Community Services was that the position had not been filled substantively. As at November 2009, Mission Australia – the non-government organisation funded to deliver Brighter Futures – was case managing six families in Bourke and two families in Brewarrina. The Brighter Futures service provision guidelines state the expectation that 50% of families will be case managed by Community Services and the other 50% by funded services.

Since receiving Community Services' response to our notice of inquiry, we have attended several consultations with the Bourke Community, agency representatives and local service providers. Community Services' workforce capacity and the apparent limited reach of the IFBS has remained a concern for the community.

## April 2010

On 10 March 2010 the Bourke ACWP carried a motion for the NSW Ombudsman to conduct a broad scale review of services being delivered to Aboriginal people in the Bourke community. In response to this motion, and at Mr Ferguson's request, we facilitated a meeting on 22 April 2010 with over 50 representatives of state and federal Government agencies and funded services in Bourke, as well as several community members. At this meeting, Mr Ferguson commented that:

*While it is important for frontline Community Services caseworker positions to be filled as soon as possible, additional resources are only one part of the solution in Bourke. What is also required is better utilisation of existing resources and better planning to ensure that the service sector comes together to work in an efficient and effective way.*

Mr Ferguson suggested that consideration be given to establishing one overarching management committee in Bourke to monitor overall state and federal service delivery, and provide a forum for centralised decision-making about local funding allocation. Such a forum could also be used by agencies and services to identify and manage 'at-risk' children and families. Additionally, it was suggested that services should cooperate to determine the best way of engaging and servicing reluctant families in need of support. In this way, funding and resources could be utilised more flexibly and in a way that allows services to share in the benefits of good relationships which might already exist between particular support workers and families.

A senior manager from Community Services informed participants that there were 19 caseworker positions across the Bourke, Brewarrina, Cobar and Walgett cluster with approximately six of these positions filled. She also advised that the Bourke Assessment Centre was due to commence operating on 12 May 2010 and that 11 applications for caseworker positions had so far been received. The manager confirmed that there were two families being serviced by the IFBS program and that a number of the new caseworkers would be attached to the IFBS and Brighter Futures programs to address their limited reach to other vulnerable families. Another senior Community Services representative informed the meeting that a caseworker, senior client services officer and a Brighter Futures caseworker had recently been recruited to Bourke.

Another focus of the meeting was wide-spread concern about the behaviour of a significant number of young people in Bourke who were described as being 'out of control.' Local police spoke about the marked decrease in offending age, with a growing number of children under 10 years of age committing crimes. A community night patrol worker who is also employed by the PCYC noted that, on some evenings, the patrol bus transports up to 20 children between five and 17 years of age, with the majority being under 12 years of age. He noted that patrol workers have few options in relation to returning children to a safe environment because their parents are either not at home, or are affected by drugs or alcohol. In this context, the desirability of establishing a temporary respite facility or 'child safe place' and increasing the number of Aboriginal carers was again raised. In addition, several community members highlighted the need for an Aboriginal out-of-home care service and suggested that the Bourke Aboriginal Medical Service would be well-placed to take on this role.

A number of participants spoke about the need for education to be at the centre of case planning for at-risk children, including supporting families to ensure that their children regularly attend school. The Department of Education and Training representatives noted that they have been trying to engage families as much as possible. There was support among participants for exploring the adoption of a 'family group conferencing' model that would involve respected community members from different family groups being enlisted (and in some cases employed) on an ad hoc basis to help engage with the families of children who have a poor record of school attendance.<sup>136</sup>

---

<sup>135</sup> Ibid op. cit.

<sup>136</sup> The Bourke ACWP has taken the initiative of establishing a sub-committee on education which has close links to the Aboriginal Education Consultancy Group, the peak body for Aboriginal education issues in NSW.

---

There was also strong support for establishing a residential facility for young people who are engaging in serious anti-social behaviour. Mr Ferguson indicated that the ACWP, local police and the PCYC recently supported a tender by the Brahminy Group to take on the lease for Calooma station, a property 50 kilometres outside of the Bourke township, for this purpose.

We committed to return to Bourke in the third quarter of the year to report on the actions we had taken to respond to the ACWP's concerns and to hear about the progress they had made in developing options to improve service coordination.

## August 2010

Consistent with the undertaking we had made to the Bourke ACWP and the Chair of the Murdi Paaki Regional Assembly, we returned to Bourke on 23 August to report on the progress we had made in responding to the significant concerns of the community and local service sector about service delivery. The chairpersons of the Murdi Paaki Regional Assembly and the Bourke ACWP, and representatives from the Bourke community and service sector were present. The chairperson and several members of the Brewarrina ACWP also attended.

We also used this meeting to seek feedback on whether our views about the nature of the critical concerns identified by both communities during our consultations were consistent with their own. In addition, we informed the meeting about the collaborative work we were undertaking with agencies in relation to reviewing the circumstances of an 'at-risk' cohort of children from the Bourke and Brewarrina communities (this work is discussed below).

We emphasised with meeting participants the importance of our office independently assessing, and reporting on, both the key challenges and strengths associated with the implementation of *Keep Them Safe*. We outlined the need to ensure that Justice Wood's vision, and the commitments made through *Keep Them Safe* to improve service delivery to Aboriginal people, translate into tangible outcomes for communities at the local level.

Meeting participants particularly focused on the need for greater accountability. The Chair of the Bourke ACWP asked the agency representatives in the room – *'who here has the clout to make sure that service providers are doing what they are supposed to?'* A community representative and frontline worker noted that:

*The level of funding for service provision is strong but the level of accountability is not. What is needed is an outline of all service types in Bourke, the funding for each service and a process for assessing the quality of the services being provided, including seeking feedback from community. And ensuring that someone has responsibility for letting services know when they are not doing their job properly.*

Another community worker echoed these views and stressed the need for, *'the community to 'have a voice' in the accountability process ... we need to have a role in informing the funding agency when funded organisations are not meeting the needs of community. If agencies continue to fund these organisations, then how can they say that they are looking after the needs of communities?'*

Several participants spoke about the need for agencies 'to tell the truth' about what is working well and what is not. The Chair of the Bourke ACWP, Phil Sullivan, indicated that the police were the only agency that regularly attended community working party meetings, where they provide information about crime trends and problem areas. Others also spoke about the need to ensure that local councils are included in planning and accountability processes.

The representative for the Department of Premier and Cabinet, Bill Tatnell, noted that accountability at the local level is *'not about telling agencies how to do their jobs'* but should involve ensuring that agencies are appropriately targeting families and working with funded service providers to ensure they are doing the same.

It was noted that in the past, various interagency approaches to identifying at-risk families were hampered by: limited resources and secretariat support, agency participants failing to move outside of their organisational boundaries when necessary, and a lack of overall leadership and accountability by any one agency.

There was strong support for the proposition that a well-targeted and integrated approach to service delivery should not be driven by a particular program, but rather, embedded in the everyday practices of agencies and funded services. While it was acknowledged that a number of pilots taking place around the state (such as Family Case Management) will help inform practice in this area, it was also noted that communities cannot afford to wait for the evaluations of these programs before changes are made – particularly when, in their view, the type of practice changes required are already abundantly clear.

There was strong support for a needs analysis and service mapping exercise to be undertaken as a starting point for determining whether adequate services are in place to respond to the identified need. It was noted that Community Services had previously provided a flow chart outlining the type of services that were being provided to the community, and that work could be done to build on this. In this regard, it was noted that the local council should also play a significant role. On the issue of need, Mr Peter Gordon from the Brewarrina ACWP highlighted the critical importance of building capacity within communities to develop and sustain viable men's healing programs and support groups.

---

A strong view was expressed by the chairpersons of the Bourke and Brewarrina ACWPs that engagement needs to be meaningful and ongoing. Family members and community leaders need to be an integral part of the ongoing work that is carried out with families. This approach will help restore 'authority' to the family and broader community structure – a core strength of Aboriginal communities. In this regard, Ms Jenny Barker noted that:

*You will never get results if you talk at us. The community working parties are the ideal mechanism for genuine community consultation and participation to take place. You need to work with us to develop a true partnership – this is not happening today. And when we fall over let's get up together' to move ahead – we are putting out our hands to work with you and if any of you are not committed to doing this then walk away and let somebody else do it ...*

*Government departments can have all of the pamphlets they like but we're the ones who see our kids not at school and on the streets late at night – we know if the programs are making an actual difference.*

Another community representative and agency worker noted that while during the COAG trials agency representation was strong and clear results were being achieved, 'once they took the word 'trial' out – everything stopped – so much traction and momentum has been lost. The COAG trials caused agencies and community representatives to sign up to doing specific things – shared responsibility agreements were entered into – people at least had a sense of what was going on.' There was strong consensus from the community participants that the COAG process was a positive experience.

Finally, one of the meeting participants noted that:

*As a mother and a community elder, I still can't see KTS making our kids here in Bourke any safer – child protection might be everybody's business but it doesn't seem to be anybody's responsibility.<sup>137</sup>*

### **4.3. Related agency consultations**

#### **Meeting with Western region education representatives – 3 May 2010**

We met with over 20 Department of Education and Training personnel (including several directors, school principals and Aboriginal education workers) from across the Western region on 3 May 2010 to discuss strategies aimed at improving the school attendance rates of Aboriginal students. (The Regional Director, Ms Carole McDiarmid, was unable to attend. However, she met with our office separately on 27 August 2010.)

Education representatives recognised the important role they play in identifying at-risk children and working with agency partners and local service providers to support these children and their families. However, they indicated that for some children with behavioural problems, the mainstream school environment is unsuitable and alternative schooling options need to be provided.

A range of strategies aimed at returning children to school are utilised across the region, including initiatives such as the Street Beat program run jointly by police and local schools, regular home door knocks by principals/education directors when children are repeatedly failing to appear at school, and targeted visits by the region's 'Attendance Team' (made up of Home School Liaison Officers and Aboriginal Student Liaison Officers). The Attendance Team works closely with Aboriginal Education Officers, who work with children in the classroom and so are well-placed to identify patterns of absenteeism. We were informed that the role played by Aboriginal community liaison and education officers in working with families to keep their kids in school is critical and has led to some positive outcomes for a number of chronic 'non-attendees' across the region.

Participants indicated that there is generally a good 'return on their investment' in terms of working with families to improve school attendance. However, there is often a core group of 'hard to reach' young people where even repeated follow up with their families does not lead to the young person re-engaging with the school system. On this issue, when we met with the principal of Walgett High School on 25 August 2010, he spoke of the greater impact that police school liaison officers can have in working with this hard to reach group of young people and their families.

---

<sup>137</sup> The participant is a member of the Bourke ACWP and has significant experience as a frontline worker in the human services area.

---

## Police Aboriginal Strategic Advisory Committee meeting on 14 May 2010

At a Police Aboriginal Strategic Advisory Committee (PASAC) meeting on 14 May this year, the Police Commissioner also expressed his concern about the large numbers of Aboriginal children engaging in anti-social behaviour and having frequent contact with police. In particular, the Commissioner questioned the effectiveness to date of strategies for responding to this group. PASAC members endorsed the Commissioner's concerns and acknowledged that this issue is of major concern to many Aboriginal leaders across the state.<sup>138</sup> Given the size of the problem in the Western region, it was agreed that our office would convene a meeting of senior representatives of human services and justice agencies from the Western region to further examine it.

## Meeting with Western region justice and human service agencies on 3 June 2010

On 3 June 2010, Western region directors/managers of Community Services, the NSW Police Force, Aboriginal Affairs NSW, Juvenile Justice, the Department of Education and Training and the Department of Premier and Cabinet came together in Dubbo. The Chair of the Murdi Paaki Regional Assembly and a representative of AbSec also attended. A representative of FaHCSIA was invited but was unable to attend.

Discussion focused on the major programs and initiatives to target and support young people at particular risk of harm. At issue was whether there was evidence of success from these programs and initiatives – especially those involving the expenditure of considerable resources – in identifying and addressing the situations of young people and families at greatest risk.

There was agreement that many families, communities and community leaders are struggling to deal with, and provide effective interventions and support to, young people engaging in high levels of risk-taking behaviour. Participants expressed particular concerns about recent and serious assaults on members of the local Aboriginal community in the Darling River police command, the number of children and young people on the street late at night, and the potential for members of the community and the young people themselves to be exposed to serious harm.

Police Assistant Commissioner Steve Bradshaw explained that although police data shows serious crime across the Western region is generally falling, the prevalence of certain juvenile offences in particular locations (or 'crime corridors') can have a major impact on communities. According to information provided by police, offenders from 'transient families' are responsible for much of this crime.

Ms Jane Cavanagh, from the Department of Education and Training indicated that the department has had some success through the Integrated Case Management program in Dubbo (the ICM program was incorporated into the ASBP program)<sup>139</sup> in getting certain young people to return to school. However, it was noted that the program has been less successful in the Darling River area and this was attributed, at least in part, to the limited presence of Community Service staff in the area, leaving police and education staff to assume responsibility for much of the associated case coordination.

On the issue of school non-attendance, Ms Cavanagh acknowledged that while it is a critical risk factor for children, there is a limit to the influence school principals and education personnel have in relation to securing support from families to send their children to school regularly.<sup>140</sup> Ms Cavanagh noted that despite the best efforts of education staff (and sometimes families), there will always be a cohort of children who are unresponsive to intensive efforts to engage them in the school system.

There was consensus among the meeting participants that in order to improve the response by agencies to 'at-risk' families, there is an urgent need to address the shortage of skilled staff in the region. In this regard, it was suggested that a cross-agency recruitment and retention strategy should be developed for Western NSW. It was noted that the creation of the Department of Human Services provides a strong platform for the successful implementation of such a strategy. In addition, it was commented that any such strategy would need to include a comprehensive incentive package.

---

138 Together with the Community Services' Regional Director (Western) and the Assistant Commissioner for Police responsible for the Western region, we regularly attend the quarterly meetings of the PASAC.

139 A recent submission by the NSW Government to a Federal Parliamentary inquiry, indicated that the ASBP is now 'officially' restricted to the three locations where the two-year trial of Youth Conduct Orders (YCO) is being carried out: Mt Druitt, Campbelltown and New England (of these locations, only Campbelltown was identified as a site for the ASBP). The YCO trial will be independently evaluated. However, it is unclear whether the ASBP also has been, or will be evaluated.

140 The Wood Inquiry recommended that section 23 of the *Children and Young Persons (Care and Protection) Act 1998* be amended to add habitual non-attendance at school to the list of risk factors that lead to a mandatory risk of harm report.

Meeting participants also discussed the need to build stronger accountability mechanisms across agencies. We were informed that at present and despite their efforts, it is often difficult for regional Aboriginal Affairs NSW staff to secure the commitments required from individual agencies to improve service delivery to Aboriginal communities. Aboriginal Affairs NSW representatives agreed that without sufficient seniority or a funding role, these staff have limited 'leverage' with direct service agencies. In this regard, we queried whether Department of Premier and Cabinet (DPC) regional managers have access to service agreements with funded organisations. The DPC representative, Mr Ross O'Shea, confirmed they did not and that as a result, DPC staff did not have input into decisions about the types of services that are funded and/or whether particular services should continue to be funded.

We informed the meeting that in light of the concerns raised with us, we had determined to conduct an independent review of information about a cohort of children and young people identified as being at risk of serious harm and engaging in high levels of risk-taking behaviour in Bourke and Brewarrina. We explained that the review will initially consider, but not be limited to, examining information holdings relating to all children aged from 8 to 11 years in Bourke and Brewarrina who present with the following risk indicators:<sup>141</sup>

- repeated contact with police (including diversionary options under the Young Offenders Act)
- habitual non-attendance at school, repeated or long suspension and expulsions
- risk of harm reports to Community Services, and
- any contact with Juvenile Justice, including a period of detention in a juvenile justice facility.

The review will initially examine agencies' decision-making and the effectiveness of resources used to identify and assist individuals and families in these two locations. In addition, we made a commitment to meet quarterly with the Western region agency directors/managers to share our observations and analysis, and to discuss case planning and progress. Agency participants agreed to examine what work can realistically be done to assist the children and families identified.<sup>142</sup>

### Meeting convened by the Department of Premier and Cabinet on 3 August 2010

At the request of Assistant Commissioner Steve Bradshaw, a meeting with human services and justice agencies was arranged by DPC on 3 August 2010 to discuss anti-social and other high risk behavior by children and young people in the Western region. Over 30 participants, including Ombudsman representatives, attended. Assistant Commissioner Bradshaw and other police personnel made it clear that frontline police officers were looking for a set of concrete actions as a result of the meeting, including the provision of practical options and processes to help them link vulnerable young people and their families with support services.

Assistant Commissioner Bradshaw informed the meeting that while Aboriginal people represent approximately 5% of the region's population, 53% of all legal actions in the Western region involve Aboriginal juveniles. Police from across the Western region presented case examples of young children whose lives have spiraled out of control into a cycle of crime. Typically these children have been known to police from a very young age and were the subject of multiple risk of harm reports before they became involved in anti-social and/or risk taking behaviour. Although the meeting focused on several key locations in the Western region (including Dareton, Tamworth, Armidale, Orange, Dubbo and Moree), police explained that a significant number of young people at risk have links with the Bourke community, which they regard as the beginning of the Western region 'crime corridor'.

One police commander expressed the view that, despite a few positive outcomes eventually being achieved for some of these children, their cases demonstrated an overall failure by agencies to undertake integrated case management to achieve a coordinated child protection response. Assistant Commissioner Bradshaw stated that *'despite individual successes, what we're doing collectively is not working – the wheels are spinning and as agencies we are bogged.'* Participants were informed that prior to the meeting, the Deputy Director-General of DPC, Mr Les Tree, had recommended that each agency compare any information they may hold about the cases presented by police. Participants committed to doing this. Community Services' Regional Director (Western) also informed the meeting that Community Services is currently reviewing the placement arrangements for all children in supportive care arrangements across the region.<sup>143</sup>

Meeting participants agreed that while interagency collaboration is increasingly being seen as 'core business' rather than an adjunct to existing responsibilities, current integrated case management mechanisms are not working as effectively as they could despite some good examples of joint agency casework. It was acknowledged that interagency forums generally lacked strong leadership and that the inclusion of non-government agencies in these forums has provided an excuse for participants to be less open in their discussions, and less willing to admit failings.

<sup>141</sup> The study will focus on all children in the Bourke and Brewarrina areas that meet the criteria, not just Aboriginal children.

<sup>142</sup> We issued a formal request for information to the NSW Police Force on 29 June 2010. We received the police data on 24 August 2010.

<sup>143</sup> Supportive care arrangements are where the director general forms the opinion that the child is in need of care and protection and arrangements are made for the child to be placed with carers on a temporary basis, under Part 3 of the *Children and Young Persons (Care and Protection) Act 1998*.

Participants recognised the 'passion and commitment' in the room to improve the circumstances of vulnerable families in the Western region but also the need to 'work differently'. They acknowledged that 'pouring more and more money into the same service model isn't going to work' and that, rather than funding specific 'service types' and programs, what is required is an approach that better identifies individuals who are most in need and then builds solutions targeted to addressing their specific requirements. Importantly, agency representatives stressed that their position is not connected to the need for additional resourcing for the Western region, because while recruiting good quality staff to rural and remote locations is critical, adding additional resources without 'rebuilding' the way services are delivered will, in their view, make little difference. Mr O'Shea confirmed that the strong message he has received during his meetings with region agency managers and various interagency forums is that 'the community do not want more services – they want us to do better with the services we already have and to listen to their views about what they think will work.'

The meeting also discussed the need for regional staff employed by federal agencies to have better links with their state agency counter-parts. In this regard, early feedback about the implementation of the Remote Service Delivery program in Walgett and Wilcannia is that the program has helped improve state and federal agency collaboration, and the approaches used will be instructive for other locations.

The need for local government to be better integrated into the service sector was also discussed. In addition, there was recognition of the important role for agencies such as Industry and Investment NSW in creating employment opportunities to help build community resilience and social capital. Both agency representatives and communities see employment as a critical part of strengthening communities.

Several agencies committed to considering different ways of working with at-risk young people and families. For example, Mr Jim White, Region Director, Department of Education and Training (New England) suggested 'special purpose environments' need to be established for young people who have been unable to operate within the mainstream school system. Mr White said he was committed to exploring with other agencies and communities what this type of education model could look like. Ms Leonie Bender, Regional Director, Juvenile Justice (Western), acknowledged her agency could examine ways of working in closer partnership with police to manage and supervise high risk offenders. Ms Bender also indicated that the structured juvenile justice centre environment places Juvenile Justice staff in a good position to help reconnect young people with the education system. Aboriginal Affairs NSW proposed that agencies could bring together Aboriginal staff employed by justice and human service agencies to draw on their expertise and knowledge of communities and families, and involve them more strategically in redesigning service models.

We indicated that our review of information about the cohort of 'at risk' 8 to 11 year old children in Brewarrina and Bourke would assist to build the evidence base about the level of need of this particularly high risk group. We noted that many of the observations made by participants about the need to change the way services are delivered to Aboriginal people in rural and remote locations were consistent with feedback we have received from communities and frontline agency staff and managers over a number of years. We also highlighted that the cases presented by police are illustrative of the need for agencies to take an 'intelligence-driven' approach to identifying those who should be the focus for agency – and interagency – support.

It was agreed that at the next meeting of the Justice and Human Services cluster on 20 August 2010, a proposal would be developed to ensure that agencies take a consistent and collaborative approach to addressing the issues canvassed.

## Meeting with Bourke IFBS on 24 August 2010

On 24 August 2010, we met with A/Manager Casework, and the newly established IFBS team in Bourke. The Bourke IFBS team has six staff members, including five newly recruited caseworkers and a senior client services officer.<sup>144</sup> We were informed that the Bourke IFBS is now fully staffed and that each caseworker has the capacity to support up to two families for 12 to 16 weeks. The service is currently supporting six families (taking in 15 children). With a full staff complement, the Bourke IFBS should now be able to provide support to approximately 28 families per year, which is the program target for the IFBS.<sup>145</sup> The IFBS team also plans to deliver a service to the Brewarrina community. However, we understand that there are still a number of vacant casework positions at the Bourke CSC and that the A/Manager Casework will be returning to Sydney in the near future.

<sup>144</sup> The Department of Human Services' response to our provisional report (dated 17 November 2010) indicated that: 'Recruitment initiatives have lead to the Bourke IFBS being fully staffed, with the assistance of two trained caseworkers who are on secondment from another IFBS. Two new caseworkers from the Bourke community have also been recruited to ensure service continuity after the departure of the seconded workers.'

<sup>145</sup> Department of Community Services, Economics, Statistics and Research Directorate Service System Development Division (Sue Leahy, Merran Butler, Nicola Robinson and Ben Smith), *Intensive Family Based Services Evaluation Report*, March 2008, page 36.

---

## **Meeting with the Department of Education and Training Regional Director (Western) on 27 August 2010**

At this meeting, Ms McDiarmid advised us of a suite of innovative education and learning initiatives for Aboriginal students that have been developed by the region. The region plans to officially open an Aboriginal Knowledge Centre in Dubbo in October. DET has also developed a cultural education framework for Aboriginal students to guide teachers in applying Aboriginal learning techniques to curriculum content. Ms McDiarmid noted that it is difficult to keep young people engaged in the school system if there are no clear employment pathways for them. In this regard, Western region TAFE is playing an important role in working with schools by linking students to job readiness programs and traineeships. It is hoped that these initiatives will assist in keeping Aboriginal children and young people engaged in the school system.

Ms McDiarmid commented attracting good quality agency staff to the Western region is critical to driving initiatives. She indicated that, in an education context, less conventional approaches to incentive packages should be considered in order to attract excellent principals to 'high need' remote locations.

Ms McDiarmid also reiterated the views expressed by Western region education staff who had attended the meeting of 3 May (see above).

---

# Chapter 5.

## Our findings and recommendations

In chapter 3 of this report, we detailed the vision articulated by the Wood Inquiry – adopted by the NSW Government through *Keep Them Safe* – for building an effective child protection system that is responsive to the needs of Aboriginal communities, particularly in rural and remote locations. As previously discussed, these reforms have been structured around the following broad themes:

1. Self-determination
2. Improving service availability and delivery
  - integration and cooperation
  - improving government agency and NGO workforce capacity
  - building the capacity of the Aboriginal service sector, including the Aboriginal out-of-home care sector
  - expanding the services provided to Aboriginal people by ensuring that services are culturally appropriate and competent, and
3. Building an evidence base.

The federal reform agenda for addressing Indigenous disadvantage and Aboriginal child protection also strongly emphasises these themes, in particular, the need for local service delivery to be ‘wholly-integrated’ and inclusive of a broad suite of culturally appropriate services which reflect the specific needs of communities. There is also an increasing recognition that duplication and overlap between the Commonwealth and the states in delivering human services must be identified, and addressed. Our consultations with communities and region agency staff have revealed that they also see these issues as critical.

Aboriginal communities have repeatedly raised with us their concerns about ‘off-the-shelf’ services and programs being imposed on them. Rather, they want the proposals they have put forward to be given proper consideration. Communities have argued that if state (and federal) agencies carry out a comprehensive local needs analysis and act ‘as one human services provider’, this will lead to better identification of vulnerable families requiring support, more coordinated and streamlined service delivery, and increased resource capacity and accountability.

Our consultations have revealed that while individual communities have different perspectives on the kinds of specific services required, their views are remarkably similar around what is broadly needed to construct a child protection system that supports the needs of Aboriginal children and families at the local level. For some time, communities have been raising concerns about the inability of the current service paradigm to address the needs of the most vulnerable – such as infants and children living in high-risk home environments and children and young people found on the streets late at night, who are often involved in serious anti-social behaviour and/or are disengaged from the school system. It is these vulnerable children and their families that communities want agencies to reach. In their view, effective interagency work needs to be undertaken to identify and respond to these children and their families, and provide them with appropriate supports and access to services which meet their specific needs.

What is also significant is the close alignment between the broad components for effective service delivery identified by the Bourke and Brewarrina communities, and the direction outlined in the various state and federal policies and strategies. However, ensuring that state and federal planning initiatives deliver on their vision and objectives at a practical level presents an enormous challenge. In this regard, our evidence shows that there has been a failure to respond to the clearly articulated concerns identified by communities over a sustained period. For example, the ongoing inability to address staffing and other shortfalls in service capacity in both Bourke and Brewarrina have seriously eroded community confidence in Community Services’ capacity to identify and respond to the needs of the most at-risk children and families.

In relation to Bourke, while we acknowledge the recent efforts to strengthen the Bourke IFBS, progress in improving the service system has been slow and inadequate action has been taken to address the broader concerns around service governance and accountability.

In relation to Brewarrina, the promised service reconfiguration is yet to take place. This is against a background where two major initiatives, Safe Families and the Indigenous Child and Family Centre, are due to be rolled out in the near future. As is evident from the history of our consultations with the Brewarrina community, planning in relation to these two initiatives has not demonstrated a solid collaborative approach between agency representatives. In addition, negotiations have not occurred in a way that promotes participation by a broad cross-section of community leaders in critical discussions. Further, despite the issue having been on the table for several years, the Brewarrina ACWP is still unclear as to whether or not a child safe place, and associated family support service, will be incorporated within the scope of the proposed initiatives and/or the service reconfiguration.

As we discuss later in this section, agency consultation processes with communities would appear to be inherently inefficient. The Aboriginal population in the Brewarrina and Bourke shires is 1156 and 910 people respectively.<sup>146</sup> We have observed that Aboriginal community stakeholders are required to participate in numerous meetings about various initiatives which raise significantly overlapping issues. In our opinion, this places an unreasonable demand on the community members involved. In addition, those who are required to conduct consultations with communities on behalf of government agencies are not always well placed to commit to, or powerfully endorse, solid community proposals.

More broadly, the evidence from both communities and region agency managers strongly indicates that what is currently being done is not working effectively to address the needs of high-risk children and their families. For example, Safe Families – at a cost of \$25 million – has left both communities and local agency staff somewhat confused as to what this initiative is meant to achieve (and how). Despite the fact that Safe Families was initiated following a call from the Murdi Paaki Regional Assembly to work with the NSW Government to tackle child sexual assault in Aboriginal communities across the far west of NSW, at meetings with various Aboriginal community working parties across the Murdi Paaki region, community leaders and relevant local agency representatives, are still struggling to understand its ‘fit’ within their local service systems.

We have been advised by Aboriginal Affairs NSW, that recent efforts to engage with communities, Aboriginal community working parties and existing services about Safe Families is improving understanding of the program. A key sign of its success will be a willingness for communities to work with the program.<sup>147</sup>

The August 2010 meeting of Western region human services and justice agency managers clearly highlighted that, in order to improve agency response to those most in need, different ways of working need to be explored and the central agency approach of imposing programs on to communities needs to change.

Taking into account the current federal and state reform agenda and the clear messages we have received from our work with the Bourke and Brewarrina communities (and other communities across the Western region), we believe that several critical issues need to be addressed in order to provide a solid platform for a broad range of competent, well-targeted and integrated services operating under an effective planning and governance framework. In order to build such a platform, it is clear that the following areas need to be addressed:

- providing a broad range of competent and well-targeted services
- strengthening the Aboriginal service sector
- achieving ‘integrated’ and efficient service provision, and
- rationalising governance and accountability arrangements.

## 5.1. Providing a broad range of competent and well-targeted services

Justice Wood recommended that funding be provided to make available a broad range of services for vulnerable families covering the full continuum of universal, secondary and tertiary services and that these services should target ‘transition points.’<sup>148</sup> A recently released resource sheet on ‘Community development approaches to safety and wellbeing of Indigenous children’ produced for the Closing the Gap Clearinghouse, has also noted that:

<sup>146</sup> Australian Bureau of Statistics, 2006 Census data. The total population of the Brewarrina shire is 1,944 people – 1,156 of these people identified as being Aboriginal (59.5%). In the case of Bourke shire, the total population is 3,095 people – 910 of these people identified as being Aboriginal (29.4%).

<sup>147</sup> Unfortunately due to privacy issues AbSec has had little information about, and little to do with, the implementation of the Safe Families program. The program was developed without any input from AbSec. AbSec has continuing concerns about the level of engagement of Safe Families with the NGO sector. Generally there would appear to be a need to clarify the stated aims of ‘tackle Aboriginal child sexual assault by partner agencies working in a coordinated and collaborative way with Aboriginal communities to provide early intervention and prevention services.’ Statements have been made that ‘partner agencies are only the government agencies’ – this seems to be at odds with the statement ‘coordinated and collaborative way’. (AbSec response, 22 November 2010.)

<sup>148</sup> A number of studies have shown the importance of transition, most notably the 1999 report for the Federal Government, *Pathways to Prevention: Developmental and Early Intervention Approaches to Crime in Australia*.

---

*Family support and whole-of community approaches have been shown to reduce the demand on statutory child protection systems, and to reduce the problem by focusing on universal prevention and targeted secondary service systems to support all families, particularly those with high needs.*<sup>149</sup>

From our direct experience in working with Aboriginal communities, we strongly support the need for a broad range of competent services. In addition, research clearly shows that acute child protection problems will not be addressed unless there is a strong early intervention and prevention focus which is directed at strengthening children and families. However, our ongoing role in reviewing the delivery of community services has highlighted that there are a number of challenges which will need to be addressed in order to build an effective service system within disadvantaged Aboriginal communities. Some of the more immediate challenges include:

- addressing workforce capacity issues
- building a solid evidence base about community needs, and
- developing a targeted approach to identifying vulnerable children and families.

### **5.1.1. Addressing workforce capacity**

In order to deliver a broad suite of high quality services to communities in rural and remote locations, it is essential that the need to expand service capacity be addressed. As this report shows, Community Services has had long-standing problems filling key positions. On this issue, Community Services is not alone. Unless and until vital positions in key government and non-government agencies in high needs rural and remote communities are able to be filled by suitably qualified staff, fundamental service gaps will remain.

An agency's efforts to recruit and retain quality staff can play a critical role in shaping Aboriginal community perceptions of that agency, and of its willingness to work with Aboriginal people. An ongoing failure to address staffing and other shortfalls in service capacity can seriously erode a community's confidence in an agency's capacity to deliver effective services. In response to our provisional report, Assistant Commissioner Steve Bradshaw (Western Region), suggested that all lead government agencies could enter into 'minimum staffing agreements' with community working parties, similar to the First Response Policing Agreement which each local area command enters into with its staff.<sup>150</sup> In making this suggestion, Assistant Commissioner Bradshaw noted that such an agreement would 'show a genuine commitment by agencies to provide effective services to communities'.<sup>151</sup>

On a related issue, Assistant Commissioner Bradshaw highlighted the importance of government agencies 'factoring community consultation and support' into workload measures for agency staff operating in high-need communities. In this regard, he noted that in a policing context:

*... workload is measured by volume of crime, which is reflected in staffing levels. However, there is no way to measure high commitment to community policing. An additional issue here is that good community policing has the potential to reduce crime, which could result in a reduction of staff. Workload and crime could be measured pro rata to the population, similar to BOCSAR statistics. To resource according to 'volume of crime or core work' does not reflect the true workload of any agency. This is especially true when combined with distance.*<sup>152</sup>

While it is important to recognise that these workforce challenges are not easy to resolve, through our broad review work we are aware of some encouraging initiatives in the health and disability sectors that focus on 'skilling up' and recruiting Aboriginal people to critical frontline positions in rural and remote locations. In addition, over the past ten years police have been able to substantially improve both the quality and number of officers they recruit to disadvantaged communities in the Western region, largely through offering a range of incentives.

In response to our provisional report, the Department of Human Services acknowledged that:

*Community Services, along with all partner agencies, faces an ongoing challenge to fill vacancies and maintain staff numbers in many rural and remote locations in Western NSW, particularly in offices such as Bourke and Brewarrina. The impact of caseworker vacancies is significant in Western NSW, especially in offices with very small staff complements. A continual targeted local and Indigenous print advertising campaign has lead to an increase in the number of applicants for caseworker and Aboriginal caseworker positions in Western Region over time.*

---

149 Daryl J. Higgins, Closing the Gap Clearinghouse, *Community development approaches to safety and wellbeing of Indigenous children*, June 2010.

150 First Response Policing Agreements commit the number of police assigned to 'first response' on a given rostered shift based on historical trends in relation to calls for assistance.

151 Response by Assistant Commissioner Steve Bradshaw, Western Region – NSW Police Force, 19 November 2010.

152 Ibid.

*As the pool of suitable skilled candidates is sometimes limited in rural and remote locations it can take time to successfully recruit for all positions, and some Orana Far West offices have traditionally been hard to fill. Between 1 July 2010 and 30 September 2010, a total of 35 candidates accepted caseworker positions in the Western Region, with an increased number of candidates in the recruitment process wanting to work in such locations as Wilcannia, Walgett, Bourke and Brewarrina. Every effort is made to assist those candidates through the recruitment process as swiftly as possible to maximise the chance of suitable appointments being made at the conclusion of the recruitment process.*

*In addition to targeted recruitment to fill positions permanently, the internal Rural Short Term Secondment scheme places experienced metropolitan staff in rural and remote locations for periods of up to three months. The program has helped maintain services in a number of smaller rural offices, with 11 placements in Western Region since 1 July 2010, including three in Walgett and one in Broken Hill. During 2009/10 financial year, 27 placements were made in the Western Region under this scheme.*

*Although our local and targeted recruitment strategies are starting to bear fruit they are unlikely to present a full solution to the issues facing all agencies in rural and remote NSW. In addition to the need to recruit sufficient staff, there is also a skills and confidence issue, given the real challenges for investigation, protective intervention and placement arising from the size and complexity of the communities and family networks.<sup>153</sup>*

At the time we prepared our provisional report, the KTS Workforce and NGO Capacity Building Plan was being considered by the Human Service and Justice CEOs forum. As noted previously in section 3.2, the plan was released in November 2010 and it focuses on NGOs involved in the delivery of services and supports to children and their families. The plan also includes 'aspects of public sector workforce development, with a focus on areas of joint activity and a consistent framework for workforce planning specific to KTS.' It identifies 'the need for targeted activities' across a range of areas, including 'improving service delivery in regional and local Aboriginal communities and Aboriginal employment.' In this regard, the plan essentially provides a high level strategic framework for consideration by a steering committee comprised of NGO peak organisations and government representatives. It will be the role of this steering committee to develop 'specific project proposals' to give effect to the strategies and actions identified in the workforce plan.

While the plan does identify the need to develop a 'whole of sector' approach to recruitment and retention strategies generally, its focus on NGOs means that it does not specifically address government agency staff recruitment and retention.<sup>154</sup>

### **5.1.2. Building an evidence-base**

The establishment of an efficient service system needs to be informed by a solid evidence base.

As the Productivity Commission's reports on Overcoming Indigenous Disadvantage have highlighted, as part of building such a system, location specific population-based data against a range of well-being indicators is required to identify community need and inform the planning and design process. In conjunction with this needs analysis, service mapping should be undertaken in order to establish whether there is an appropriate suite of services available to address the range of needs identified. As part of this aspect of the planning process, it is important to look not only at whether there is a service type which can, in theory, address each major identified need, but also whether the outcomes indicate that the critical needs are in fact being addressed. On this issue, Justice Wood stressed the need for interventions to be 'evidence-based, evaluated and monitored.'<sup>155</sup> In this regard, the very practical performance measures used to evaluate the Aboriginal Maternal and Infant Health Strategy (referred to in chapter 3) provide an excellent example of how an outcome evaluation process is critical to assessing a program's demonstrated effectiveness.

In terms of obtaining evidence of need, it is also important to recognise that local community leaders and service providers are often very well-placed to identify some of the key vulnerabilities which need to be addressed. In fact, specific vulnerabilities identified by both the Bourke and Brewarrina communities closely align with Justice Wood's findings. For example, both communities have spoken out strongly about the failure to address criminal and anti-social behaviour, young people at risk on the streets at night and poor school attendance by certain children and young people in their communities. At present, 86% of the juvenile justice population in Western NSW comprises Aboriginal young people.<sup>156</sup>

<sup>153</sup> Department of Human Services response, 17 November 2010.

<sup>154</sup> *Keep Them Safe Workforce and NGO Capacity Building Plan*, November 2010, pages 7–8.

<sup>155</sup> *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, principle 10.11.

<sup>156</sup> Information provided by Graham Scaysbrook, the Juvenile Justice representative at the meeting with the Bourke community on 23 August 2010.

On these issues, Justice Wood found that:

*Those young Aboriginal people caught up in the juvenile justice system have not been well served in relation to bail, diversionary options or Aboriginal specific rehabilitation options, with the result that they have been left at risk of joining a cycle of re-offending with limited opportunities for establishing sound family relationships.*

Justice Wood also recommended specific measures to ensure greater attendance at school. In addition, he recommended greater use of night patrols 'to ensure that children are not wandering the streets at night in circumstances where they might be at risk of assault, or alternatively of involvement in criminal activities'. As well, he recommended providing accommodation to Aboriginal children and young people at risk of harm of a boarding type nature where the children are cared for and educated.<sup>157</sup> Therefore, as is well illustrated by the evidence outlined in the community consultation chapter of this report, there is a very close alignment between Justice Wood's findings and the community's suggestions for addressing critical needs.

### 5.1.3. Well-targeted approaches to identifying children and families at risk

Related to the need for the service system to be informed by a solid evidence base is the issue of ensuring that the needs of those who are most vulnerable in each community are also being addressed. This is particularly critical in communities with significant levels of disadvantage. Clearly, doing so requires a sufficiently resourced service system. In this regard, the poor record of Community Services in being able to fill frontline child protection and early intervention and prevention positions in these (and other remote) locations must be remedied.

Leaving aside the issue of resourcing, there is also the need to apply resources efficiently. We have previously referred to Justice Wood's recommendation that 'frequently encountered families' be identified and provided with an integrated case management response and the Family Case Management (FCM) pilot which has been developed in response. Three locations in the Western region are part of the FCM pilot (Orange, Narrandera and Leeton). However, none of these locations are among the most disadvantaged communities in the region.

Meanwhile, community leaders in Bourke and Brewarrina (and in other disadvantaged locations) consistently speak of the need for agencies to urgently address the need for the service system to include a focus on those who are most vulnerable. Informed by these strong community sentiments, for several years we have been arguing for the development of an 'intelligence-driven' approach to child protection.<sup>158</sup> While NSW has successfully employed evidence-based intelligence strategies to identify and target high risk young offenders, the same rigorous practice has not been applied to identifying the most vulnerable children and young people, resulting in a failure to identify them at critical stages earlier in their lives for the purpose of providing them with much needed support. Police and Community Services' information holdings clearly show that for many young offenders, their anti-social behaviour stems from a dysfunctional family environment. Furthermore, it should also be noted that in smaller communities such as Bourke and Brewarrina, community members and local agency staff are often extremely well placed to identify vulnerable families – and are an under-utilised resource in this respect.

In relation to this issue of an intelligence-driven approach, Assistant Commissioner Bradshaw (Western Region) suggested in his response to our provisional report that:

*... consideration should be given to appointing a 'government coordinator' who has access to all data/intelligence from government and non-government agencies. Their role could be to review all available data to reduce the likelihood of children and families falling through the gaps that currently exist between agencies.*<sup>159</sup>

A key area of vulnerability identified by both the Bourke and Brewarrina communities has been around the issue of school attendance and the need to effectively engage certain children and young people in the school system. The ability for young children to establish a 'routine' by regularly attending school and at least receiving a basic education, is an essential part of them acquiring the skills to obtain and maintain future employment.

<sup>157</sup> Department of Human Services response, Recommendation 18.2. In section 3.2.2.2 of this report, we noted that through *Keep Them Safe* consideration is being given to the feasibility of establishing boarding type accommodation for Aboriginal children and young people at risk and developing more detailed options for providing care and education to them.

<sup>158</sup> In our submission to the Wood Inquiry on assessment and early intervention and prevention, we raised the need for a shift towards intelligence driven child protection practice. We identified that intelligence driven child protection practice involves the capacity to easily identify families who are the subject of multiple child or young person concern reports, the related need for ongoing sophisticated analysis of information holdings and the ability to translate this analysis into well informed decisions about which families are most in need of a response and the nature of the response which should be provided. We identified that the shift toward intelligence driven practice requires:

1. A sound intelligence policy framework
2. Structural and governance arrangements capable of driving the department's intelligence practices, particularly at the corporate and local Community Service Centre levels, and
3. Skilled staff at the corporate and local level dedicated to use and develop the department's intelligence practices.

NSW Ombudsman, *Submission to the Special Commission of Inquiry into Child Protection Services in NSW*, Part 6: Assessment and Early Intervention and Prevention, 12 May 2008, pages 11–13.

<sup>159</sup> Response by Assistant Commissioner Steve Bradshaw, Western Region – NSW Police Force, 19 November 2010.

In our 2008 submission to the Wood Inquiry on mandatory reporting, we recommended that legislative amendments be made to specify 'habitual non-attendance at school' as specific grounds for reporting that a child is at risk of harm. In response, Justice Wood recommended that section 23 of the *Children and Young Persons (Care and Protection) Act 1998* be amended to reflect this. In this regard, it is worth noting that during our consultations with both education personnel and community representatives across the Western region, we have been made aware of a practice where certain children deliberately behave in such a way as to attract a suspension in order to avoid having to attend school. For this reason, it is not only important for work in this area to closely track and adequately respond to school attendance rates, but also to deal with this issue of school suspensions.

In summary, there is an urgent need for justice and human service agencies to rapidly move towards an intelligence-driven system for identifying those children and young people most 'at risk' – and this need is particularly urgent in our most disadvantaged Aboriginal communities. As we have noted earlier in this report, an evidence based intelligence driven approach is being utilised by our office in conducting our research into the identification, and circumstances of, the cohort of at-risk 8 to 11 year old children in Bourke and Brewarrina. Our initial review of information provided by police indicates that many of these children have already had significant contact with police, and a number of children aged as young as nine, have been involved in serious offending behaviour. Our examination of education data has also revealed that a number of these children have had lengthy periods of non-attendance at school.

On a positive note, Community Services has recently developed the capacity for its Community Service Centre managers to be able to run aggregated reports on those families who are generating significant numbers of risk of harm reports. From our own experience utilising this type of reporting capacity in the context of our police officer intelligence holdings, we believe that this initiative is an important first step in Community Services developing an improved 'intelligence' system. However, it is important to acknowledge that aggregated reports of this type need to be complemented by a qualitative analysis, as well as other relevant information sources (including information provided by community members and other service providers).

In strongly advocating for a rapid shift towards a more intelligence-driven approach for identifying those who are most vulnerable, we acknowledge that this approach needs to be complemented by solid integrated case management practice. However, this again illustrates the conundrum associated with the lack of key Community Services staff in rural and remote communities. To illustrate this problem, it is worth noting the DET representative's comment at the June 2010 region agency meeting, that the Anti-Social Behaviour Pilot<sup>160</sup> (an integrated case management program) had only operated in a very limited way in the Bourke and Brewarrina due to a lack of Community Services personnel in these locations.

On a related note, an effective integrated case management approach, particularly for those who are very vulnerable, will also need to involve holistically assessing a client's needs and directly facilitating their access to a range of services. This is a shift away from the current approach in which workers from individual agencies are encouraged to 'refer on' clients who may need services that are not provided by their agency.

From our consultations, it is clear that there is support from region agency managers for moving towards a service delivery approach which is 'person-centred' rather than a 'service type' approach. The disability sector is increasingly adopting this approach with apparent success.<sup>161</sup> A person-centred approach seeks to develop single, coordinated case plans for clients who have a range of needs, and provide a more streamlined and accessible intake and assessment process for clients. This type of approach also requires there to be clarity around who has lead responsibility for ensuring that a person's critical needs are being addressed.<sup>162</sup>

Finally, what also needs to be acknowledged is that addressing high levels of vulnerability within Aboriginal communities more broadly has to take place at a more fundamental structural level. If critical issues which are driving disadvantage are not addressed over time, then we will have to continue to be working with disproportionate numbers of people whose lives 'are broken'. In tackling these issues, genuine partnerships need to be formed with Aboriginal leaders to address those issues which are continuing to drive disadvantage: such as, a lack of safe and adequate housing, employment opportunities and, in certain remote communities, access to affordable and nutritious food.

<sup>160</sup> The initial trial of the ASBP was conducted in five locations, including Orana (Dubbo), Canobolas (Orange) and Darling River (Bourke and Brewarrina). Ten additional sites were later proposed.

<sup>161</sup> Karen R Fisher and Christiane Purcal, 'Effectiveness of individual funding for disability support', *Social Policy Research Centre Newsletter* No. 105, July 2010.

<sup>162</sup> During our recent review of ADHC's delivery of services to Aboriginal communities, we received particularly positive feedback about the Aboriginal identified Local Service Coordinators (LSCs) in Western and Northern regions. As well as the direct benefits for clients, it was pointed out to us that by providing streamlined advice and support, LSCs reduce the 'access assistance' burden on other parts of the system. We also observed that the positions were effective at improving awareness among Aboriginal people of not only ADHC's direct and funded services generally, but also services delivered by other organisations. This approach would also help reduce the time and effort agencies currently spend promoting their various services to Aboriginal communities.

---

## 5.2. Strengthening the Aboriginal service sector

Justice Wood emphasised the importance of building the capacity of the Aboriginal service sector to ensure that a broad range of competent services are available in communities. In addition, he spoke of the importance of making available a broad range of mainstream services that are culturally competent and accessible to Aboriginal people.

*Keep Them Safe* endorses Aboriginal children in need of care and protection being supported by Aboriginal organisations. It gives Community Services responsibility for 'identifying which existing Aboriginal programs need a transition plan to move them across to Aboriginal organisations for delivery.' In this regard, we note the KTS Workforce Development and Capacity Building Plan will include the majority of Aboriginal specific NGO service providers in NSW. We also note that both AbSec and SNAICC<sup>163</sup> are supportive of a transitional approach which involves partnerships between experienced providers and Aboriginal organisations for the purpose of skilling partner Aboriginal organisations to assume eventual control of services.

However, on this issue of 'transitioning services', AbSec noted in its response to our provisional report that:

*It reiterates the statements made in (chapter 4 and chapter 5) about forming true and meaningful partnerships between Aboriginal and non-Aboriginal service providers. In the past this has been problematic, as often the non-Aboriginal service sees the Aboriginal service as the 'junior partner' and does not build sufficient capacity to allow transfer of services back to the community. AbSec is hopeful that a soon to be announced partnership program between it and ACWA, to be funded by Community Services, will allow some of this true partnership work to be undertaken.*<sup>164</sup>

Against this background, it will be critical for Aboriginal organisational capacity building opportunities to be identified for both the Bourke and Brewarrina communities. On a related note, earlier in this report we highlighted that the Brewarrina community's human services landscape is marked for significant change over the next few years. In this regard, community leaders have expressed concern about Aboriginal people being unsuccessful in obtaining long-standing, unfilled Community Services positions. For this reason, moves to roll out significant new service initiatives which have not included the development of a clear approach to both the recruitment of Aboriginal people and the expansion of the Aboriginal service-base, run the risk of not gaining solid community support.

Within the Bourke community, there has been strong support for the establishment of an Aboriginal out-of-home care service. Despite the significant number of Aboriginal children in care in the Western region, there is still no such service within the region. In this regard, we note that Community Services' \$26 million out-of-home care capacity building initiative (referred to previously) will have no impact in the Western region. In circumstances where community leaders in Bourke have identified a well regarded Aboriginal service provider as an appropriate agency to be developed as an out-of-home care provider, there is a critical need for Community Services to outline its plans for building the capacity of Aboriginal organisations within Bourke (and elsewhere in the region). Obviously, for the reasons we have previously outlined, an over-arching plan of this kind should also be developed for the Brewarrina community.

In response to our provisional report, AbSec noted that:

*It remains concerned that if sufficient organisational and workforce capacity is not built into communities prior to funding being allocated, then government agencies are setting communities up to fail. An example is the Indigenous Child and Family Centre (ICFC) in Brewarrina, where there is an identified need for the service but a lack of a broad skills base within the community to deliver on the proposed plan. If this lack of capacity is a problem within communities that have a large Aboriginal service delivery base, then this is doubly exacerbated in those communities with limited or no Aboriginal specific organisations.*<sup>165</sup>

Similarly, the Chair of the Brewarrina ACWP, Ms Jenny Barker, also raised concerns in her response about the difficulties for local collectives of Aboriginal people and/or organisations to be successful in open tender processes to manage facilities such as the ICFC, when they have not had the benefit of participating in a meaningful capacity building program – despite the fact that building the capacity of Aboriginal organisations is a key focus of *Keep Them Safe*.<sup>166</sup>

---

<sup>163</sup> Secretariat of National Aboriginal and Islander Child Care.

<sup>164</sup> AbSec response, 22 November 2010.

<sup>165</sup> Ibid.

<sup>166</sup> Brewarrina Aboriginal Community Working Party response, 24 November 2010.

In this regard, AbSec also stressed the need for:

*Greater priority to be given to the 'Aboriginal recommendations' of the Wood Inquiry and Keep Them Safe. Currently there appears to be piecemeal implementation, and AbSec is unaware of any Aboriginal NGO child protection service models that have been developed for the Western region – as recommended – other than the previously mentioned ICFCs (which were under consideration during the Wood Inquiry and announced before the release of Keep Them Safe.) One of the four new IFBS NGO services and one of the two PACT (Protecting Aboriginal Children Together) services mentioned earlier in your report, were to be established in the Western region. However, due to a lack of service capacity the proposed PACT service will now be delivered in Moree, and the IFBS will be delivered in Wagga Wagga.<sup>167</sup>*

### 5.3. Achieving integrated and efficient service provision

Leaving aside some of the theoretical discussions about what constitutes a wholly integrated approach to service delivery, it is important to acknowledge the obvious benefits of services in Bourke and Brewarrina working together in a more collaborative and strategic manner. Given the disparate range of social problems which confront many Aboriginal families in these communities, there is an overwhelming case to support a strong interagency approach. Such an approach needs to go beyond merely 'linking' these programs and strengthening referral pathways, to extending and rethinking current approaches – including exploring opportunities for 'freeing up' and/or sharing financial and human resources for use across various programs and services.

The challenges of effective interagency practice should not be underestimated. As the literature shows, effective *interagency* practice, and the related issue of *collaborative* and/or *integrated* service delivery, can mean different things to different people. But both the Bourke and Brewarrina communities (as with many other communities we have consulted) have made it clear that there is a need for improved agency collaboration and integration in relation to the way the service system operates. Achieving this goal not only requires a shared strategic vision by key agencies, but also the development of a tailored service design – and supporting systems and processes – that promote an integrated and collaborative approach to meeting identified local needs.

Importantly, the research shows that a 'top-down' direction alone will not achieve the desired results. What is also required is sufficient numbers of practitioners within local services who have the ability to work in a flexible way and who can seize opportunities for services to be able to leverage off each other. Unless the vision, strategies and skills exist at the coalface to deliver this kind of approach, then a top-down imposed re-design of services is bound to fail.

In this regard, it is important to recognise the significant challenge of achieving the vision of effective integration and collaboration in service environments which are fundamentally compromised. One could argue that the existing workforce strategies, service quality issues, and inefficiencies relating to service design and delivery in these communities, do not provide a solid platform for effective interagency practice. However, in our view, the obvious need for an overhaul of how the service system is designed and delivered creates significant potential to do things differently and better.

In response to our provisional report, Assistant Commissioner Bradshaw (Western Region), suggested that consideration be given to rationalising the number of reference groups for various programs and initiatives given that many of the same staff are required to attend these meetings which often have a similar focus – supporting vulnerable children and families. He also suggested that consideration be given to developing Aboriginal Community Liaison Officer positions to work across justice and human service agencies, as a way of improving agency 'intelligence' and providing coordinated support to individuals and families.<sup>168</sup>

Another suggestion for doing things differently has been the idea of establishing 'multi-service outlets' which provide access to a range of co-located organisations through a 'single access point'. On this issue, we previously noted the Wood Inquiry's recommendation that:

*Services should be integrated, multi-disciplinary and co-located, wherever practicable and child and family services should be established in locations of greatest need, by outreach if necessary.<sup>169</sup>*

However, for this type of model to be effective, it needs to go beyond simply co-locating staff from different organisations, to adopting a business model which draws on the collective resources of the co-located agencies in responding to clients' needs.

<sup>167</sup> AbSec response, 22 November 2010.

<sup>168</sup> Response by Assistant Commissioner Steve Bradshaw, Western Region – NSW Police Force, 19 November 2010.

<sup>169</sup> *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, Recommendation 10.4.

In the context of Brewarrina, the funding associated with Safe Families and the Indigenous Child and Family Centre (combined with Community Services' current service review), creates real potential to explore doing things 'differently', including addressing significant service gaps and to enhancing existing services. However, these initiatives will be fundamentally compromised, if they are not designed and implemented in a way that promotes a genuinely integrated service model.

In relation to the Bourke community, the recently established Joint Investigation Response Team (with co-located health, police and Community Services workers), a newly strengthened Intensive Family Based Service, and the imminent rollout of Safe Families, also provides a potentially strong basis for developing a more collaborative and effective service delivery approach.

In response to our provisional report, the Department of Human Services indicated that discussions which took place between the Acting Director of Child and Family (Community Services) – Western Region and the Brewarrina ACWP one year ago around service reconfiguration revealed support for:

*... a service model which was based on the principle that not all of the desirable services are required all of the time, rather, consolidation of currently disparate services into a more comprehensive multi-service model that can share resources and personnel to ensure that there is always service capacity when required; and the potential to release resources in crisis accommodation support for redirection to earlier intervention, family support and case management. The ACWP representatives were receptive to the model, acknowledged it would take time to negotiate with all the service providers and sought time to think about it and explore possibilities for themselves.*

Advice from the Chair of the Brewarrina ACWP, Ms Jenny Barker, indicated that she recently had productive discussions with the Acting Director Child and Family (Community Services) – Western Region around the service reconfiguration, including the potential for up to ten local jobs to be created through this process. However, she stressed the need for Community Services to articulate this, and other commitments, in the proposed service level agreement it is due to sign with the ACWP.<sup>170</sup>

## 5.4. Rationalising governance and accountability arrangements

### 5.4.1. Leadership

Perhaps the most significant issue which has emerged from our discussions with communities is their desire to see action. For example, as we noted earlier in this report, at our meeting with the Bourke community in August the Chairperson of the Bourke ACWP posed the question to the agency representatives in the room – 'who here has the clout to make sure that service providers are doing what they are supposed to?'

In chapter 3 of this report we described the various coordinating roles of the Department of Premier and Cabinet (DPC), Aboriginal Affairs NSW and the federal Indigenous Coordination Centres. While these roles assist in facilitating coordinated efforts, it is important to view them in context.

Major funding agencies and/or service providers such as NSW Health, Community Services, Ageing, Disability and Home Care, NSW Housing and the Department of Education and Training have a direct service delivery and/or funding role. These agencies are not only making their own determinations about how their agency will design and deliver services, they are also making decisions about broad program design and service delivery for organisations they fund. While these decisions are informed by policy commitments and related practice requirements – such as those contained in *Keep Them Safe*, the State Plan and *Two Ways Together* – these commitments and requirements do not guarantee that holistic service models will be rolled out at a local level. Furthermore, although the recent restructure of NSW public sector departments provides an opportunity for government agencies to improve collaborative planning and funding processes, without additional measures it is unclear how the requisite integrated service design and accountability mechanisms will be delivered to individual communities.

Therefore, while regional DPC and Aboriginal Affairs NSW staff can play an important coordinating role in relation to certain initiatives, under the current arrangements they are not well-placed to lead the design, and implementation of, an overarching approach to service delivery. In reality, these staff do not have sufficient authority to provide the required leadership. Region agency managers have openly acknowledged that because neither the DPC nor Aboriginal Affairs NSW provides frontline services or have a significant role in administering funded organisations' service agreements, DPC and Aboriginal Affairs NSW staff lack sufficient standing to lead major government and non-government initiatives, particularly in the absence of more overt authority to do so.

<sup>170</sup> Brewarrina Aboriginal Community Working Party response, 24 November 2010.

---

### 5.4.2. Improving service planning and accountability processes

In our view, for more efficient and cohesive service planning and delivery to occur, it is critical that existing consultation, governance and accountability mechanisms for various programs and services are rationalised.

Both the Brewarrina and Bourke communities have spoken of the need for agencies and non-government organisations to work in a holistic way to respond to the critical areas of disadvantage in their communities. In the context of high needs rural and remote communities such as Bourke and Brewarrina, a 'single' agency service delivery plan aimed at addressing critical community needs should be the goal.<sup>171</sup> Obviously, such a plan should be informed by the federal Closing the Gap targets and relevant state policy objectives.

In this report we have outlined the need for solid data, combined with advice from community members, to inform service design, implementation and desired outcomes. As our consultations have shown, community leaders play a valuable role in providing advice about the critical issues which need to be addressed.

There are a number of ways that service accountability could be substantially strengthened. In this regard, we note the bi-lateral governance arrangements for the Remote Service Delivery (RSD) Strategy which includes a Joint Board of Management to oversight the delivery of the RSD Agreement. Significantly, one of the functions of this Board is to 'approve key decisions and funding agreements, authorise financial expenditure and, where appropriate, make recommendations to respective governments'.<sup>172</sup> While we are not recommending that the RSD model should necessarily be adopted – particularly as its effectiveness is yet to be tested – it does appear to reflect a commitment to a more coordinated approach to service delivery and is supported by explicit governance arrangements. (Importantly, the RSD governance arrangements include regular reporting to the local Aboriginal community working party).

The responses from the Brewarrina and Bourke ACWPs to our provisional report emphasised the need for a clear accountability process and implementation plan to be developed in response to our recommendations. In this regard, both communities suggested that the Service Level Agreements they plan to sign with the Department of Human Services should be more than mere statements of commitment to work together, and should clearly articulate specific local commitments relating to issues such as minimum staffing levels, service reconfiguration, key performance data and local capacity building plans. In addition, the Chair of the Brewarrina ACWP noted that over time, Service Level Agreements should be made between communities and the Department of Human Services (as opposed to agreements with individual human service agencies), to help facilitate an integrated approach to government service delivery and to ensure consistent commitments are made across the department.

The Department of Human Services indicated that it agrees that, *'integrated and efficient service provision must be informed by the articulation by the Bourke and Brewarrina communities of their service needs and of ways to improve the system.'*<sup>173</sup>

The Department of Human Services went on to note Community Services' active and long-standing involvement with both the Murdi Paaki Regional Assembly and key stakeholders from the Bourke and Brewarrina communities which 'culminated in an overarching agreement with the Assembly in 2009 about the structure of the SLAs with the participating communities.

*... negotiations around the Service Level Agreement recommenced in August and the Region has been meeting with the agency regularly since that time. The children's safe house is included in the SLA and further meetings have been scheduled in the coming weeks to finalise the draft SLA. However, the CWP does not want sign-off on the draft until it can be put in the context of any actions which may flow from the Ombudsman's final report.*<sup>174</sup>

### 5.4.3. Community governance and accountability

It is fitting that we end this chapter on governance and accountability insofar as it relates to the responsibilities of agencies to be accountable and responsive to communities.

From our meetings with many communities over the years, we are convinced of the value of listening and responding to what communities know about what they need. As we have previously noted, Justice Wood endorsed the principle of self-determination as far as practical. The evidence in this report demonstrates the wisdom shown by leaders from the Bourke and Brewarrina communities in identifying the type of services needed and ways to improve the service system. Therefore, strong governance and accountability arrangements must involve effective engagement with key community members and local organisations and responding to the issues they identify.

---

171 In section 3.3.2. we discuss community action plans developed by partnership communities with the support of Aboriginal Affairs NSW.

172 *The Remote Service Delivery Bilateral Implementation Plan for NSW 2009–2014.*

173 Department of Human Services response, 17 November 2010.

174 *Ibid.*, 17 November 2010.

---

What is equally clear is that engagement without action is understandably seen as a sign of disrespect by community leaders. In this regard, at the recent meeting in Bourke where representatives from both Brewarrina and Bourke ACWPs were present, there was a strong agreement about a lack of action on community developed proposals, particularly since the end of the Murdi Paaki COAG trials.

Having made these comments about the need for government agencies to listen and respond to communities, it is also important to acknowledge some of the issues that may need to be confronted in connection with community consultation. In any community, a range of competing interests and divisions can exist. This is not unique to Aboriginal communities. However, it can present a potentially significant obstacle for government agencies seeking broad endorsement of plans to improve service delivery.

The Murdi Paaki Regional Assembly is the recognised consultative group with which state and federal agencies are committed to working in Western NSW under the Murdi Paaki Regional Partnership Agreement and the *Two Ways Together Partnership Community Governance Framework*. The principles of the Framework require that once a group has been formally recognised, it has responsibility for leading the development of a community action plan with government agencies. These principles also require a group's membership to reflect the diversity within the community and be inclusive of men and women, people of different ages and 'all clans, families and factions'. A core function of recognised groups is to demonstrate how it has sought the views of the community it represents in relation to important issues, communicated decisions and managed conflicts.<sup>175</sup>

Agencies can help promote observance of the principles set out in the *Two Ways Together Partnership Community Governance Framework* if they require recognised community governance bodies to demonstrate compliance with these principles as part of any formal negotiation. One way of formalising this expectation could be to specify the principles in service level agreements entered into between the Department of Human Services and recognised community groups. A similar requirement could be specified in service contracts with all (including Aboriginal) funded organisations. (Many of the service contracts that human service agencies already enter into with non-Aboriginal organisations, already include the requirement that they demonstrate broad consultation across their local Aboriginal community).

While government agencies, and others wishing to 'do business' with communities, need to consult the recognised community working group and advise them of any plans to consult with the community more broadly, this does not absolve government agencies from the need to also consult community leaders (and other key stakeholders) who do not participate in the community working party process. In fact, if a particular initiative does not receive endorsement by a broad cross-section of the community, this can undermine its effectiveness, including by adversely impacting on referrals and service take-up.

In response to our provisional report, a number of members of the Brewarrina community highlighted the urgent need to address existing community divisions, and the related impact on community governance. On this issue, AbSec also noted that:

*Whilst it supports Aboriginal self-determination and the establishment of Aboriginal Community controlled organisations – we remain concerned that since the end of the COAG trials there has been a tendency for communities to slide back into factionalism.*

*... It would appear that factionalism continues to be a problem for the subject communities and AbSec believes there needs to be ongoing independent mediation mechanisms established to service all Aboriginal communities.*

One way to achieve broad community 'buy-in' where there is a lack of cohesiveness within a community is through the appointment of a community facilitator. Ideally, such a position would be invested with a clear mandate to work with the recognised Aboriginal community working party and other key community stakeholders to develop and implement a community action plan. In developing such a plan, the community facilitator could play an important role in fostering more inclusive community decision-making processes and in achieving centralised community governance arrangements over time. For such a position to be successful, it would need to have sufficient authority to drive the implementation of priority actions. Rather than being responsible to a single agency within a 'super' department, a position of this type could be accountable to senior executives within human services and justice agencies, to ensure collaboration and ownership across government.

While achieving 'community unity' is not the role of government agencies, these agencies can play an important role in building community support for specific initiatives.

---

<sup>175</sup> Aboriginal Affairs NSW, *Two Ways Together, Draft Partnership Community Governance Framework*, January 2009.

On the other hand, from our work with communities across the State, we have seen the destructive impact that can result from the perceived failure of government agencies to address significant community concerns about actual (or perceived) serious problems with the service quality and/or probity of (Aboriginal and non-Aboriginal) funded organisations. If significant concerns of this kind exist, then community leaders may understandably feel entitled to 'not sit at the table' with individuals responsible for operating such a service. In addition, if these concerns are not addressed promptly and competently, any real potential for community unity can be fractured and the relationship between community leaders and the relevant funding agency fundamentally damaged.

Brewarrina has two main family groups. Other communities, such as Bourke, have many more. If the divisions which exist between the two groups in Brewarrina cannot be accommodated in a way that facilitates collaborative service planning and integration, it is difficult to see how other more diverse communities can achieve this. In this regard, we acknowledge and support the recent efforts of the Chief Executive of Aboriginal Affairs in offering to arrange community mediation. We received submissions from a range of Brewarrina community members and the Aboriginal Community Working Party in response to our report. Each of them acknowledged the negative impact existing community divisions could have on the success of planned initiatives.

Finally, we recognise that Community Services and other lead agencies are committed to working in partnership with the Murdi Paaki Regional Assembly. The existence of the Murdi Paaki Regional Assembly provides an important community-driven regional governance framework with which state and federal agencies can strategically engage. The Murdi Paaki region was at the centre of the COAG trials and is considered the symbolic and practical centre of Far West NSW. In this context, it is critical for human service agencies to work effectively with the Assembly, community working parties and key service providers across the region to provide an effective service delivery model in this region.

## 5.5. Summary of recommendations

As we have noted several times in this report, the critical challenges in providing improved service delivery to vulnerable children and families in Brewarrina and Bourke, are similar to those faced by many other high need communities in disadvantaged rural and remote locations. For this reason, we have structured our initial recommendations around what should be undertaken to meet the challenges facing high need communities in locations of this kind generally. These recommendations are followed by those which specifically pertain to Brewarrina and Bourke.

### General recommendations

1. The Department of Premier and Cabinet, together with human service and justice agencies,<sup>176</sup> should develop an action plan for responding to the critical service delivery challenges in high need communities in disadvantaged rural and remote locations.<sup>177</sup> As part of developing this action plan:
  - a. More generally, strategies for addressing the critical service delivery challenges which have been outlined in chapter 5 should be identified.
  - b. A mechanism should be identified for guaranteeing a more comprehensive identification (and ongoing analysis) of critical community need.
  - c. A mechanism should also be developed for measuring current (and ongoing) capacity, efficiency and outcomes of the service sector in meeting need – both in terms of broad community need, and those within the community who are particularly vulnerable.  
**As part of developing this mechanism, a strategy should be developed for rolling out sophisticated intelligence driven child protection practice to identify those high risk children and families who require an integrated case management response.**
  - d. The potential for developing (and driving) more effective integrated service delivery should be examined, together with the potential benefits of establishing cross-agency multi-service outlets and/or creating local service coordinator positions to facilitate access to a wide range of services from across the service system.

<sup>176</sup> The action plan should be developed following consultation with relevant federal and local government agencies, Aboriginal representative bodies and the non-government sector.

<sup>177</sup> We acknowledge that criteria needs to be developed to determine those communities which should be covered by the initiatives contained within the proposed action plan.

- e. Following further analysis of the inefficiencies which currently exist in relation to service planning and delivery, specific strategies need to be developed targeted at addressing the systemic weaknesses that have been identified in this report relating to inadequate leadership, poor accountability and inefficient governance arrangements. The response in this regard needs to address not only what is required to drive improved practice from the 'top down' but also what is required to make substantial improvements in these areas through more effective and accountable community engagement.
  - f. A comprehensive strategy needs to be developed to address the failure to adequately respond to those children and young people living in high-risk environments, who are often engaged in serious anti-social behaviour and/or are disengaged from the school system.  
  
As part of developing this strategy, consideration needs to be given to the principle of self-determination, particularly in the context of exploring options for more meaningful engagement with Aboriginal leaders around the development of specific strategies for supporting individual families. (In this regard, we believe that careful consideration needs to be given to engagement models being trialled elsewhere that more fully involve community leaders in decision-making and support processes.)
  - g. A clearly defined process for the development and implementation of a service capacity building plan (which includes strategies for establishing new, and enhancing existing, Aboriginal organisations) should be established.
  - h. A more comprehensive recruitment and retention strategy for disadvantaged rural and remote locations should be developed. (This strategy should have clear targets which need to be met and a rigorous monitoring and reporting framework.)
2. Within six months of the date of this report, the Department of Premier and Cabinet should provide advice to this office on the steps taken to implement recommendation 1. In addition, further reports should be provided to this office until all of the elements of recommendation 1 have been fully implemented.

### **Brewarrina and Bourke recommendations**

In our view, there are compelling reasons why it is important that prompt, and effective action is taken to address the long-standing concerns of both of these communities in relation to service delivery and inefficiency. Therefore, while it is critical Brewarrina and Bourke be incorporated within the broader action plan that we have recommended, early discussions with these two communities should take place concerning the action needed to address the concerns that they have identified as a priority.

Against this background, we recommend that:

3. The Department of Premier and Cabinet, together with human service and justice agencies, should develop an action plan regarding its proposals for dealing with the particular concerns of the Bourke and Brewarrina communities about local children and young people living in high-risk home environments, who are often engaged in serious anti-social behaviour and/or are disengaged from the school system.
4. The Department of Human Services should fully document its service reconfiguration plan for Brewarrina (including timeframes for key initiatives), and outline in its plan, how it intends to embed programs such as Safe Families and the Indigenous Child and Family Centre into the proposed service system. Its plan should also include how it proposes to resolve outstanding community concerns relating to Bulgan Place.

In due course, the proposed service reconfiguration plan should be incorporated into the action plan to be developed by the Department of Premier and Cabinet in response to recommendation 1.

5. Human service and justice agencies should develop a specific plan for building a better integrated and more efficient service system for delivering human services to the Bourke community. This plan should include, but not be limited to, actions directed towards addressing the service delivery problems identified by the community, and a strategy for embedding programs such as Safe Families into the proposed service system. The plan should include timeframes for key actions. As a preliminary step, a decision will need to be made concerning which agency(s) should have lead responsibility for the plan's development. In addition, a rigorous monitoring process should also be established.

In due course, this initial action plan developed for Bourke should be incorporated into the action plan to be developed by the Department of Premier and Cabinet in response to recommendation 1.

6. The Department of Human Services should explore the possibility of establishing an Aboriginal out-of-home care organisation in Bourke.
7. The Department of Human Services, together with the Brewarrina Aboriginal Community Working Party and other key local stakeholders, should develop a strategy for implementing the *Partnership Community Governance Framework* in Brewarrina. In particular, consideration should be given to appointing a sufficiently senior community facilitator to take responsibility for working with the Aboriginal Community Working Party and other key community stakeholders, to develop a community action plan and strengthen community governance arrangements.
8. The Department of Human Services should ensure that the proposed Service Level Agreements entered into with the Bourke and Brewarrina Aboriginal Community Working Parties clearly articulate the specific commitments made in relation to critical areas identified by each community.
9. Within three months of the date of this report, the Department of Human Services should provide advice to this office on the steps taken to implement recommendations 3 – 8. In addition, further reports should be provided to this office until all of the elements of recommendations 3 – 8 have been fully implemented.





---

NSW Ombudsman

Level 24, 580 George Street

Sydney NSW 2000

General inquiries: 02 9286 1000

Facsimile: 02 9283 2911

Toll free (outside Sydney metro): 1800 451 524

Tel. typewriter (TTY): 02 9264 8050

Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)



We are planning for the future, and have printed this report on stock that is from accredited mixed sources which is FSC approved. Chlorine has not been used in the pulping process.