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By Email

Private & Confidential

Ms Isabella Cosenza
 Royal Commission into Institutional Responses to Child Sexual Abuse
 Level 17
 Governor Macquarie Tower
 1 Farrer Place
 SYDNEY NSW 2000

Dear Ms Cosenza

Summons to Attend Addressed to the Director General of the NSW Department of Family and Community Services ("FACS") - No. S-NSW-90 ("Summons")

We refer to the Summons and your telephone conversation with Norman Lucas on 13 November 2013.

You have asked that FACS provide a written explanation as to why so few documents were produced in response to the Summons.

Searches Undertaken and Records Located

We are instructed that the following searches were undertaken to locate files that might be potentially relevant to the Summons.

Historical Records Unit

Given the time period of the documents sought in the Summons, a request was made to Community Services' Historical Records Unit.

The Historical Records Unit consulted its master listing of Community Services' known surviving historical records which comprise approximately 125,000 boxes of records. The master listing of records indicates that Community Services holds 170 volumes of surviving licensing files commencing in the 1930s ranging to the early 1990s. These records relate to children's homes run by non-government organisations. The licensing file found in relation to North Coast Children's Home covers the date period 1936 until 1952 (see the first entry in the table at **Annexure A**).

It is important to note that the 170 surviving licensing files are not a complete set of legacy licensing files.

Consistent with historical records management practices from time to time, Community Services' predecessors routinely destroyed records. There was no legislative requirement that records be retained until the commencement of the *Archives Act* 1960 (NSW) (**Act**). Further, section 14 of that Act permitted the destruction of records with the permission of the Archives Authority.

Once a public office decided that it wished to dispose of records, it was required to notify the Archives Authority. The Authority would then inspect the records and could require any of the records to be retained.



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To date, the Historical Records Unit has been unable to locate any approval documents specifically relating to the destruction of historic licensing files. However, it is apparent from other surviving post-1960 records management documentation, that the Authority established, and Community Services participated in, a system under which the Authority assessed the agency's records and, for records of interest, granted approval for destruction subject to the retention of a 10% sample. These approval documents were called "Disposal Recommendations". The Historical Records Unit has located examples of such approvals for the destruction of other types of records.

It is possible that other relevant licensing files were destroyed prior to 1960 or that the surviving 170 historic licensing files constitute a 10% sample of a larger collection which was destroyed after 1960 with the approval of the Archives Authority.

The Historical Records Unit is assessing 125,000 boxes of surviving legacy records which were not properly indexed or described when they were initially placed in storage. The Unit's task is to identify records containing information about former clients and the estimated 100 children's homes formerly run by Community Services and to then prioritise these for indexing or digitisation. To date the Unit has assessed around 30,000 boxes and has identified another 31,000 boxes which contain only minor administrative records of no enduring value (e.g. petty cash vouchers). The Unit is now working on the assessment of the remaining 69,000 boxes.

The Historical Records Unit is actively searching for other licensing files. However, it is unlikely that additional licensing files will be located amongst the remaining 69,000 boxes. Community Services has a reasonable understanding of what is contained within the 69,000 boxes based on labels marked on the boxes such as 'residential care files' or a name of a children's home.

Information Exchange Services

Information Exchange Services (IES) co-ordinates the search for contemporary files which are potentially relevant to Summons. IES does this by searching various databases within Community Services and by sending referrals to the directorates which may have documents relevant to the Summons. When IES makes a referral it provides the relevant directorate with a copy of the Summons and a memo requesting all records relevant to the Summons. Below we detail the various referrals made by IES in respect of the Summons.

ORTEX/CARMS/Businesslink

IES searched Community Service's database for all Central Office files (known as ORTEX/CARMS). A key word search was run in this database for the following words "North Coast Children's Home", "North Coast Children's Home Lismore" and "out of home care facility". Due to the fact that in or around 2000, the North Coast Children's Home adopted the trading name CASPA (Children and Adolescent Specialist Programs and Accommodation), this name and acronym were also included as search terms.

The purpose of this search is to assist IES to identify which directorate to make referrals to. As a result of the search results in this instance, IES made a referral to Businesslink as Businesslink were revealed to hold the files.

Businesslink located 12 potentially relevant files (see table at **Annexure A**).

Businesslink located an additional file (File No 07/8957-1 – 2008-04 – 11 Service Plan Review – SPR 07/81070 – CASPA – Northern Region) which held no papers and therefore was not provided.

Northern District

Upon receiving Businesslink's search results, IES made a referral to the Northern District as the search results indicated that the Northern District may hold a relevant file (File No 88/3024-1 Organisations Assistance Financial North Coast Children's Home Recruitment Training and Support for Foster Families for Adolescents Project). However, this file could not be located by Northern District. It is likely that this file has been archived and misplaced or it may have been destroyed.



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Funding and Strategy

Upon receiving Businesslink's search results, IES made a referral to Funding and Strategy as the search results indicated that this directorate may have held relevant files.

Funding and Strategy located 6 potentially relevant files (see table at **Annexure A**).

Ashfield Records Unit

IES assessed that as a precaution, a referral should be made to the Ashfield Records Unit in case relevant archive files existed.

This Unit located one potentially relevant file (see table at **Annexure A**).

Review of Located Files

The files listed at Annexure A were then reviewed for relevance.

Given the limited nature of the documents requested in the Summons, 6 relevant documents were found in the file located by the Historical Records Unit. These documents were produced to the Royal Commission on 29 October 2013.

Three documents that fell within the scope of the Summons were found in the files located by Businesslink, Ashfield Records Unit and Funding and Strategy. These documents were produced to the Royal Commission on 12 November 2013.

We are instructed that, if it would be of assistance to the Royal Commission's inquiries, FACS is willing to make the entirety of the files listed in Annexure A available for inspection by the Royal Commission. FACS will also continue to search its records and will immediately produce any relevant documents if they become available.

Yours faithfully

Norman Lucas
Partner

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Annexure A - Files Reviewed

File No.	Description	Directorate
NA	NORTH COAST CHILDREN'S HOME LICENSING – 1936 - 1952	Historical Records Unit
07/8746-1	EXPRESSIONS OF INTEREST - EOI-07/153 - NORTH COAST CHILDRENS HOME INC - NORTHERN REGION	Businesslink
2000/4028-1	SERVICE INNOVATION AND IMPROVEMENT FUND - EOI - NORTH COAST CHILDRENS HOME	Businesslink
2000/496-1	SAVAGE RAINA RE NORTH COAST CHILDRENS HOME	Businesslink
94/1464-1	ORGANISATIONS NORTH COAST CHILDRENS HOME	Businesslink
94/1464-2	ORGANISATIONS – NON GOVERNMENT - NORTH COAST CHILDRENS HOME	Businesslink
94/1464-3	ORGANISATIONS - NON GOVERNMENT - NORTH COAST CHILDRENS HOME	Businesslink
94/1465-1	ORGANISATIONS NORTH COAST CHILDRENS HOME - ADOLESCENT FOSTER CARE	Businesslink
94/1466-1	ORGANISATIONS NORTH COAST CHILDRENS HOME - RESIDENTIAL CARE BOYS UNIT	Businesslink
94/1467-1	ORGANISATIONS NORTH COAST CHILDRENS HOME - RESIDENTIAL CARE GIRLS UNIT	Businesslink
88/1545-1	SUB CARE NORTH COAST CHILDRENS HOME	Businesslink
04/2767-1	FEE FOR SERVICE - FFS - CHILD & ADOLESCENT SPECIALIST PROGRAMS & ACCOMMODATION – CASPA	Businesslink
04/1073-1	EOI - CHILDREN & YOUNG PEOPLE WITH HIGH & COMPLEX NEEDS - CHILD & ADOLESCENT SPECIALIST PROGRAM	Businesslink
F001364701	CARE CENTRES, 1 OFF FUNDING MARCH 2001, CHILDREN WITH ADDITIONAL NEEDS FAR NORTH COAST	Ashfield Records Unit
12/988-1	OOHC PROCUREMENT 2012 ROI - CHILD & ADOLESCENT SPECIALIST PROGRAMS & ACCOMMODATION	Funding and Strategy
08/6351-1	SERVICE FUNDING STRATEGY PBC - CASPA – EOI NEGOTIATION 2008	Funding and Strategy
12/705-1	OOHC NEGOTIATIONS - CHILD & ADOLESCENT SPECIALIST PROGRAMS & ACCOMMODATION - CASPA	Funding and Strategy
12/11538-1	CHILDREN ADOLESCENT SPECIALIST PROGRAMS & ACCOMMODATION - CASPA	Funding and Strategy
08/6350-1	SERVICE FUNDING STRATEGY PBC - ST JOSEPHS - EOI NEGOTIATION 2008	Funding and Strategy
08/5356-1	SERVICE FUNDING STRATEGY PBC - ST JOSEPHS - EOI NEGOTIATION 2008	Funding and Strategy