

Neoliberalism and Child Protection: A Deadly Mix

Martha Knox Haly*

The impact of neoliberal policies in a department charged with protecting the most vulnerable members of our society, and those who are most at risk of slipping into poverty is examined. The consequences of the outsourcing of public welfare to the charitable sector and associated reductions in public welfare expenditure are explored in detail. The Department of Community Services (DoCS) is an illustration of the manner in which the negative effects of neoliberal policies persist through familial poverty and increased child abuse notifications – long after these policies have been softened and funding has been restored. This arises in part from the State Government having responsibility for operational delivery of Government Services, whilst the Federal Government has charge of macro-economic policies. Even though state funding for services increases under the Carr Labor Government, the demand for welfare services continues to escalate a consequence of Federal policies which dramatically increase the number of Australian households living below the poverty line. Comparisons are drawn between the 'hard neoliberalism' practiced by the NSW Coalition Governments and the 'soft neoliberalism/social conservatism' of the NSW Labor Governments. It is argued that the Carr Government engaged in soft neoliberalism, as it retained a contracted senior executive service, supported accommodation programs remained outsourced to the private sector and managerial systems of individually focused investigative processes were applied to DoCs staff.

Child Protection and Neoliberalism

Two approaches exist around the provision of welfare and child protection, traditionally the family alone was responsible for child welfare, the other approach incorporates the state as having a role in child protection.. The second school of thought is reflected in the sociologically based post-modernist school which champions the post-World War II welfare state. According to writers such as Pierre Bourdieu, 'welfare policies are the primary vehicles for Governments to help people through change'.¹ By contrast, the North American neoliberal 'Chicago School of Economics' argues that modern economies cannot afford the burden of welfare programs in competitive global markets, and that there is no moral or social obligation for the state to provide support to families. According to Friedman:

children are at one and the same time consumer goods and potentially responsible members of society. The freedom of individuals to use their economic resources exists, as they wish, which includes the freedom to use them to have children – to buy, as it were, the services of children as a particular form of consumption.²

The Chicago School viewed child welfare as a problematic area of Government paternalism; similar to the provision of minimum wages, public housing and social security pensions.³ Family was the key economic unit, and parents, rather than the state were best placed to care for children.

Following the oil shocks in the 1970s, most western democracies adopted local variations of neoliberal policies. Welfare cutbacks occurred in 17 western

democracies. Analysis suggests that these cuts were determined by domestic policy choices, rather than direct representations from the corporate sector, which demonstrates that welfare programs constituted an 'unaffordable tax burden'.⁴ Child protection in NSW shifted from a European style welfare state model (which tried to support families by developing communities) to a neoliberal model (which more closely resembled Northern American philosophies) as it outsourced child accommodation services.

Department of Community Services History

In a sense, this period simply represents another turn in a 120-year-old cycle where responsibility for child welfare shuttled between the charitable sector and the state. The State Children's Relief Board was established in 1881, with responsibility for supervising 'neglected children' in foster homes and institutions for juvenile delinquents and state wards.⁵ The Board was established in response to the revelations of institutional neglect, abuse and homicide in privately owned baby farms and children's barracks.⁶ By 1913, 9,779 children were placed in foster care arrangement – with only 300 children being in residential care.⁷ In 1923, the Children's Relief Board was abolished, and its responsibilities were transferred to the NSW Department of Child Welfare.⁸ In 1945, Child Protection Officers were required to complete an Arts Degree and a Diploma of Social Sciences at the Sydney University.⁹ The call for better educated staff and well resourced programs was part of Government sensitivity to the strains imposed on returned service men's families.¹⁰ However, the period between 1945 and 1965 was characterised by the promotion of foster care and institutionalisation as the best option. From 1965 to 1975, evidence accumulated around poor outcomes for institutionalised or fostered children. Children placed in foster care were being damaged by multiple placements.¹¹ This became the basis for significant departmental reforms from 1975 to 1988, which focused on strengthening communities, community liaison and the acquisition of group homes.¹² As the Australian sociologist, Marie Wilkinson, notes: The perspective shifted from the individualistically focused label of 'neglected children' (where the implication is punitive against parents), to 'children in need of care' (with an association of collective resourcing of families).¹³ These programs were successful – in 1978, there were only 400 child abuse notifications across the State. In the early 1980s, a career in the Department of Community Services (DoCS) was something of which we could feel proud, resulting in a long list of the DoCS' applicants who sought such a career. The induction program for child protection work lasted a year. Applicants under the age of 25 were not accepted by the department. There was an ethos of camaraderie, professionalism and pride amongst both the front line protection workers and the administrative staff who supported them.¹⁴

Neoliberalism and Key Comparisons Between NSW Labor and the Coalition

Social attitudinal shifts were occurring during the 1970s, which would eventually undermine these positive developments in the DoCS. The first feature was that neoclassical economics were becoming increasingly fashionable; whilst the second feature was the NSW public's disaffection with the Wran Labor Government.

Global recession during the 1970s and inflation from oil shocks were blamed squarely on Keynesianism and centralised economic planning. In the late 1970s,

future economic leaders (Hawke, Keating, Carr, Thatcher, Blair and Major) and policy advisors for both of the major parties in Australia, the UK and America were receiving grounding in neoclassical economic theory. In Australia, neoliberalism was referred to as economic rationalism, which was introduced with the election of the Hawke-Keating Government in 1983. Economic rationalism referred to the use of monetary policy to manage the economy, the reduction of Government expenditure, the privatisation of Government assets, as well as the creation of a restructured Australian economy, which was to be recapitalised by global investment. Economic growth was prioritised over social equity; the emphasis was on fighting inflation rather than unemployment. Federal Labor's commitment to tight fiscal policy intensified as Australian interest rates soared into the high teens at the end of the 1980's. Federal Labor welfare models placed a greater onus on the individual to participate in the active Labor market programs rather than the New Deal style employment schemes.¹⁵

Under the Thatcher, Major and New Labor Governments, funding responsibility for the welfare sector shifted from the public sector back to the charities and the private sector.¹⁶ The objective was to introduce private sector competition so that service delivery efficiencies could be improved. Neoliberalism in the welfare sector was associated with the introduction of global or devolved budgeting, which enabled local authorities to purchase services. It was associated with competitive tendering and Labor contracting, as a precursor, for tighter scrutiny of service and service performance. The intention was to eliminate specialised jobs, and also to create jobs with a broader range of responsibilities without superior levels of remuneration.¹⁷ The result was a reduction in administrative support roles and fewer supervisors. This was certainly a characteristic of the Greiner and Fahey Coalition Governments' approaches to the Department of Community Services. These Governments abolished specialist child protection roles and administrative support roles between the years of 1989 and 1992. Top public sector roles converted from public servants in permanent positions to fixed term contracted executive appointees – appointments with key performance indicators.

The aura of corruption that had hung over the Wran Government prior to the 1988 NSW elections was the second feature which laid the ground work for a neoliberal Coalition Government. The NSW public had lost tolerance for the Wran Labor Government's civil libertarianism (conceptualised by the popular media as being soft on crime and strong on welfare) and the perception of leniency towards corruption.¹⁸ The Greiner Government was elected in March 1988 on a platform of greater transparency and accountability in Government. It set the scene for a policy agenda that was to persist for the next 17 years. Bob Carr was determined to avoid Wran's mistakes when he became the next Labor premier in May 1995. Carr believed that this entailed a vigorous pursuit of the public sector misconduct in police, human services, health and education.¹⁹ Both Carr and the Greiner/Fahey Governments strongly adopted the neoliberal precept for individual accountability, but this was a particular feature for the Carr Labor Government because of the previous Labor Government's association with corruption.

It has been argued that one of the corollaries of a competitive corporative culture (predicated on the notion of efficiency and performance optimisation) is that it fosters the conditions that lead to the conflation of bullying with management.²⁰

'Managerialism' (the leadership style associated with the competitive, market driven organisational cultures) demands ambitious management, which is prepared to implement cost constraints over service delivery.²¹ Workers are recast as 'productive units' and traditional service users are 'customers'.²² 'Managerialism' becomes a form of legitimised bullying – denying promotions, launching unsatisfactory performance actions and/or disciplinary procedures – or even to ensure that a staff member is made redundant. The net effect creates a system that 'rewards obedience, conformity, quiescence, and punishes non-compliance, eccentricity and dissent. Above all, it breeds fear, cowardice, cynicism and sycophancy'.²³ There is certainly evidence that all of these elements generated a culture of fear and cover up in DoCS during the Labor years. Greiner established the Community Services Commissioner as a watchdog organisation to build accountability within the Department of Community Services. However, managerialism in the form of prolonged disciplinary investigations was particularly characteristic of the Carr Government.

Conditions for the Department of Community Services employees cannot have been easy under the Greiner and Fahey Governments; but the bullying aspects of managerialism only really began to be visibly apparent under the Carr Government. Punitive investigative processes were fuelled by the Wood Royal Commission's revelations in 1997 and Carr's acute sensitivity to public opinion. Neoliberalism provided a conduit (via contracted Senior Executive Services Officers and the frequently changing incumbency of those in the top roles) for 'political sensitivity' to be unambiguously communicated to the DoCS' workforce.

Greiner's commitment to cost control was born out of the depths of an intense recession. The Carr Government's increasing expenditure was funded by a property boom and the comparatively positive economic conditions in NSW. It enabled Carr to practice soft neoliberalism with social conservatism, while presenting an electorally appealing contrast to the 'hard neoliberalism' of the Coalition Government. 'Hard neoliberalism' (as practiced by the Greiner and Fahey Governments) represented an agenda of rigid application of business principals of cost efficiency to the public sector. The Coalition Government took the view that the public sector had to compete to surpass alternative service providers; that like any business, the public sector must cover its costs and tightly manage debt (child protection was to be no exception); and that the means of eliminating debt included the disposal of departmental assets, workforce reductions and widespread closure of services. 'Soft neoliberalism' as practiced by the Carr Government was manifested by:

- the maintenance of alternative service providers and contracted Senior Executive Service Officers;
- the maintenance of budgets, but with a greater tolerance for substantial increases in spending in Health, Education and Human Services, as opposed to budgets being reduced in human services areas;
- increases in case worker positions, instead of specialist positions being cut;
- continuation of asset privatisation, but on a less extensive scale than that pursued by the Greiner Government.
- the implementation of complaints mechanisms against the DoCS' workers; and

- participation in populist 'Law and Order' auctions which increased the likelihood that homeless youth would go to jail.

The Greiner Coalition Government and Child Protection

The Greiner Government won office in March 1988, and continued to rule NSW with a reduced majority between 1991 and 1995. The abolition of specialist child protection workers in 1988 was one of the first decisions made by Coalition Minister, Virginia Chadwick.²⁴ This represented a significant policy shift from the previous Labor Government which had focused on building specialist expertise in child protection, funding community based programs of parental support and providing 636 state funded residential care beds for state wards.

Between the years of 1988 and 1993, 1,100 administrative support roles were cut from the budget. According to the Public Service Association's official newspaper, Red Tape, a staff freeze was imposed from April 1988.²⁵ In 1993, there was still no real staff succession plan, and therefore no way of developing replacements for experienced front line child protection staff. It intensified the burden on remaining field officers who were already struggling with a massive increase in abuse notifications from the recession.

Four different coalition ministers had presided over the department from 1988 to 1993. The Coalition Government was uncomfortable with this department and did not, in fact, want to accept operational responsibility for managing child welfare functions. This ideological disengagement was given expression through the Usher Report. Father John Usher (Head of Centacare) argued that there should be a shift from institutionalised care to increased fostering arrangements. Usher perceived a potential conflict of interest between DoCS' deliverance of care for state wards and the assessment of service levels.²⁶ It could also be argued that there was a conflict of interest between the head of a 'not for profit' organisation (Usher was the head of Centacare) and the recommendation that the funding should instead be channelled towards the 'not for profit' sector.

The Department of Community Services had been headed by Vern Dalton for a number of years. Dalton was a highly respected and able public servant; his abilities were recognised to the extent that he was appointed as Chief of Staff to Chadwick in June 1992 – after Chadwick herself was promoted to the role of Education Minister. Vern Dalton had been the long-term director of the Department of Community Services. John Hannaforth who had succeeded Chadwick as Minister for the Department of Community Services had left on 2 July 1992 shortly before Dalton's departure.²⁷ DoCS had lost both a ministerial leader as well as an able Director General who had been an important source of leadership stability. Shortly thereafter, DoCS lost 19.9 million dollars from its budget.²⁸ However, following a 10 per cent jump in the queues for public housing, Fahey announced an 8.8 per cent increase in DoCS' funding and a 4.2 per cent increase in public housing.²⁹ This cycle of taking and giving from the treasury allocations intensified the sense that the neoconservative Coalition Government did not understand public welfare.

In 1991, as a consequence of economic recession, the public was suffering from the impact of rising interest rates and unemployment. Families were suffering, and 11,681 children were identified as having been abused. By mid-1992, another 6,500 families had joined the public housing queues.³⁰ As the recession ground on,

increasing numbers of child abuse notifications were recorded. Less recourse meant more culling and less investigation.³¹ Less investigation meant a greater chance of infant homicide and entrenched intergenerational abuse. Fragmented services meant that traumatised children were becoming manipulative after having had so many different carers. Children would form attachments, and then become retraumatised when the care arrangements were changed and/or shifted.³² The dismantling of the health and psychiatric services as a consequence of neoliberal reforms in the NSW Department of Health, as well as the lack of affordable public housing meant that parents became increasingly dysfunctional. Departmental Officers began to note the frequency of dual diagnosis conditions (such as a psychiatric diagnosis and substance abuse) amongst parents and child abuse. Recent research survey data has indicated that 80 per cent of parents of notified children were suffering from substance addiction. Within this group of parents, a further 75 per cent also suffered from untreated mental health issues, which are strongly implicated in child neglect and abuse.

Still the Greiner Government had promised to deal with the NSW Public sector debts through a tough budget.³³ The most immediate way to achieve this, given the neoliberal aversion to borrowing, was to sell public assets and privatise service provision. Despite offers of rent-free tenancy in the Parramatta CBD, DoCS' Headquarters were relocated to Ashfield to save money.³⁴ Several estates which had provided accommodation or services for children at risk were marked 'excess to requirements', and listed for auction.³⁵ These properties included Winbin (a care facility for young children since 1961) and Broughton House (the Children's Crisis Centre). The Ormond Youth Centre (a juvenile correctional facility of 34 years standing) was being sold to Mirvac Homes.³⁶ Between 1988 and 1992, beds for state wards dropped from 740 to 104 as 15 residential units closed. Units in Mittagong and another two in Guildford were also scheduled for early closure.³⁷ For all these listings, it should be noted that Coalition Government made only \$5 million for the sale of DoCS' properties, and funding for community providers was frozen at the 1990 levels for the next two years.

By March 1993, this policy had caused an accommodation crisis for young homeless people. The Office of Juvenile Justice documented 32 specific cases where the DoCS had failed to find accommodation for juveniles.³⁸ Senior Children's Court Magistrate, Rod Black, advised that magistrates had to jail young children for minor offences because there were no other accommodation options.³⁹ A Youth Accommodation Service survey reported a 64 per cent increase in the number of wards of state seeking crisis accommodation. The survey was criticised as being vulnerable to double counting as wards would seek accommodation from multiple services.⁴⁰ However, the increase in accommodation requests was still credible, given the extensive program of closures.

Lack of support systems for vulnerable children was to have tragic and criminalising consequences. Teenage prostitutes and wards of state, Yasmin Lodge (aged 17) and Melissa Lee (aged 14) were murdered by their clients in 1994.⁴¹ These young girls had turned to prostitution to fund both heroin and accommodation needs. The Usher Report had recommended that a register of all wards be kept so that the whereabouts of wards like Jasmin and Melissa could be monitored.⁴² However, even outsourced monitoring requires resources such as outreach teams of

social workers and psychologists – and this requires funding, \$1.7 million of the child protection budget from 1993 had remained unspent, presumably as an expression of commitment to fiscal restraint.⁴³

Criminalisation of young people through lack of services and support was replicated at a broader level. One in five state wards ended up in juvenile detention, as compared with 1 in 2,000 of other young people.⁴⁴ This was partly due to what the Patron of the Foster Care Association of NSW, Dr Michael Guiksmen referred to the 'unholy alliance' between DoCS and NSW Police, where DoCS referred minor disciplinary matters to the police. Incarceration was a popular solution for lack of accommodation and other service options.⁴⁵

Did the introduction of competition to public welfare actually result in improved services to the consumer? Twenty-nine leading NSW community services providers concluded that the implementation of the Usher Report was 'the most detrimental action ever taken in the entire history of the NSW child welfare'.⁴⁶ There was an 18-month backlog of 2,000 children whose care was being transferred from the public sector to the 'not for profit' sector over the previous three years. From a 'welfare consumer perspective', neoliberalism was profoundly damaging.

It was in this demoralised atmosphere that the departmental staffing inadequacies became all too obvious. On 16 May 1992, under the authorisation of the Deputy Director, David Marchant, 72 children were removed from their homes in police raids.⁴⁷ The families belonged to a sect formerly known as the Children of God, later called 'The Family'. During legal challenges to the department's case, it became apparent that 'verbatim' transcripts of interviews were actually reconstructed from memory by field officers. Departmental officers had not been supplied with tape recorders for interviews. Worse still, there were substantial discrepancies between the typed and the actual notes. By 17 September 1992, a key management witness revealed that only 4 out of 65 interviews – conducted with sect children – had produced quality evidence. The cost of the hearing was revised upwards to an estimated \$3 million.⁴⁸ It was later revealed that field officers had never been given a manual for investigating child abuse cases. Instead, officers relied on a combination of intuition and some guidelines, as there were no specialist child protection workers to supervise their work.⁴⁹ The costly court battle dragged on until November 1992. In April 1993, the Deputy Director's role was abolished, and a new Director, Des Sempie, was brought across from Western Australia. The Government did not reinstitute all the services that had been cut, but chose instead to appoint an independent Community Services monitor to investigate complaints against the DoCS.

Six years after the dismantlement of many of the essential DoCS ministrations, the Coalition Government recognised that there was a need for supported youth accommodation. Child protection received a \$42 million boost with a view to creating 16 substitute care units. There was still a crisis around the provision of emergency accommodation for juveniles in the court system. The Children's Magistrate, Chris McRobert, advised that another 'Jasmine Lodge tragedy was just waiting to happen'.⁵⁰ The political response was a proposal that juveniles could be detained in police custody for 24 hours, if there was a suspicion that they might commit anti-social acts.⁵¹

Recreating the substitute care units was a positive step; however, the department neither recovered quickly from the original loss of established services nor from

the lack of experienced child protection workers. As a result of the staff confusion surrounding the new substitute care proposals, several hundred children spent Christmas on the streets.⁵³ The members of staff were uncertain as to whether they should accept accommodation referrals for children over the age of fifteen. Some DoCS workers were also unsure whether children over the age of 11 could be placed in foster care.⁵⁴ The 1994 Christmas shambles was the final public representation of the Coalition Government's intervention in child protection before it lost office in May 1995. This marked the end of an era between 1988 to 1994, where community based family programs and state funded residential care had largely been abolished, and with residential care being outsourced to the not for profit sector. The department had also lost critical specialist expertise and administrative support, which was replaced with generalist child protection officers who lacked the skills to manage complex child protection matters. A final characteristic of this era was that the DoCS was no longer being regarded as an employer of choice for human services professionals. DoCS achieved a score of just 49 (out of 100) in an organisational culture health survey conducted by Towers Perrin.⁵⁵ The average score was 61 for other Health and Community Services workplaces.⁵⁶ This policy shift represents an agenda of reduced public sector spending to achieve small Government. More particularly it is typical of conservative Governments reducing the complexity and scope of welfare programs, and the outsourcing of these programs away from Government ownership.

The Carr Labor Government

The policy shifts under the Carr Government were marked by return of specialist resources, a slow rebuilding of internal expertise over the next decade, as well as increasing budgets, mandatory notifications and systems of intense individual accountability for DoCS employees. The Carr Government was far more politically astute than the hapless Greiner Government. With his previous occupational background as a journalist, Carr was acutely sensitive to the role of the media in shaping public opinion. His observations of the public uproar during the Greiner reforms had taught Carr that there were some areas such as health, education and child protection that had to be areas of high public expenditure. The Department of Community Services was allocated a North Shore solicitor Ron Dyer who found himself inheriting a 'demoralised department' across the areas of child protection, substitute care, disabilities services and child care.⁵⁷

Specialist child protection positions were gradually reinstated by the Carr Government between 1995 and 2003, and Dyer reinstated 60 specialist positions within 12 months of taking office. However, these new specialists still required mentoring and several years in which to develop their base of skills. The department continued to suffer from an overall skills deficit amongst child protection workers, which had an impact on the provision of child protection services. For example, NSW had the highest rate of re-notifications.⁵⁸ The quality of the initial investigations was so poor that families became part of a revolving door of notifications. Only 56 per cent of the families who were referred to remedial services attended even the first appointment.⁵⁹ Nineteen children from families who were reported to DoCS died from parental abuse between 1994 and 1995.⁶⁰ Field officers lived with a constant fear that children in their care were going to die. These officers were struggling to manage rocketing referral rates, which had increased to 33,000 in 1994.⁶¹

By September 1995, DoCS workers were placing work bans on Operation Paradox, a child abuse phone jointly operated with the Police.⁶² A number of these referrals would actually translate into wardships. The number of children in state care had increased by 40 per cent over the past four years, with half of these children being placed in foster care.⁶³ Unfortunately, the inexperience of DoCS workers who supported foster carers, meant that the number of available foster carers had reached a historical low.⁶⁴ By March 1996, the attempted outsourcing of foster care – as recommended by the Usher Report – was abandoned altogether by Dyer.⁶⁵ Less than a month later, the DoCS watchdog Community Services Commissioner, Roger West, called for the abandonment of state wardship.⁶⁶ Just what the care and accommodation alternatives might have been for these children was unclear. Data was not available to identify just how many of the state wards who were without accommodation or support, were subsequently forced into child prostitution.

When the Wood Royal Commission shifted its focus from Police corruption to pederasty, it became clear that sexualisation of children (and particularly wards of state) was a significant problem. The Department of Community Services began to come under increasing scrutiny in the Wood Royal Commission. In early March 1996, it was discovered that the Department of Community Services had employed a paedophile clerk (T7); who had travelled the world dealing in child pornography.⁶⁷ Previous efforts at disciplinary action against the clerk in 1988 had come to nothing. A separate police investigation of T7 had uncovered thousands of child pornography images at his home. Ironically, this investigation was never brought to the Department of Community Services' attention; as the prosecution floundered on a legal technicality.⁶⁸

As he listened to the evidence of T7, Carr was appalled that such employees could exist within the Department of Community Services. Carr invited all the wards of state who had been abused to contact the department. By just the second day of the hotline's operation, 200 wards had lodged notifications of abuse.⁶⁹ The Community Services Commission was instructed to contact 6000 current wards of state to gather evidence of abuse. Unfortunately, this step was not accompanied by increased training of the DoCS workers in conducting internal investigations. There were many instances of vexatious complaints against the DoCS' staff, and often, these cases were fuelled by leading questions from the DoCS' investigators. An internal departmental report revealed that only 9 out of 27 allegations of misconduct against current departmental employees had been proven.⁷⁰ Soaring notifications and inexperienced staff meant that the department had become deeply unpopular within the community. On 5 August 1996, the Coffin Harbour DoCS' office was fire bombed. The local member advised that his staff heard dozens of complaints about the department each week.⁷¹ This local MP's offices had also been destroyed owing to their proximity to the DoCS' offices during the fire bombing.

The DoCS' Director General, Des Semple, had been brought across from Western Australia in the wake of the Children of God fiasco. Semple expressed his views frankly in the Wood Royal Commission about the department and its politicisation. Dyer claims that he clashed with Semple when Dyer had moved to create a separate department for Disabilities Services.⁷² This meant a reduction in the size of the department that Semple would have charge over. Semple's view had not endeared him to officials in his office. Relationships between Semple and Dyer's Chief of Staff, Greg Smith, became particularly toxic. Whilst Minister Dyer was in hospital

recovering from surgery, he was contacted by Carr to discuss Semple's tenure.⁷² Dyer had no recollection of approving Semple's removal whereas Carr believed that Dyer had provided such approval. Ken Cripps (Head of the Public Employment Office) sacked Semple on 20 March 1996, just as Semple was to give his second day of evidence to the Royal Commission. There was a political furor over the sacking; it was widely perceived as a vindictive gesture and Semple was reinstated a week later after lobbying from the two largest 'not for profit' organisations, specifically from Father John Usher (Head of Centacare) and Reverend Harry Herbert (Head of Uniting Church Services).⁷³

Ironically, the Head of the Public Employment Office who had overseen Semple's sacking, was himself to become a victim of the Royal Commission. Two male juveniles had been charged with stealing Ken Cripps's car and bashing Mr Cripps. The adolescents countered with allegations that Cripps had shown them pornographic videos.⁷⁴ The timing and the context of these allegations made them somewhat suspicious; regrettably an atmosphere of Salem style witch-hunting for paedophilia made it hard for those accused to obtain an objective hearing.

Semple had fallen out of favour with the various unions after he had refused to back down in the pursuit of disciplinary actions against the staff on Peat Island.⁷⁵ By September 1996, Semple had also lost favour with the Minister, and was sacked for good this time. Dyer subsequently called for a review of the top 25 SES positions within the DOCs.⁷⁶ Inevitably, an ICAC enquiry was held, and the difference in recollection between Carr and Dyer about the first sacking went on public record, and the Commissioner described Dyer as a 'transparently honest witness'.⁷⁷ By January 1997, the five most senior positions in the Department of Community Services were vacant.⁷⁸ Dyer felt that a firm, boundary conscious, loyal leader was required and he approached Helen Bauer. Bauer had actually been asked to consider heading up the DoCS prior to Semple's first dismissal. She was given three months to recruit her senior team and stabilise the department.⁷⁹ By May 1997, she had appointed eight new managers and created a fresh management structure. Bauer had drawn on talent in the junior ranks of the organisation to fill these senior positions.⁸⁰

Against this backdrop, budgets were still not being spent and children were not able to access crisis accommodation⁸¹. In the midst of this political turmoil, a paedophile obtained the custody of a 12-year-old girl.⁸² Justice Wood commented that the girl might have been spared eight months of abuse if the department had communicated more extensively with other government departments. Dyer moved to create the Joint Investigative Teams where DoCs officers worked closed with NSW police to gather evidence for prosecutions around parental neglect.⁸³ Dyer also introduced broad legislation around mandatory notifications of child abuse by Police, Health workers and Teachers in an effort to head off these risks to young children. Still another 13 babies who had been the subject of the DoCS' notifications died as a result of familial abuse.⁸⁴ Although he was aware that he would be creating a rod for his own back, Dyer created the Child Death's Review Team, feeling that it 'was necessary to get to the bottom of each of these deaths'.⁸⁵ In many instances, there was a sad legacy of drug abuse, poverty and mental illness leading to a lethal combination of neglect.

The department was facing four court cases from former wards and disabled residents who were alleging substantial sexual and physical abuse whilst in the

department's care.⁸⁶ Field workers imposed state wide work bans, and half of the DoCS' offices were closed. Workers were no longer prepared to tolerate the under-resourcing of the previous eight years, which had characterised the operations of the Department of Community Services.⁸⁷ The Royal Commission had left a legacy of tortuously extended, investigative and performance management processes – for DoCS, Health workers, Teachers and NSW Police.

Over-policing and the use of protracted bureaucratic processes in the punishment of members of staff promoted a culture of leaks to the media. For example, a manager received a call for help around a disabled female ward's treatment at the Cumberland Hospital. The call occurred whilst the manager was at a dinner party, during which he had consumed several glasses of wine. The manager arrived at the hospital at 10.30 pm on 4 December 1995 and demanded to speak to the ward, allegedly making threats about ministerial complaints and media stories. The hospital subsequently lodged a complaint about the manager's behaviour on 12 December 1995. The investigation into his behaviour was not finalised until June 1997.⁸⁸ The story was then leaked to the media, and it continued to be recycled throughout the parliament with further leaks coming from various departments. It would seem that this dedicated staff member had been continually castigated for the one event.

Justice Wood described DoCS as 'a dysfunctional department trying to treat dysfunctional families'.⁸⁹ By 1997 the turnover of front line child protection staff had risen to 45 per cent. Six million dollars was allocated for 60 child protection positions and for the funding an additional 96 District Officers. As was previously stated, these new officers required mentoring and support to develop their skills. There was little time for the provision of such support structures. Staff felt deeply unsupported from the perspective that inconsistent directions were being given to them. In December 1997, the staff of Blacktown Community Centre wrote to Fay Lo' Po complaining about the withdrawal of time in lieu of arrangements and guidelines in ensuring that files would withstand court scrutiny. Abuse notifications were predicted to top 50,000 in 1998 (or a 120 per cent increase in abuse notifications since 1990).⁹⁰ Notifications actually exceeded this prediction, as they rose to 54,000 at the end of 1998. During the 26 months prior to 1998, 106 babies whose cases had been notified to DoCS' had been murdered.⁹¹

Part of the increase in notifications was due to increased public awareness. Other features were contributing to the increase in notifications. Escalating house prices (spurred by a successful Olympics bid) had caused a large scale relocation of Sydney's poor. Large housing commission estates were built in satellite coastal towns so that the influx of Sydney-siders who required cheap housing could be accommodated. People who were struggling for a range of reasons were dumped together without any support programs, (Community support housing estate programs had largely been abolished by the Liberal Minister, John Hannaford). The population of Wyong had doubled over the previous 20 years, without any correspondence increase in social programs funding. Sadly, Wyong had the dubious distinction of recording one out of every three children under the age of 15 being the subject of notifications.⁹² These areas had more recently shown a population growth, but they had also missed out on the periods where the Government had provided public hospitals with provision for well resourced psychiatric treatment. As has been previously stated, the vast majority of parents – who were notified to

DoCS – suffered from the dual diagnosis conditions of substance abuse and mental illness. It is noteworthy that the really spectacular increases in child protection levels between 1995 and 2003 coincided with the period when NSW was revealed to have a shortfall of 800 psychiatric treatment beds.⁹³

Behind rocketing child protection notifications is the story of how deregulation has created 'two Australias'.⁹⁴ The Federal Senate Inquiry into Poverty established that there were 2 to 3.5 million Australians living in poverty, with one million of these households having one adult who works. Approximately 21 per cent of all Australian households subsisted on a weekly income of less than \$400 per week.⁹⁵ The inquiry squarely attributed the rise of the working poor on deregulation of the industrial relations system which promoted marginalised forms of employment. Between August 1988 and August 2002 the percentage of casual workers in Australia grew by 87.4 per cent (141.6 per cent for men and 56.8 per cent for women), and ultimately representing 27.3 per cent of all employees.⁹⁶ Casual employees were found to have little opportunity to bargain for pay increases. The net result was that the cost of services had increased more quickly, whilst casual wages stagnated. This created situations of untenable financial strain, as many families were unable to afford basic housing and relocated to areas remote from supportive services.

The instability within the DoCS and the existence of the general economic strain had dire ramifications for disabled individuals who were under the department's care. The number of families of disabled children who had been using respite care since 1991 had increased by 18 per cent.⁹⁷ Some families were under such strain that they were refusing to collect their children from respite care. The Disabilities Services Act (1993) had promoted the concept of consultation and dignity for disabled individuals.⁹⁸ In a post-ministerial interview, Dyer explained that he had a personal interest in quality of life for disabled individuals, and had presented the most detailed electoral policy on management of disabled services.⁹⁹ This policy outlined clear plans for the development of a separate Disabilities Department, and the rehousing of disabled individuals within the community with occupational services programs.

The massive, old fashioned residential institutions were not well placed to support the legislative principals in the Disability Services Act, and the intention was to close down these institutions completely early in the next millennium. For this reason, it was difficult to attract experienced employees – and as a result – these workplaces were increasingly reliant on casual staff. Performance audits conducted by The Community Services Commission and the Audit Office began uncovering evidence of serious human rights abuses which were occurring in conjunction with staff shortages.¹⁰⁰ The audit focused on policies and operational practices in seven large government institutions and three non-government institutions. The findings painted a bleak picture of working and living conditions for members of staff and for residents respectively. Adverse care factors were:

- the inability of these organisations to meet even the minimum criteria surrounding residents' human and legal rights or those of safety;
- inadequate policy guidelines around service delivery;
- the complete absence of staff training and low levels of supervision; and
- the lack of effective monitoring systems to identify service deficiencies;

Poor outcomes were generated in these institutions because of their poor physical conditions and the fact that none of them had received funding to implement the transitions to community care. In the Lachlan Centre, behaviourally disturbed residents were placed in unventilated, solitary confinement cells without toilet facilities.¹⁰¹ There were times when residents were locked away for being demanding or unresponsive to the staff. The backs of cell doors were marked with deep scratches made by distressed, handicapped individuals who had been locked in for prolonged periods of time. Consultant Michael Ramsey produced a report on unexplained injuries amongst the Marsden Centre residents citing poor care, inadequate staff ratios and training.¹⁰² The senior dietician, Lyn Stewart, identified malnutrition caused by the under-feeding of residents across five centres. Understaffing was responsible for the lack of time which was necessary to go through the complex process of feeding severely disabled adults in the Stockton and Marsden Centres. Assaults – including allegations of sexual assaults – numbering 161 had purportedly occurred between residents on Peat Island in the previous year.¹⁰³ Dyer was appalled at the conditions on Peat Island, describing it 'as hell with waterfront views'.¹⁰⁴ Dyer reflected that, as he moved to close these institutions, he found himself confronted with the parents of half the residents begging him for reform, whilst remaining parents and the unions wanted him to maintain the institutions.¹⁰⁵

Former staff at Royal Place alleged that 240 assaults had occurred amongst residents over the previous 12 months. These allegations included a rape and that a resident had become paralysed as a result of a fall from a window.¹⁰⁶ In November 1997, the Crown Solicitor recommended that disciplinary charges be laid against several members of staff at Royal Place. A total of 170 claims of abuse had been made against 117 members of the staff of the DoCS. The extent to which these claims were substantiated or that they were vexatious has never been publicly documented. Accusation and counter accusation only fuelled internal procedural confusion. This became so obvious that the Minister, Lo' Po, was forced to admit there was 'a culture of dishonesty' within the department.¹⁰⁷ Bareema Group Home in Lakemba was beset by claims of graft and corruption, including the disappearance of \$10,000 from one resident's bank account. It was claimed that another staff member used the house account supposedly to purchase items for Bareema, but these items had never arrived in the house.¹⁰⁸

In 1997, John Jacobsen (Chairman of the NSW Council for Intellectual Disability) claimed that 35 intellectually disabled residents had died between 1992 and 1996.¹⁰⁹ By early 1998, Fay Lo' Po was considering legislation which would compel the coroner to investigate all deaths which had occurred in the DoCS' custody. This initiative was driven by a report into the management of Cram House which was charged with systematically failing to address the medical, developmental and physical needs of its wards; (in one case a four-year-old child had been placed on Mogadon for six months).¹¹⁰ Six children had died in the previous three years, their deaths having been described as 'deregistrations'.

In January 1998, Lo' Po was again unable to obtain a clear picture of what was happening within her department.¹¹¹ A seven-year-old-girl had been released into the care of her step father. The step father was subsequently charged with beating the little girl with horse hobbles (horse hobbles are leather straps with metal buckles). Lo' Po decided that a different leadership style was required. Bauer was sacked on

27 April 1998, after having spent 14 months in discharging Dyer's mandate that the department be brought under control. The DoCS' Directorship was an extraordinarily difficult job which had required tough management, but this had been an alienating task. In mid-1997, Bauer had bluntly told her middle management 'to get off the bus if they did not like her strategy'. The staff retaliated with a cartoon showing Bauer sitting alone on a bus, and the drawing subsequently travelled like wildfire across the faxes of 16 of the offices of the DoCS.¹² In June 1998, Lo' Po recruited Carmel Niland as an empathic and nurturing leader for the DoCS, and allocated a further \$91 million or 11 per cent of the DoCS' budget.¹³ Niland had been the first female president of the Antidiscrimination Board and Deputy Chancellor of the University of NSW. She was famous for her emphasis on community consultation and for the advocacy of minority groups. Bauer had implemented the strategic change plan, and now a different type of leadership was required for consolidation.¹⁴ Niland's first priority was to visit the District Officers and personally meet front line staff. She spent one day per month for her first six months working as a Field Worker in the department. Within two months, Niland was talking about the return of specialisation, administrative support staff, flatter management structures and modernised information technology (IT) systems.¹⁵ The lack of reliable management records and/or effective computer systems meant that it was impossible to report the 'cost effectiveness of child protection' to the Federal 'Cost of Government' Committee.¹⁶ An Ombudsman's report found that records had been lost and that there was no system for tracking outstanding notifications.¹⁷ Many families who were the subject of notifications shifted around the state, but there was no guarantee as to whether files had also been transferred.¹⁸ Missing records were a feature in all of the child abuse related deaths – where there had been previous notifications.

Notifications of child abuse jumped from 33,000 in 1995-96, to 40,514 in 1999-2000, and to 107,000 in 2000-01.¹⁹ Doctors and child care workers often over-reported the slightest injuries to avoid the possibility of being fined \$20,000.²⁰ According to the Senate Community Affairs Committee, 21 per cent of Australian households were relying on less than \$400 per week in 2002. One hundred thousand people were homeless and 700,000 children were being raised in families where neither parent worked.²¹ The NSW Crime rates had begun to rise from 1997 onwards, fuelled by an abundance of heroin. The Child Death Review Committee noted that 86 of the children who had died from neglect had been born to drug addicted parents.²² According to the Public Service Association, the DoCS' staff received 4,000 notifications a day.²³ Only 1 in 10 of these was being investigated.²⁴ Lack of follow up had a multiplier effect in close knit rural communities. If one parent was allowed to get away with leaving children locked in a car outside a pub, then other parents would engage in the copy cat behaviour.

Unfortunately in 2001, the Child Deaths Review Committee stopped reporting on whether children had been the subject of previous notifications. Legislative ambiguities undermined the Community Services Commission's role in investigating conditions in the DoCS' facilities.²⁵ There were rumours of staff being threatened if they spoke out against conditions to the media. Frustration overcame the fear of retribution in February 2002, after a social worker was removed from his position.²⁶ The department alleged that the social worker had failed to adequately support a foster parent resulting in the death of a state ward. The Union countered that

members of staff were being scapegoated as a cover-up for inadequate training and resourcing. A series of rolling strikes took place. In April 2002, staff in the areas between Auburn and the Katoomba region held a 24-hour strike.²⁷ Staff in the northern region (from Taree to Narrabri and up to the Queensland Border) stopped work for 24 hours in May 2002.²⁸ Increasing levels of notification were also occurring in Victoria, Queensland and Western Australia, and in fact were materialising in a number of English speaking countries, which had coincidentally experimented with an economic rationalist approach to welfare.²⁹

On 11 April 2002, the Democrats' Member of the Legislative Assembly, Arthur Chesterfield, demanded a wide-ranging enquiry into DoCS. On 11 July 2002, Lo' Po retired from politics and Niland left the Directorship to work in the Premier's Department. On 16 July 2001, Carol Peltola, the former Executive Director of the DOC' Family and Childcare Services alleged that she had received a ministerial direction not to collect statistics on notifications that had not been fully investigated.³⁰ In her evidence to the Parliamentary Inquiry, Peltola commented that 'there was an absolute culture of secrecy and I think that culture puts pressure on people to behave in ways that are not professional'.³¹ On the Four Corners television program, an anonymous staff member stated that child protection files had been tampered with to make up for initial information inadequacies. By the next day, Niland was stood down and replaced by Neil Shepherd as the Director General. This was the third Director General whose career had crashed and burned at the 'Department of Crisis'. By the end of July 2002, numerous independent investigations had been made with regard to the method used in the processing of child protection matters.

The number of abuse related infant homicides kept increasing. From 1 July 2002 to 31 December 2002, 328 children died; 71 of those deaths were from recurrent abuse.³² The short term, crisis/brief intervention mentality – inherited from the lean years in the DoCS – had trained staff to look after families superficially before referring them onto other services. The problem – as in previous years – was the lack of follow up to ascertain whether families actually engaged with the services. In March 2003, there was a proposal to combine the Hunter Valley and the Central Coast Offices.³³ The DoCS' workers retaliated by leaking the merger plans to the media, reminding the Carr Government that Wyong rated as the no. 1 area in the state for child abuse, followed by Gosford at no. 3. The demographics of an area contributed substantially to child abuse figures. Drug and alcohol abuse, unemployment, poor transport and services all contributed to these figures.

At the beginning of the 1990s, foster services had been squeezed by the recession, the DoCS' restructuring and the Usher report. Fifteen years later, the pressures were coming from Sydney property prices, from longer working hours and from the need for most families to have dual income earners – so that they may meet the cost of living. The result was a proportionate decrease in the number of foster carers; however, there was a 40 per cent increase in the last four years of that period in the number of families seeking 'out of home' care. At the end of 2003, five children on average were being placed in foster care each day.³⁴

The Government gave DoCS a 25 per cent increase in funding in June 2003. This represented the biggest increase in financial support in the department's history, and was supposed to result in an extra 875 case workers by 2007-08.³⁵ Unfortunately, in 2003, another 83 children died of abuse, 53 of whom had been known to the

department. A new IT system called KiDS was exacerbating the problem. Files automatically closed if they had not been accessed in the previous six weeks. It meant that case workers were unable to compile family histories if those families had moved around the state. The structure of such a system dictated that statistics could not be gathered on the outcomes of notifications.¹³⁶ Departments such as health, police and education could not be provided with feedback following mandatory notifications.¹³⁷ A broken feedback loop ensured that the process of inappropriate notifications was never corrected, so the floods again continued to rise over the next three years.

The Carr Government years were marked by policy shifts towards the managerialist aspects of neoliberalism where systems of individually focused accountability were deployed on DoCS employees, and residential care units were not returned to state ownership, instead remaining under the charge of the not-for-profit sector. However funding was restored and increased, specialist workers were reinstated. Perhaps most importantly the fundamental conditions of social inequity and poverty of participation in services which generated such spectacular increases was never addressed. In this sense the Carr Government remains in the realm of neoliberalism.

Conclusions

Direct links between neoliberalism and child protection were at their most apparent during the Coalition years between 1988 and 1995. The closure of residential programs for wards of state and the cessation of community support programs for public housing estates were consistent with the neoliberal premise that individuals should be cast to their own resources. The outsourcing of welfare services to the charitable sector, the sales of departmental properties, and the reductions in staff positions were expressions of the commitment to 'Small Government'. The correlation between managerialism or organisational configurations and neoliberalism was evident in the elimination of specialist child protection roles and in the administrative support given in the creation of a 'flatter organisational structure' with broader generalist positions.

Whilst there was a commitment to economic conservatism in the Carr Government, this was tempered with a level of political and media pragmatism which was not practiced by the Greiner Government. Carr upheld a softer version of neoliberalism, but never really challenged the fundamentals that were put in place by the previous Greiner Government. Indeed, the process of contracted executives simply enabled the Carr Government to exert a tighter control over the information which flowed in and out of the Department of Community Services. Large scale residential institutions for wards of state were never reinstated, and charities continued to administer supported accommodation programs. Foster arrangements for state wards continued to be a problem. Young people were either falling into the criminal system, or they were being passed around to a variety of carers or just being recycled back to their families. The erosion of expertise from earlier neoliberal reforms and the inappropriate IT systems meant that any tracking and/or follow through with families was poor. In a number of cases children died after being notified to the department. The problem was that Federal deregulation of the industrial relations system between 1984 and 1999 was creating a huge volume of

impoverished Australians. Much as State Governments might increase the funding for DoCs services, they could not possibly meet the demand being created by lack of access to well paid employment.

The Carr Government displayed a stronger commitment to managerialism in one sense, by introducing individually focused complaint mechanisms into education, welfare and law enforcement. Labor substantially increased numbers of child protection workers. However, when failures to protect children occurred, fingers were pointed at individual staff members resulting in prolonged investigations into their performances. Abuse notifications were particularly prominent in post codes with high levels of socioeconomic disadvantage.¹³⁸ However, questions were never asked about the economic policies which had entrenched poverty, and which had increased child abuse. The question of whether it was actually reasonable to expect a catchment's department – such as the DoCS – to pick up the pieces from decades of 'structural adjustment economic policies' was not considered. Whilst neoliberalism is associated with individual accountability, too much 'performance monitoring' of the DoCS – as practiced by the Commissioner of Community Services – generated politically uncomfortable truths for the Carr Government. The Community Services Commission was subsequently brought under the control of the Ombudsman's Office in 2002.

Child protection issues were entwined with parental poverty, with the provision of adequate health, with the psychiatric and drug rehabilitation interventions for parents, with the resourcing of infrastructure and with affordable accommodation to satellite towns beyond the Sydney metropolitan region. Failure to address these underlying features would only ever mean that child protection interventions are band-aid solutions. There were very real increases in expenditure on the DoCS' budget, and yet the rate of notifications continued to rocket upwards. A real resolution of this problem required an integrated approach across all these areas. In addition to this, adequate IT systems are needed to facilitate the sharing of information across the critical departments of health, police, education and the Department of Community Services.

It is not possible to conclusively determine the reasons for the spectacular increase in the child abuse notifications from 2000 onwards. At the time, the spurt in notifications was attributed to a public awareness campaign, but these yearly campaigns alerting the public to what could be done to help in the prevention of child abuse had been conducted since 1990, with the inception of the child abuse phone in program, Operation Paradox. Increases in child protection notifications were not restricted to mandatory reporting segments – escalations in voluntary notifications rose in equal measure.¹³⁹ It seemed that the objective problem of child abuse, and not just the perception of child abuse, was also increasing. A plausible explanation could lie in both the rising tide of heroin abuse and the collective failure of the NSW Health system to address the mental health issues. It has been estimated that the prevalence of substance abuse amongst parents of notified children ranges from 50 per cent to 80 per cent.¹⁴⁰ Co-morbidity of substance abuse with mental illness ranges up to 75 per cent.¹⁴¹ In 1999/2000, the NSW Department of Health was characterised by systemic overload and the failure of health services. There were substantial vacancies in the mental case worker positions in the regions with the highest rates of child abuse notifications. An estimated shortage of 800 psychiatric beds dating

from the Coalition Government's financial constraints on Health expenditure was recorded.¹⁴²

The Greiner Government's version of 'hard core neoliberalism' – as it was applied to the Department of Community Services intensified these structural inequities. In 1993, the Usher report wanted child welfare services relocated from the public sector to the non profit sector as well as an increased use of fostering arrangements for state wards.¹⁴³ The closure of the services programs, the abolition of crisis accommodation and the deflection of services provision to the 'not for profit' sector can only be described as disastrous.¹⁴⁴ Abused children landed on the streets as a direct result of the inability of the non-profit sector to deal economically with the increased referral load. The Fahey Government's strategy of relocating service provision to the 'not for profit' sector represents what Mitchell has referred to as 'risk coping' as opposed to risk reduction. This is where the Government steps away from the acceptance of the prevention of the social welfare risk.¹⁴⁵ Closed institutions were located in valuable Sydney properties, which were often sold to developers.

Successive Community Services Executives under both Coalition and Labor Governments had experimented with flatter organisational structures and budgetary discipline. None of these restructurings ever eliminated the annual death toll from unprocessed child notifications. Problems were intensified by the lack of experienced child protection officers and the inadequate information processing systems, which failed to track families as they shifted around the state.¹⁴⁶ Institutional care for disabled residents was also wound back, with few alternatives being developed. The impact on care levels of disabled residents was devastating. Audits revealed widespread malnutrition and neglect of these residents.¹⁴⁷ For hundreds of tiny children and disabled residents, the cumulative effects of neoliberalism on the Department of Community Services were deadly.

Martha Knox Haly is an organisational psychologist and author of the book How To Stop Your Workplace Going Pearshaped. Ms Knox Haly's writing and practice is based on consultancy and investigations to almost a thousand Australian workplaces. She has 20 years experience managing, assessing and understanding the relationships between clinical psychological conditions and workplace management systems. Her particular areas of specialisation are prevention occupational stress, prevention of bullying and performance management systems. In the last two years, Ms Knox Haly has been on academic staff at Sydney University's Faculty of Economics.

<m.knoxhaly@econ.usyd.edu.au>

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