

Qld Child Protection Commission of Inquiry
Transcript of Interview

Present: Kathryn McMillan SC
Aaron Simpson
Linda Apelt
Mark Healey
John Selfridge
Solomon Rowland

AS There we go. I think what we will do. I might just say some formal things, so it's on the, we know, so everyone has a copy at the end. What we will do is just go around the room and to say who, who is here. I'll start off, Aaron Simpson, Counsel assisting the Commission.

KM Kathryn McMillan, Council assisting.

LA Linda Apelt, previous Director-General, Department of Communities.

JS John Selfridge, barrister acting on behalf of the State of Queensland

MH Mark Healey, General Counsel, Department of Communities, Child Safety and Disability Services.

AS Now at the end of this interview, there are four copies and Linda, you or one of the people you want to nominate, can get a copy of this. It takes a little while to burn the disk so we can send it out, or you can wait, it might take half an hour to burn the disk at the end when it's done.

KM The police have been put to good use. They are doing this, this is their equipment so, well we just thought rather than trying to find a stenographer to come in, or everybody trying to take notes, but that's what I wanted to let you know yesterday. So I never like people feeling like they are surprised by having something recorded and not being told ahead of time. Linda, what's helpful to you, we obviously have some questions we want to ask, did you want to work your way through that, or what's easiest for you?

LA I'm happy to work my way through the questions and then if you've got anything further you want to ask while I go, that's fine.

KM We've been very fortunate getting some further background data, Michael Power is here as you know.

LA Good, yes.

KM And he's fantastic. He's just so marvellous and just so across everything, so he's been terrifically helpful. Have you got those questions, a copy of them set out? The ones we emailed.

LA I've actually got a spare copy here.

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Date: 14.8.2012
Exhibit number: 16

used more efficiently. If you study the annual reports between 2008/'09 through to 2010/'11, it's recorded there the general move towards implementing the thinking about 'no wrong door', which is essentially structuring a service system around the needs of the client...

KM In fact I wanted to ask you about that, because I've seen in some of the reports things in italics which don't really make a lot of sense to me, so I in fact I was going to ask you, what does 'no wrong door' mean?

LA Well a very good example, we've got an example here of a young fellow, 16 years of age, he's got an acquired brain injury as a result of encephalitis, has very aggressive behaviour, his parents can't handle this young fellow in the home. He then goes into foster care because the parents are unable and unwilling to care for him any longer, and within that system he gets access to disability support, mental health support, schooling and a whole range of other support services that he otherwise was not getting. That was able to be facilitated because within the one environment, Department of Communities, all of those services were part of the same family. So coordinating a case approach for this young fellow, this 16 year old fellow, happened just so much more easily than it had done previously with separate entities all just looking after one element of Victor's life.

KM And do you think that actually did work better in your experience?

LA Absolutely, I have absolutely no doubt that because, for example, the Department of Housing was part of the Department of Communities' family if you like, often children come to the attention of the state because the parents are homeless, or don't have stable, affordable housing to care for their children. So within this environment through having a case management approach, using the Department of Housing arm we were able to, in many cases, get stable, affordable housing for the parents, which enabled, for example, the sole parent to keep the care of the child, but at the same time wrap around disability, mental health and other support services to ensure the family is well supported in order to care for their children.

KM So, sorry to interrupt, did you see it, because I know, I've read in some of the literature, it was a family-focused intervention rather than just the child in question?

LA Exactly. It was a family/community context rather than just focusing on the children as a statutory...

KM Obligation.

LA Decision, obligation, statutory process if you like, through a decision-making process, off to foster care, off to group home, whatever. The philosophy was about looking at why it is that a child is in this state of vulnerability, that the state has to get involved in the child's life, and working on the assumption that everything that is possible can be done to support the family environment to have the strength and sustainability to be able to be responsible for the ongoing care of their children. This was something that was borne out in the Ford Inquiry and subsequently in CMC and other enquiries, that very often children find their way into the child protection system because the family environment is impoverished, or parents don't have the skills, or the wherewithal, or the context to be able to care for their children, they are not necessarily bad people.

- LA It is harder to work in a collegial way, team-based way, to assess the whole problem and then to put together, you know, the set of services that will inevitably guarantee a better result for the client. It's much easier to say 'this family is homeless, they can't care for their child, therefore we will put the child into foster care, or into the child protection system somewhere', rather than 'let's work with housing and other support services to see what we can do to alleviate the homelessness and therefore also alleviate the vulnerability of the child.
- KM So do you think, certainly in your time, that departmental, and I suppose I'm talking at this stage more about the child safety part of it if you like, or element of it, do you think the department regarded itself as a primary intervention level or more secondary or tertiary?
- LA I would say more tertiary. It was definitely set up to have a concentrated tertiary, statutory intervention role. There were recommendations about the need for other parts of government to provide early intervention and prevention, but I can recall the experience of getting various Ministers to work together to share budgets and invest in early intervention and prevention, it did not happen easily. It didn't happen seamlessly, it didn't happen naturally. Mind you, when the super department was formed there was more than one Minister that oversaw that department. There were four Ministers, so that brokerage between Ministers to share resources and invest in early intervention and prevention still needed to occur, but it happened more easily with having one Director-General having to broker it across four Ministers, rather than four Director-Generals and four Ministers all trying to broker a sharing of resources for a common objective.
- KM Did you think there was any inherent tension in the sense that if you've got four Ministers to report to, is there any inherent tension in that?
- LA There is, because I mean each Minister is elected and accountable to the parliament for their budget and their policy objectives and their delivery. It's not always an easy thing for Ministers to share their budget with another Minister for something when there's, you know, so much stretch with resources anyway, and there's just so many priorities. I think you know, you could look at models where there would be a Senior Minister who oversees the overall objectives with Assisting Ministers. I think to have that central accountability for the whole picture is enabling, and I think that's...
- KM You mean having one Minister or..?
- LA Having a Senior Minister who is in charge of the integration and delivery of human services around the interests, in this case of the child, I believe, would be easier to mobilise resources according to need.
- KM Because I mean maybe, I'm just thinking aloud, something like the Minister for Home Affairs, or something, where you have a Minister tasked with an overall oversight, and have to be, as you say, fairly senior. I imagine too, to be able to have four Ministers effectively, I won't say reporting, that sounds – but, to work with.
- LA It could be, yes.
- KM To coordinate.

- KM One, is it practical to try to do 100%, and two, do you think the load would be lightened if there were more self-filtering by department, say other departments like police, education, health?
- LA It's not practical to investigate everything and the numbers illustrate that.
- KM I think this is something we'd like to dig into, not just with your evidence, but whether that's really an appro-, you know...
- LA Yes. It's certainly not practical.
- KM A practical target.
- LA And that is why other states and churches have moved away from that practice. It is possible, and we have seen this happen, to have a filtering arrangement so that those that are more low level reporting can actually be referred to non-government organisations, or perhaps back to the school, or back to the health authorities to do some further family work. Investigation, sorry investment in recent years and initiatives like 'helping out families', have been set up as non-government organisations that have the ability to receive that lower level reporting and so some investigation and direct family support to help families manage child and family life themselves. That absolutely has to be explored further...
- KM I'll probably then ask you some questions about that to get you for flesh that out.
- LA Yes.
- KM Because I think that's something, given that you will be the first witness, I think it's something I'd certainly like to bring out, that it's just not feasible it seems, by reading all the literature, that 100% is by any means achievable, nor should it be.
- LA No.
- KM And the resources that are dedicated to that, and I might ask you a bit about how much in the way of resources, in your view, is dedicated to that. That also comes into, doesn't it then, the availability to be a primary agency rather than a tertiary doesn't it?
- LA Mm.
- KM Because if you are getting lots of, lots and lots of notifications, your ability I would have thought to service at a prevention level, let alone an early intervention, must be compromised mustn't it?
- LA It is.
- KM I mean simply because if you are busy processing, I mean you can't be...
- LA Mm, the resource tilt is automatically drawn towards the tertiary end because of the obligations to receive and investigation, attempt to investigate 100% to the full level of investigation rather than having a gradient, you know, from lower level to more serious.

dedicated, standalone department for the period that it was, it enabled dedicated attention to put together the right information systems, decision-making tools, practice manuals, policies, procedures, all of that back end machinery that is absolutely vital to supporting front line workers make decisions, and do their work. The downside of that however, was the lack of connection with the other services that really needed to, in the primary and secondary sphere, to try and keep people out of the tertiary system.

KM So what do you mean? In terms of, whilst that system is obviously effective as you say in giving them support for decisions, it didn't actually make it easier to liaise, or coordinate with other service providers, or..?

LA What struck me when I first took on responsibility for child safety, and this was when the standalone department became part of an integrated arrangement, was that the officers who had been trained within that system, they absolutely saw their jobs as tertiary intervention. They did not see their job to be involved in primary or secondary service intervention, that was other people's jobs, but other people didn't necessarily understand what that meant, because it was like this great statutory body there was that processing decision-making, investing in computer systems and churning through and more and more kids were just, it was like this big magnet of more and more children coming to the attention of the statutory tertiary system because that was the way it was designed. And so, by moving it in with the other services that do have responsibility for early intervention, primary, secondary service provision, we were starting to see the light-bulbs go on as to what that actually meant. I think having the standalone statutory department, it just distorts the whole system of more and more resources going into a tertiary response.

KM So are you saying that you, do you think as a whole if you like, that within the large, the department has got more responsive at a primary and secondary level now?

LA Absolutely, yes.

KM Right.

LA It did, but I think that's changed again now, it's gone back to disparate, different departments.

KM Why is that? Do you understand why that is?

LA Oh it's the government machinery decision.

KM Right, an operative, operational decision, or..?

LA Yes I guess so. It's a machinery of government decision that's been made.

KM And when did that come into play?

LA With the advent of the new government at the last election.

KM Right okay, so it's gone more into that disparate, has it?

LA Yes, to the separate government departments again.

- KM Okay.
- LA But the turnover of front line workers was definitely above public service average and was probably akin to workers in youth detention centres, front line disability service workers...
- KM Right.
- LA It, it's an area of work that, you know, definitely those workers need a lot of support to be able to do such stressful work.
- KM In terms of just, I want to go back to a couple of CMC recommendations, the directors general coordinating committee, now that came in after the 2004 report I think didn't it?
- LA Mm.
- KM Now, it was disbanded when?
- LA Oh dear, it was disbanded, certainly prior to my having responsibility for child safety. I think it was disbanded when, I think Norelle Deeth was the Director-General at the time.
- KM Oh okay.
- LA And, or it may even have been Robyn Sullivan, look I'd have to research that, but I do recall discussion about how many of the recommendations from the CMC Inquiry had been implemented, and I think it got to the point where there was a satisfaction that all of those recommendations had been implemented, and it was now the senior officers' network, there was a group of child safety senior officers who formed a network which was ongoing, and it was their job now to ensure that that work is monitored, reviewed and continued to be implemented.
- KM So what, it was sort of functioning but at a different, under a different guise in a sense?
- LA It had dropped down to a senior officer level.
- KM Senior officer.
- LA Rather than at the Director-General level.
- KM Okay.
- LA In the early stages when it was at the direction general level, that was a very active phase where we were meeting, you know, often once a week, and all directors general who had responsibility for certain recommendations were accountable for reporting how we were going.
- KM So was it a sort of a natural, if you like, decrease because a lot of that fu-, because it was something like, wasn't it..?
- LA Because the role had been done.

a big initiative and I think with housing being taken out of this environment, but it's still obviously within government, I would hope that people work very hard to keep that relationship going, because going from the child safety statutory system into homelessness is not a nice transition.

KM I've already been hearing quite a bit about children who go into residential care facilities and some of the particular problems there, I mean is that acknowledged that that is very problematic for the department? I'm talking about your time there.

LA If a child, it is, it's difficult because, you know, history tells us time and time again, the State is not the ideal parent.

KM No.

LA It's, it's a default position and the children who, by and large, find their way into group homes or, you know, little group homes, by and large, safe houses, are children that have got very, very difficult, challenging behaviours that's unreasonable to ask a foster carer to care for the child, or the foster carers can no longer care for the child, and so there's other therapeutic residential services that are better able to provide the kind of support that young people need, but it, it's difficult. The children are there because their parents have not been able to manage their behaviour in the family home, it's often assessed, or the experience has said that a foster parent can't manage that behaviour either, and so you have a group residential therapeutic often, where you have people on a rotation, youth workers rotating in shifts.

KM And are they members of the department, or is that an NGO that operates a lot of them?

LA Mostly NGOs.

KM And how closely is that overseen by the department?

LA It's, there's a very sophisticated contractual arrangement between the government department and the non-government organisations. There's a lot of accountability, one, for the organisations to become licensed in the first place, and then secondly, ongoing reviews of their practice and reporting. It's a, it's an ongoing tension about the level of intrusion, if you like, should the state have independent organisations doing their work?

KM In terms of the indigenous issue, because that's obviously a very specific term of reference.

LA Yes.

KM What, I mean there's clearly an over-representation of indigenous children, have you got any thoughts on why for a start they are so over-represented? And what, what you understood might have been targeted by the department to address that?

LA Yes, well I guess just over-representation of indigenous people per se in the statutory system whether it be the justice system or the child safety system, we know there's disproportionate representation.

KM Yes.

- KM Yes okay. Now you were also chair of the Disability Services Ministerial Advisory Council I'm told...
- LA Mm.
- KM Now, in terms of that, did it, what specific, obviously it addressed disability services, but what did you see coming out of that in terms of its effectiveness?
- LA In, that was a national committee.
- KM Yes.
- LA And it was only in recent times that there was an awareness about the specific cultural considerations of dealing with disability in indigenous communities, and it became very apparent to me when I used to do some trips around the Deed of Grant and Trust communities in particular, and the word disability was not part of the lexicon. It was, you know, people didn't have disabilities, "we might have needed to carry Auntie up the stairs on the house on Thursday Island because she couldn't get up the stairs, but Auntie didn't have a disability."
- KM So did you understand what, that culturally there was, what didn't want to accept it, or just wasn't a label that they used, or..?
- LA It wasn't a label that was used. I think this is my lay interpretation, but because of the strong communal environment on those communities, it was just assumed that people looked after family members. So that's fine, but on the other hand, it was also apparent that there were people with disabilities in indigenous communities whose quality of life was just unacceptable, and I'll give you an example. On Palm Island, which I was a champion for Palm Island for about 12 years, there was a funded disability service, [name]*0:49:23.1, on Palm Island whose job it was to provide support for people with disability, and I visited the facility one day that they were operating from and there were elderly people with disability that hadn't been fed or changed for days. The service was just not operating, and that drove the fire in the belly if you like, to set up the Palm Island Community Company, so yes, it's a tough one.
- KM And I suppose too you are using disability in the widest sense. The intellectual as well as obviously physical disabilities, and I guess you'd have in disability, particularly intellectual, things like alcohol abuse and..?
- LA Alcohol...
- KM Driving that becoming disability, you'd have disabled children as a result with foetal alcohol syndrome...
- LA Alcohol foetal syndrome...
- KM As well as parents and grandparents whatever unable to, or impaired anyway...
- LA Acquired brain injury from alcohol abuse, look once again with indigenous population the proportion of people with acquired brain injury, you know, disabilities resulting from diabetes, it's once again disproportionate to the rest of the population.

- LA Yes.
- KM But also targeted to do that?
- LA Yes.
- KM Is there any util-, I've seen in overseas countries where money for instance, is entrusted to the old women in the community because it's thought that they often best adMinister the money?
- LA Yes.
- KM Is there any particular view about that, or..?
- LA I've come to the conclusion over some time that you've just got to set up really firm foundations with tried and true legislative arrangements and the Palm Island Community Company, like the Brisbane Housing Company and a couple of others that were set up during my time, they've been set up with very, you know, anchored in law, existing fed-, well corporations law I think it is, strong accountability, you have strong expertise that sits around the board that know what they are talking about, well experienced, but very, very strong connections to the community that they are working with. So in the instances that I been involved in we've made sure that we've had a disproportionate number of community-based shareholders, the opportunity to sit on the board, and in the Palm Island Community Company's case, that proportion has increased over time as people have become skilled up through their participation in that environment. It's one point for government funding to go, commonwealth funding, state funding, you've got the confidence there's a well-funded body that can make it happen, and you know, over time now there's a relationship and a respect for that governance on Palm Island, where as before it was a disaster.
- KM I suppose, I suppose it overcomes some of the tension too between commonwealth state funding, if it's all going into the one...
- LA Yes, yes.
- KM In that area?
- LA Yes, and economies of scale, you get efficiencies.
- KM One thing, just on the number of notifications, do you think it would assist, because again I think the Commission has read it in a number of sources, that if there was feedback given to notifiers, and I'm not talking about indigenous issues, but generally, there would be less notifications because there seems to be at least some support in the literature for, if notifiers aren't given feedback they continue to notify?
- LA That would be ideal, if that was, if there was resourcing to do that because the child safety statutory system is gearing around tertiary, and people refer primary and secondary issues into this one vortex which is really geared up around tertiary, so I just, and because of the policy of, you know, investigating everything it just grinds to this inefficient state.

you've got that? Because obviously I want you to be comfortable with what goes in your statement.

LA Mm.

KM I mean obviously I will probably explore some of these other areas with you orally.

LA Mm.

KM What do you think is best in terms of time and resources?

JS When you say burning the disk Kathryn, would that be available to us short term?

KM Half an hour so, yes.

JS Yes. I can talk with others and talk the Crown, have a chat with Linda about getting a copy of that disk, reducing it to writing and putting some form of statement before the Commission.

KM Yes, and yes, exactly. I mean some of this has been more expansive than what I'd expect in your statement.

SR Yes. Obviously the problematic thing is now that Linda's not...

JS No longer...

SR Government and, you know, we are representing the government, but...

KM Well does that cause any particular difficulties? I mean if need be, we can do it but, do you want to have a chat about it and see if..?

JS Yes, I'll have to take instructions on that.

SR Yes, we'll have a...

KM That's fine. Well look we will get the disk. What about, don't worry about waiting for it now, I'll get it over to you Monday and then we can, you can have a chat about it and see what...

JS Yes.

SR Sorry Linda, I'm Solomon, I'm from Crown Law

LA Oh hi, how are you? Yes, I thought you might be, it's alright.

SR Sorry I came in late.

KM I might stop that, now how do I stop it? No pause...

END CPCOI Pt 1 START CPCOI Pt 2

- KM Embedding them almost in terms of..?
- LA Yes.
- KM Which I suppose in our sized state, it would have to be almost really in the Police wouldn't it? Because they are the only official arm of the government in a lot of communities, aren't they? Particularly the really remote ones.
- LA Yes.
- AS Especially after hours.
- KM After hours. I mean I'd imagine you'd have contrarians saying "well we don't necessarily think that it's a good thing to be seen for them to be embedded with the police", but I guess practically speaking how else would you do it?
- LA Yes. I mean I guess there's lots of way of doing that. They don't necessarily have to be physically present, for example the after hours service at the moment is an amazing service.
- KM Oh yes, is it this crisis?
- LA Crisis care yes, and they provide professional advice to foster carers, police, members of the community any time of the day or night, and that's a virtual service, and they are a very experienced group of people.
- KM So when you say virtual, do you mean online and by phone?
- LA Online and by phone yes. They are not physically present.
- KM Well that might be, because I suppose you wouldn't have to put them in the outposts of every...
- LA But they are always on hand and they know other people in local communities, their networks are far and wide. It's a tremendous service and very, very cost efficient.
- KM Okay, well that, and these people are trained too in crisis care aren't they?
- LA Very well trained, very mature...
- KM Yes.
- LA Child safety workers.
- KM Alright, well look thank you, that's been invaluable and I think it will be terrific to start off with you just sort of set the scene.
- SR Can I ask another question? When the CMC split the department, do you think that, I think that in part it was that if you are notifying for child safety, there might be a stigma to that because that's tertiary, and so by splitting off the early intervention to the other department, the theory, and I don't know whether it actually worked because there wasn't enough

- KM Yes.
- LA The justice system, they are not going to come near government willingly, but some of the early years centres that have your outreach nurses, the sort of people you are talking about, family support workers that actually know how to target the families that won't necessarily come forward because of stigmatisation fear.
- KM And also just resources. I mean, in terms of, particularly if you've got a disability, coming in to a large centre, it's very difficult for you.
- LA Yes, yes.
- KM I mean in fact, you know, I know like mental health, they had those mobile services which I don't know, and I want to have it looked at, how effective that's been.
- LA Yes, no they've been very effective.
- KM But you know, but where they've gone like from PA, I know they do a range of Southside areas, and they would go in because again a lot of mental health patients are unable and/or unwilling to come into in-patient or out-patient facilities.
- LA So the 'helping out families' initiative which you might have some data on, that was our attempt to start putting community-based, non-stigmatised services in place and we had them set up in Gold Coast, Logan, Beenleigh, a couple of the hot spot areas anyway, and they were multi-pronged with nurses who visited new-born babies, their parents for as long as was necessary, but also linked in with DV services and family support services. I've seen some of these centres in other parts where they target the parents who don't necessarily send their children to Lady Gowrie or to crèche and kindergarten. They target, and they are just great health, community-based, learning environments.
- KM And is that still going on that 'helping out families'?
- LA Yes it is, yes and when I last checked in on it they were getting results in that people, they were getting a lot of self-referrals. People were just, word of mouth, going there, looking for support, which is much better than coming to the attention of the authorities and being, you know, sent there.
- KM Okay, that's, that would be really helpful.
- LA Yes.
- KM And so again, not necessarily looking at asking for more funding, you are looking at redirecting some from that tertiary level to..?
- LA Yes.
- KM Alright, that's really helpful, thank you.
- MH Do you have any ideas, other great ideas for the future for a road-map, like if you had a wish list?

- KM I want to, yes because she's also important. She, I mean because she administers a whole lot of different, obviously systems up there because she's done a number of the coronial inquests that are relevant so she ticks a number of boxes.
- LA One of the other things that stands out for me, I used to get probably a little bit too hands on for people like Mark and other lawyers, but I always...
- MH No not at all.
- LA When we had some major cases I always felt it was important to actually go and meet with the mothers, or the parents, or the kids or whatever, and I did on a few occasions. I remember meeting with a couple of young mothers whose adolescent kids had actually committed suicide, and their big gripe with the government was that they'd ring up child safety for help and they didn't get it. Because they, they were ringing child safety thinking they want to get some help with how to parent and manage their family and manage a violent...
- KM Were these the two young teenage girls who hanged themselves?
- LA Yes, yes. Maryborough was it?
- KM I think it was Maryborough, Bundaberg I think.
- LA Bundaberg, yes.
- KM Within a couple of weeks I think.
- LA And, you know, they, they came to the attention of the authorities time and time again, but they as parents were saying "well we are ringing child safety because we want them to help us", and from the child safety point of view, you know, tertiary system, go through the decision-making process and it's a complete mismatch between people reaching out and saying "we want family support, we are looking for..." All the signs are there, but the tertiary system is structured and set up for a whole different kind of response. It's a very rigid, you know, it's statutory...
- KM So again, sorry...
- LA It doesn't meet the needs of the vast majority of people out there that are looking for family support.
- MH Well it would look, under the legislation it would look at whether they child is being harmed, or at risk of harm, or has a, doesn't have a parent willing and able to protect them and so as soon as these parents ring up and say "I'm concerned about this..." They cross them off because they say "they do have a parent willing and able to protect them because..."
- LA Yes, the parent is concerned.
- MH Because they are a concerned parent, so therefore they don't fit that model, whereas it's really just, they are looking for family support aren't they?

- KM Okay, alright, well thank you very much, that's been extremely helpful. We'll get that disk burned and then you guys can discuss how best to get that into a statement, but yes, that's been terrific.
- MH Well we should talk about that because I mean my view is Linda should be like other witnesses you take statements for, and...
- KM Yes, I think, can I just say I think there was a bit of a disconnect about that in some discussions I had with various people about whether that was right. I had started from the premise that we were happy to do the statement, but the disconnect continued about that. So yes, yes...
- MH Alright, well we'll, okay.
- KM I mean it's...
- JS I hear you Kathryn and we'll have some discussion, but ultimately I'll have to take some instructions, but I hear you, I hear you.
- KM That's fine, but I don't, anything that Linda's said is a conflict problem for your guys in terms of that...
- MH No, no.
- KM But, yes I've certainly...
- MH It's not the conflict it's just, you know, I don't want Linda thinking that we are giving her legal advice or we are giving her some sort of legal protection, not that you need any whatsoever...
- LA Mm.
- MH By going and doing your statement and advising you on your statement.
- KM Well, and simply for us it's just simply resources.
- MH Yes.
- JS Yes, absolutely.
- KM That catch cry of everywhere at the moment, isn't it?
- JS Yes.
- KM Alright do you just want to pause that? That blue one, yes. The blue button.
- MH Blue button.

END OF TRANSCRIPT