

**JOINT STANDING COMMITTEE ON THE
COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE**

Fifth Report — “From Words to Action: Fulfilling the Obligation to Be Child Safe” — Tabling

MR K.M. O'DONNELL (Kalgoorlie) [10.42 am]: Greetings, Madam Deputy Speaker. I present for tabling the fifth report of the Community Development and Justice Standing Committee entitled “From Words to Action: Fulfilling the Obligation to be Child Safe”. I also table the submissions to the inquiry.

[See papers [3564](#) and [3565](#).]

Mr K.M. O'DONNELL: Firstly, I would like to say it was an honour being on this committee, professionally led by Hon Dr Sally Talbot and my fellow committee members Hon Donna Faragher and the member for Kingsley, Jessica Stojkovski. At no stage during our three and a half years together did any member politicise their comments or behaviour or take a party line. It was completely and thoroughly a bipartisan approach whilst on the committee. I was the deputy chair. I have been a president of various clubs and chaired meetings in my previous life but I take my hat off to Hon Dr Sally Talbot, who I believe did an outstanding job as chair, and leader of our committee. If committees were selected like an AFL draft, I believe Sally, Donna and Jessica would be selected in the top 10, based on their enthusiasm, keenness to learn and understand, and the hard work they put in. I would also like to acknowledge the hard work, due diligence and professionalism displayed by our two research officers, Renee Gould and Michele Chiasson, and Michael Burton. They organised witnesses and hearings, not only here in Perth but also in the United Kingdom on the other side of the world. I commend them on the great report they have compiled.

The heading of the report is very apt, “From Words to Action”. How many of us during our lives are involved in an issue or a problem that needs addressing and we meet to discuss it and say “This is what should happen.” We all feel good and we all move on, but actually nothing is implemented and nothing changes, but we felt good talking about it. That is why this report does the complete opposite, hence the title, “From Words to Actions”. I would like to comment from the chair’s foreword and from our hearings. The first comment I will make from the chair’s foreword is from the Royal Commission into Institutional Responses to Child Sexual Abuse, and I quote —

What if we changed the way we think about child sexual abuse, from inevitable to preventable? ... We need to recognise that, like every form of violence, child sexual abuse is an avoidable tragedy.

The Commissioner for Children and Young People, Colin Pettit, is a very good, decent man. He has taken on a great deal of work in relation to the royal commission recommendations, especially in the areas of child safe organisations, children and young people with harmful sexual behaviours, child-friendly complaint systems and oversight of services for children and young people. The committee has monitored, reviewed and reported on this work on a regular basis and has consulted regularly with the commissioner during the fortieth Parliament. I would like to say that part of a lot of our work was about sexual abuse. During the early stages of my time as a police officer, I interviewed a child abuse offender. I wanted to pick up the typewriter and hit him with it. I regret ever thinking that, but my hat goes off to all those people who deal with child abuse given what they go through. I do not take anything away from the fact the child has gone through so much. However, I commend what the people dealing with those children do. Not just anybody can do it.

The committee began to form the view that two common factors led to the creation of an unsafe environment for children and young people. The first was a failure by institutions to put the interests of children above all other considerations. The second was a failure by governing bodies to assess and monitor the capacity of institutions to give primacy to the interests of children. To test this proposition, we embarked on a series of hearings both in Western Australia and in interstate and overseas jurisdictions.

The report’s basic premises are straightforward: that the institutional failure to put the interests of children first will be rectified once organisations embed the national child safe principles into the heart of their operations. Although the state government has accepted every relevant recommendation of the royal commission, implementation of the national child safe principles and oversight provisions are still in the planning stages. I will give another quote from the royal commission’s final report —

The sexual abuse of a child is intolerable in a civilised society. It is the responsibility of our entire community to acknowledge that children are vulnerable to abuse. We must each resolve that we will do what we can to protect them. The tragic impact of abuse for individuals and through them our entire society demands nothing less.

The World Health Organization estimates that in 2020 one billion children—50 per cent of everyone aged two to 17—suffers some form of abuse or violence each year. That is staggering. The development of child safe standards aims to focus attention on the actions required to protect children from the harm and the lifelong impacts associated with child abuse. The future health of our society depends on us all making a collective effort to prevent child abuse and protect children from harm. This inquiry examined ways Western Australia can most effectively scale

up its efforts, when assessing services outside the home, to ensure children are safe. This report outlines how child safety requires actions by the government, organisations and the community.

A finding within the report was that directly engaging with children about what makes them feel safe is one of the most crucial aspects—talking with children, not just sitting at a desk on the sixth floor of an office building in St Georges Terrace making a decision, but conversing. Being “child safe” is more than just putting a code of ethics in place; it requires real change. The smallest to the biggest organisations will require accurate and appropriate support and advice about how to achieve this change and, importantly, how to respond appropriately to concerns about child abuse. The committee drew on the evidence gained during its investigative travels to emphasise that for the full benefits of the child safety outcomes to be realised, the government must signal its commitment by introducing legislation for mandatory implementation of national child safe principles.

A final area that needs to be decided upon before child safe approaches can be effective is the way in which the independent oversight of the national child safety principles should operate and how child safety can be improved through the establishment of an independent oversight body that is able to hold organisations and the government to account for child safety. As part of this oversight, a mechanism for information sharing and collaboration is also critical. The committee made final observations that the national child safe principles have the potential to make a difference to the life of every single child living in Western Australia. If this potential is to be realised, however, wholesale reform of the attitudes and beliefs of the community and organisations is needed, as government regulations and reforms of organisational governance alone will not suffice. The reforms must centre around creating child safe communities and organisations and increasing ways in which the participation of children can be valued and encouraged.

During my time as a former police officer, I found that data sharing was not on the agenda for various agencies. At times, I would need to go to the Department of Corrective Services, where public servants organise probation and community work for offenders. I walked into the office of one staff member—she invited me—and as I walked in she told me to hold on, and pulled a blind down on her computer over all the names of what she called clients; we call them offenders. As a police officer, I had put half of them there for her; I drummed up a lot of business for her! That goes to show that they did not want to let us know what information they had, and apparently we did not want to let them know what we had. We need to share information. The Children and Young People's Commissioner Scotland said that problems can occur with oversharing, such as a teacher having access to a child's medical details or even the child's parents' medical details—it was that in-depth. According to the Scottish commissioner's office, the risk of oversharing is reduced when legislation ensures that information sharing is necessary, proportionate, relevant, adequate, timely, and done with the best interests of the child at its core.

To finish up, I will talk about the trip that the committee went on. We were all travelling at different times to meet at the one location. I travelled with the two research officers. We stopped in Dubai about two in the morning on a layover and we booked into the lounge to have a break. The Emirates lady dealt with Renee and Michele and then she said to me, because I am an Emirates member, “You can go to the first-class lounge.” I said, “Really? That's great. What about my two friends?” The reply was that I had to pick one. I thought how do I do that at two in the morning? I looked at the two girls and I could not do it. All three of us went to the lounge, but as we went in there Michele and Renee said, “Go on, Kyran, go and have a look. Have you ever been in first class?” I said that I never had, so they told me to go and have a look, and if it was any good I might be able to get them in. I went and had a look and I never went back to the other lounge. I can tell members that I enjoyed it and it was lovely. I enjoyed my time on the committee. I want to repeat that the committee was everything I had expected it to be from an outsider's point of view. I loved the way the two Labor participants and the two Liberal participants got along and put everything else aside in order to deal with what was in front of us. It was a pleasure being involved with them and I wish to thank them.

MRS J.M.C. STOJKOVSKI (Kingsley) [10.54 am]: I am very proud of this report and the work that has been done by my fellow committee members: the chair, Hon Dr Sally Talbot; the deputy chair, Kyran O'Donnell; and Hon Donna Faragher. Special thanks must also go to the secretariat staff: Renee Gould and Michele Chiasson. I would also like to extend my thanks to the many witnesses from Australia and overseas who contributed to this inquiry, some of whom are included in this report.

In November 2012, Prime Minister Julia Gillard recommended to the Governor-General the establishment of a Royal Commission into Institutional Responses to Child Sexual Abuse. An article titled “Speaking the Unspeakable, Naming the Unnameable” by Katie Wright and Shurlee Swain states —

The establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse followed years of lobbying by survivor groups, damning findings from previous inquiries, and increasing societal recognition of the often lifelong and intergenerational damage caused by child sexual abuse.

The Royal Commission into Institutional Responses to Child Sexual Abuse handed down its final report in December 2017 and the revelations and recommendations had far-reaching consequences for governments and

organisations across Australia. However, these revelations were not unique to Australia. Many countries, states and jurisdictions across the world have grappled with their own versions of the royal commission and the subsequent steps taken to enact change to ensure that the most precious and vulnerable people in our community—our children—are protected and safe. Throughout this inquiry, we conducted many hearings of witnesses from within the Western Australian jurisdiction, and other jurisdictions around the country and overseas. Every hearing gave us a little more insight into the challenges, and the progress evident not only in our jurisdiction, but also in other jurisdictions. This was our opportunity to stitch together the many and varied learnings and the common themes present in the successful implementation of programs, policies and legislation that strive to ensure that our children are safe to be children, safe to be themselves and safe from child sexual abuse.

One of the strongest messages for me in this report is that if we want our children and young people to be safe, we need to value them as active and engaged members of our society. Furthermore, we need to ensure that they are heard and supported to give voice to their concerns and opinions about how things impact on their world. The report highlights the need for cultural change and reform in not only government, but also non-government organisations that deliver services to children and young people. It is also important to note that a cultural change needs to occur in our communities, that we as a society demand that our children be safe in every setting whether it be in school, during extracurricular activities, in churches or at home. While acknowledging that many instances of child sexual abuse happen in the home, it is hoped that cultural changes in organisations and society as a whole will produce an environment that is hostile to child sexual abuse in all spheres, including the home. The culture of believing adults over children and protecting an organisation's reputation as a priority over a child's safety needs to end.

The legislating of the national child safe principles is imperative to send the message of the importance of child safety in our community. Although work has started to change the culture of organisations and society as a whole, it is apparent that the culture of keeping children safe must be embedded in organisations in much the same way as health and safety now is. The breadth and variable size of organisations that provide services to children necessitates an adaptive approach that considers the capacity of an organisation to implement changes to become child safe. This does not negate the need for even the smallest volunteer organisation to be child safe but acknowledges that all organisations will require support and guidance to achieve this goal. From our exploration of child safe cultures in organisations, it became apparent that professionalising the role of a child safeguarding officer was one way to drive the cultural change needed to ensure that organisations are child safe. In instances of a child disclosing to a person in an organisation, a child safeguarding professional would also support all members of that organisation in dealing with the disclosure.

A key learning for me from our overseas investigation was the importance of information sharing. The Irish witnesses explained to us their dare-to-share policy, which puts the welfare and safety of children at the forefront of decision-making around data sharing. While acknowledging the difficulties and sensitivities around privacy and data sharing, we need to be brave to keep our children safe. We need to ensure that we have the whole picture of a child, a family or a community so that we can try to avoid situations such as that in Roebourne in which everyone had bits of information but nobody had the whole picture. We need to provide mechanisms for good-faith information sharing to prevent child sexual abuse and respond quickly to incidents and risks.

The oversight of children in the state was one of the biggest issues grappled with in the report, particularly who should provide the oversight and how far their powers should extend. Although the report makes no specific recommendations about the who, it clearly identifies the need for oversight and the need for that oversight body to have the power to compel a response from organisations. Although many oversight bodies in the state provide oversight to a variety of areas, the lack of an oversight body specifically for children has resulted in some children, such as those at the Kath French Secure Care Centre, not having any oversight at all. Even in places in which oversight exists, the environment is not conducive to hearing the voices of children. As parents, we are often told by parenting experts that if we do not listen to our children when they come to us with the small things, they will never come to us with the big things. This is the same lesson that organisations that provide services for children need to understand. If we create an environment that discourages our children from speaking up about issues, concerns or ideas for their world, however small or seemingly insignificant they are to adults, we cannot expect them to feel safe and respected enough to speak up about the big issues, such as abuse. Creating an environment in which children and young people feel valued and heard is an important step to creating an environment in which abusing children and young people is not only obviously unacceptable but is understood as such by our children and young people. Even us here in Parliament have a responsibility to create an environment in which children are heard and respected. Parliament by its very nature is a very adult-dominated world; it is the same across the globe. However, jurisdictions are making important changes to address that. During our investigative travels in London, we learnt about the changes that have been made to the Westminster system of committee procedures to allow children to participate in inquiries or topic discussions that have a direct impact on them. I believe we have a great opportunity to give our children and young people a voice, to respect their viewpoints and acknowledge their contributions. The Western Australian state government is committed to implementing all the relevant royal commission recommendations and has made good progress towards this goal. There is no silver bullet to address the issue of child sexual abuse. Many reports over the

years have highlighted and exposed instances of child sexual abuse in our society. I believe this report delivers some tangible suggestions for how government and non-government organisations and the community can move forward and create a society in which our children are safe, protected and respected. I commend the report to the house.