

*Joint Standing Committee on the Commissioner for Children and Young People — Fifth Report —
“From Words to Action: Fulfilling the Obligation to Be Child Safe” — Motion*

Resumed from 11 November on the following motion moved by Hon Stephen Dawson (Minister for Environment) —

That the report be noted.

Hon Dr SALLY TALBOT: I will not take up much of the chamber’s time. Having spent the last eight years on the Joint Standing Committee on the Commissioner for Children and Young People, the first four years under the chair of our colleague in the other place, the member for Maylands, Lisa Baker, and the last four years as the chair, I hope that members who pay attention to these things, as I know some people do, will notice that there is a theme in this committee.

The report we are looking at now, “From Words to Action: Fulfilling the Obligation to Be Child Safe”, is very much a follow-up report to the report that the committee tabled at the end of the previous Parliament, which covered a very similar subject area. I will trace the time line, because I think it is something the next Parliament will want to keep a very close eye on as we move through the next four years. Perhaps members whose attention has not been caught by this series of reports from the Joint Standing Committee on the Commissioner for Children and Young People will gain an idea about where they might start and why, indeed, they ought to be paying attention to the work of the committee. Of course, nobody knows how the next committee will be comprised, and having done so many years on it myself, I am not sure I will again be a member, but I must say that if anyone is contemplating it, I have found it to be enormously worthwhile. I see I have attracted the attention of Hon Alison Xamon. It has the potential to be one of the most effective committees in this place.

We have been extraordinarily fortunate in Western Australia in the two long-term Commissioners for Children and Young People we have had. I pay tribute to the commissioner whose term has just been extended for a further year, Colin Pettit, who I think has done a very, very good job of bringing some very important issues to the attention of the Western Australian public. He has done some good work in heading that team in the commissioner’s office, and he would be the first to acknowledge that it is the work of the team that pays off when you pay tribute to a body of work. His work is of such a standard that there are now frequently occasions when it is the Western Australian children’s commissioner’s office who is tasked by the national body—I do not quite know what it calls itself, but it is almost like a federated COAG of children’s commissioners, particularly now there is a commonwealth children’s commissioner—to carry out certain pieces of work that then goes to that commonwealth group, which meets regularly. I think that is something we should be very proud of in Western Australia. Michelle Scott, our first children’s commissioner, set the bar very high, and I think we have been lucky so far.

There was a hiatus, and I think it is an area that the incoming committee in the next Parliament will need to look at quite closely. There remains some confusion; there is a modicum of personal regret for me that this committee did not have its attention drawn quickly enough to the existence of this slight confusion about the process for appointing a new commissioner. That is something that the next committee could look at a very closely and perhaps fix up, given that commissioners are term-limited. There was a review of the Commissioner for Children and Young People Act a few years ago, and one of the recommendations from that review was to clarify the process of appointing a new commissioner. I am sorry to say that has not really been done very effectively yet, and I think that is an outstanding task that this committee will have to defer to the committee in the next Parliament.

To come back to the report, I will go through the time line and the association between this report and the previous report. Many members will be very familiar with the Blaxell inquiry, which was set up to inquire into the situation at St Andrew’s Hostel. It is appropriate that I pay tribute to my colleague in the other place Peter Watson, who was the person who came across a couple of people who had had direct involvement in that case; I believe they were parents whose children had attended St Andrews Hostel in Katanning. It was Peter Watson who came across these people and was so shocked by what he heard that he brought it to the attention of his party room. His party room considered it, and it was very much with the support of the Labor Party that he was able to get the inquiry set up. Labor was in opposition at that time, but it was an appalling situation. It was as bad as any situation involving child sexual abuse that we have seen anywhere in the world. In fact, the committee in the previous Parliament—the committee that did the work on the first report—undertook some investigative travel overseas and made sure that it went to jurisdictions where problems like those of St Andrews Hostel had occurred, and they had acted quickly to change the system and put new processes and mechanisms in place to ensure it could never happen again. We made sure we went to those jurisdictions, and one of them was Dublin, which had had particularly egregious examples of child sexual abuse at the institutional level.

I will also draw members’ attention to the fact that the committee that wrote the report that we are considering today undertook a similar tranche of investigations. We actually came across the same witnesses a couple of times, and it was very interesting to talk to people several years apart and get an idea about how different jurisdictions were progressing the measures that they put in place to prevent child sexual abuse and respond quickly to child sexual abuse when it did occur. The thing we found very, very quickly on the first trip was that we had to explain to all the

witnesses we encountered that the children who were the victims of the child sexual abuse in Katanning were not children who were regarded in any way as vulnerable, so they were not in the “system”. They were not children in care or children who were institutionalised. The children at St Andrews hostel were simply attending the local high school. Because their families lived more than a reasonable drive away from the local high school, they were boarding at the hostel. These were not children who were regarded as vulnerable. That showed us that there is no such thing as a child who is not vulnerable when you have perpetrators in your community.

Unlike many judicial reports, the Blaxell report is eminently readable; he wrote it to be read. I think it has around 20 chapters, and I challenge any member to read all 20, cover to cover, without being reduced to tears; it is absolutely shocking. There have been some media reports this week about senior ministers and bureaucrats reading reports and being reduced to physical illness, and I can tell you that the Blaxell report had that effect on me. I have yet to meet anyone who has read it cover to cover and was not similarly moved.

It was with Blaxell in mind that the previous iteration of the committee embarked on writing the first report.

The CHAIR: The question is the report be noted; the continuation of the introductory remarks of Hon Dr Sally Talbot.

Hon Dr SALLY TALBOT: Thank you, Mr Chair. I want to get through all my remarks, so I might sit down after the next 10 minutes just to see whether anyone else will seek the call. I do not want to not spend our full time on this report.

The CHAIR: We are all listening intently.

Hon Dr SALLY TALBOT: Thank you, Mr Chair; I know you always do.

The examination of the response to the Blaxell report motivated the Joint Standing Committee on the Commissioner for Children and Young People in its previous iteration to embark on the “Everybody’s Business” process. Blaxell put forward a couple of very specific recommendations that involved the work of the Commissioner for Children and Young People, so it was clearly within the terms of reference of the joint standing committee that we should have a very close look at what these recommendations might mean. One, of course, always has to have an eye to not only the practical resource implications of any recommendations of this kind but also the kind of cultural expectations that are driving the recommendations. I will now use Hon Peter Blaxell’s original terminology for this, although he subsequently said that by using it, he thought he had probably made the argument slightly more complex than it should be. Originally in his recommendations, Hon Peter Blaxell refers to a one-stop shop for reporting and management of allegations of child sexual abuse. The reason he did this was very specific. Honourable members who have any familiarity with budget processes and resourcing of agencies will know that if anybody starts talking about a one-stop shop for something as big as child sexual abuse, it will ring Treasury’s alarm bells, because immediately Treasury sees a big empire being established it gets very nervous. After many years of considering this issue very closely, I still believe very strongly that what motivated Hon Peter Blaxell to make that recommendation was—we can see it writ large in the Blaxell report—that for many, many children, the most traumatic part of being sexually abused occurs after the reporting of the abuse. It is due to the constant retelling of the story and the processes we have in place through the judicial system for dealing with allegations of that kind. It is shocking. It makes me ashamed to live in a community where we have set up a system like that.

I have to say that over the years that this has been such a current issue in Western Australia, tribute needs to be paid to the police department, which now has within it what is regarded as a world’s best practice system. The police department was very, very proactive. Obviously, it was right at the cutting edge of delivering the mechanisms that swing into place once a child has made an allegation. The police department now has a system in place that is the object of admiration all over the world. Everywhere we travel in the world and talk about these issues, we find that people will talk about what we have done at the police department in Western Australia. I think there are several individuals, whom I do not have time to name here, but who deserve to be highly commended for the work they have done. It has turned the shame and embarrassment initially experienced on reading the Blaxell report into something that we can be quite proud of. As I said, the difficulty overseas when talking about Blaxell and recommendations was that people automatically assumed we were talking about vulnerable children. We had to point out that that was not the case.

The committee then moved forward to the national Royal Commission into Institutional Responses to Child Sexual Abuse. Of course, what came out of that report—I know that some members, if they have not waded through the entire dozen or so volumes, will at least be familiar with the recommendations—were accounts of victims, many of whom were very vulnerable children in the care of the state or whatever the equivalent system might have been in various jurisdictions who had the terrible misfortune of being exposed to people who were quite happy to take advantage of their vulnerability. But a lot of them were not. A lot of them were children whose parents thought they were doing the right thing by taking them to music lessons, after school activities and sports clubs. They thought they were doing the right thing. Now, decades later, people have to live with the fact that many of those clubs and associations to which we have sent our children in the past were not safe for children.

That is really the starting point for the generation of this report, “From Words to Action,” that we are considering today. We wanted to go back to two specific recommendations of the national royal commission. The state government had already agreed to enact all the recommendations that were relevant for the state to respond to. But, of course, it is a massive process because we are not engaged in just cultural or legislative change in a very small area. We are engaged in a mass change of consciousness across a whole sector of service delivery. It surprised me that when we talked to witnesses from the Department of the Premier and Cabinet, they were talking about thousands and thousands of organisations that were potentially captured by the royal commission’s recommendations. That is a very big job, so I think the government has quite rightly set itself a 10-year time line for implementing all the recommendations. Hundreds of them need to be enacted and we have already implemented some of them, of course. Some of the very important ones have already seen action.

This report delves down into how the state might go about handling two areas in particular that are included in the national royal commission’s recommendations and the Blaxell report. If members can imagine Euler’s circles, we were looking at the recommendations captured by everything that is now on the public record. Where do we go in the areas in which we have common agreement that there is a need for action? What will that action look like? That is the genesis of the title of the report “From Words to Action”. A lot of that is supposed to imply that nobody needs to go out and generate more words about this. It might sound a bit ironic that I say that in the context of a report of which I chaired the writing, but we do not need any more royal commissions or judicial surveys. We now need to actually do something. We now know what to do and there is wide consensus about the need to do those things.

When looking at all the evidence on the public record, the committee focused specifically on recommendations related to two things. The first relates to child safe standards and the second is the provision of independent oversight. I have to refer to one more body of work just to set the scene—that is, the oversight report of the children’s commissioner. Anyone who wants to find it should go onto the commissioner’s website and search for “Oversight” and they will find his 2017 report on when he looked at six different areas of service delivery and gave us recommendations about what was needed to improve oversight. The crucial point here that I think we can agree to is one of those things that when people hear me say this, they will think, “Of course, she’s stating the obvious,” but when we start to peel away the onion skin, we find that people have no idea how the intellectual agreement with the proposition does not translate into action. The first of those is that we have to put the children’s interests first. People will say, “Yes, if you’re running a sports club teaching people to play footy.”

The CHAIR: The question is that the report be noted. Hon Donna Faragher.

Hon DONNA FARAGHER: As a member of the Joint Standing Committee on the Commissioner for Children and Young People I rise to make a couple of brief comments about the report. I will keep my comments fairly short because a number of reports are before us and I am sure that members would like the opportunity to also speak to them. I endorse a number of the comments made by Hon Dr Sally Talbot about the genesis of this report and how we came to investigate this issue in great length. It is true to say that the committee was very thorough in its examination of the issue, which is by no means easy to grapple with. Perhaps that is why it is so very important that the issue was examined so intensely for a number of months by the committee to help provide a framework and understanding of the matters that must be addressed if we are truly to have organisations, both government and non-government, that are child safe. It was clear to me throughout the various meetings, discussions and hearings that we held throughout this inquiry, both here as well as overseas, that effective, independent oversight is an absolute must in this area. That oversight cannot be cursory; it cannot be a tick-a-box exercise with the hope that if we tick a box, all will be well and all children will be okay. Child abuse in any form is absolutely abhorrent. Far too often we have seen individuals fail our children; far too often we have seen organisations fail our children. Ultimately, it is a matter for all of us to get this right. As has been noted throughout the report, we need wholesale cultural change in a range of aspects.

I commend the report to members who have not yet read it. We were very thorough in our examination of the issues, and we make a number of recommendations, particularly around independent oversight and information sharing, which I think is a critical issue. A number of other areas have also been canvassed. As a result of this inquiry, further work has been done on providing greater opportunities for the voices of children to be heard throughout the parliamentary process. Of course, there have been many reports. We have had a royal commission. I would like to think that this report helpfully adds to the debate. This report is a call to action. The title of the report is “From Words to Action: Fulfilling the Obligation to Be Child Safe”.

I want to leave members with a couple of quotes. I do not like to speak for other committee members, but if I was to do so, they would probably agree with me that we met with many, many people across a range of areas, both government and non-government, but the words expressed and conversations had at some meetings really stood out. One meeting we had in London was with Sarah Blakemore, who is the chief executive of Keeping Children Safe. That meeting was held on 8 October 2019, and I remember it very well. The report refers to something that she said —

The more transparent we can be the more we can learn from our mistakes. We all know stories of people who turned away when they shouldn't. There are stories of people who have actively covered abuse up, but there are millions of stories of people who have not looked too hard. If we are not clear about what is expected of us as individuals, and we do not support that process in a transparent way, we will continue to have child abuse because the perpetrators look just like the other people who are not trying to stop the situation. If we can be really clear and empower people and make them not be frightened, then they will do the right thing. Otherwise...many people will think—"I'll just stay in my lane."

It is our responsibility, both in this chamber and out in the community, and it is the responsibility of the community not just to talk about how we might do things better or how we might address these issues. Although there might be time frames in which governments want to deliver certain things, there comes a point, as the report suggests, at which we must move from words to action. Only then will we truly be able to protect our most vulnerable, who are our children. These sorts of reports cover very harrowing matters. They are not easy. This is not a fun issue that people all want to talk about, but we all have to talk about it. But we have to not just talk about it; we have to do something about it. I want to end with a quote that, again, is from Sarah Blakemore. It probably would also have been a good title for the report. She said —

Organisations must be clear—'this is what good looks like, we know what bad looks like, but this is what good looks like, and this is what you can do to achieve it.

We all know what bad looks like. It is horrific when it comes to the issue of child abuse. We need to know what good looks like. We know what good looks like; we just need the will to deliver upon it and then, as Sarah Blakemore says, we can move forward in a positive way. I would like to think that this report, as well as the many others that have been done, will be a call to action and will be taken quite seriously by this government and, if need be, successive governments. If I am in this place in two, three or four years' time or even when I am out of here, I do not want to see reports like this. I do not want to continue to see reports about how we have not addressed matters of child abuse and protected our most vulnerable in a proper way. We should not have to continue to do these sorts of reports for activity to be done. Again, I leave members with that quote —

... this is what good looks like, we know what bad looks like, but this is what good looks like, and this is what you can do to achieve it.

I commend the report to the chamber.

Hon ALISON XAMON: I rise just to make a few quick comments about this report, "From Words to Action: Fulfilling the Obligation to Be Child Safe". I thank the Joint Standing Committee on the Commissioner for Children and Young People for doing the good work behind this and following through on the themes, as has just been outlined by Hon Dr Sally Talbot, because I know successive governments have been plagued by the issue of how we make sure that we are moving forward with a framework that is statutory as well as governmental and that addresses child abuse.

I particularly want to make some comments about chapter 7, which talks about the need for independent oversight. This is an area that I have spoken about numerous times in this place over the course of the last four years, because there is a significant gap. We have done a good job of ensuring that there are appropriate statutory and funded mechanisms to provide both systemic and individual support for other vulnerable populations. For example, I think of the Office of the Inspector of Custodial Services, which is unique in our state and a model that should be replicated around the country. It enables independent oversight of what is happening to people being detained in our prisons and it reports directly to Parliament, using individual advocacy to highlight systemic concerns.

Likewise, we have the Chief Mental Health Advocate and the role that plays for people who are subject to the Mental Health Act, as well as a range of other people in the mental health system who are classified as being in vulnerable populations. These are examples in which we have been able to identify mechanisms to provide both individual support for vulnerable individuals and systemic oversight and to ensure that those reporting mechanisms come back to Parliament.

When we talk about children in particular who are brought into care, it is a significant gap that no similar body has that scope of both individual and systemic advocacy, and that leaves children very vulnerable. I feel absolutely positive that I am not the only member in this place who has been contacted during their parliamentary career by either families who have had children removed or foster carers who have issues that they want to raise but there is effectively nowhere for them to go, other than straight to the department that they see as being the source of the distress and concern and sometimes quite problematic conduct.

The idea of needing to have independent oversight and a clear, resourced agency that has the authority and capacity to report straight to Parliament has been talked about for quite a while. I note that a number of findings have identified existing gaps, how they overlap with recommendations from the royal commission and concerns about the lack of advocacy services. Of course, recommendations have arisen as a result. A couple of simple ones are that attention be

given to improving access to independent individual advocacy for children in care as a priority and that consideration be given to the immediate provision of additional resources for the Advocate for Children in Care until a long-term solution is developed. I think these solutions need to be given serious contemplation by government.

The fifth report has managed to encapsulate all the immediate concerns and provide a framework with both a short-term and long-term vision for what we need to do. It will really come down to ensuring that we have the political will to enact that. I hope this report will be referred to by future governments. I may or may not be in Parliament at that point, but I am certainly hopeful that a future committee will, as a matter of priority, go back to the reports that have been issued and pick up on these themes, because I think it would be devastating if this important work were lost.

Hon Dr SALLY TALBOT: I might just close the debate. I really appreciate the contributions from both Hon Alison Xamon, who is not a member of the committee, and Hon Donna Faragher. It has been a really productive committee over the last four years. Hon Donna Faragher and I were the two representatives from this place and then we had two people from the other place whose names I cannot remember!

Hon Donna Faragher: Kyran O'Donnell and Jessica Stojkovski.

Hon Dr SALLY TALBOT: I can; I was just being respectful of our place.

Kyran O'Donnell was my deputy chair and Jessica Stojkovski, the member for Kingsley, was the other member. I pay tribute to those members, and also to the two staff members we worked with. Renee Gould and Michele Chiasson did a fantastic job of helping us navigate the process.

I thank Hon Donna Faragher for paying tribute to Sarah Blakemore. She was one of the people I obviously wanted to note. I think she really shaped our thinking by talking about the practical challenges. As Hon Donna Faragher said, Ms Blakemore works with an organisation called Keeping Children Safe. One of its main tasks at the moment is delivering programs to United Nations peacekeepers all over the world on how to effectively keep children safe. People of many nationalities come together under the blue beret, essentially, as UN peacekeepers. She said that what we have to ask ourselves is why on so many occasions when we start talking about not sexually abusing children, somebody in the group will say, "But what if?"

Hon Alison Xamon: As though that is an option.

Hon Dr SALLY TALBOT: As though that is an option; indeed, Hon Alison Xamon. It absolutely made us freeze in our spot when we heard some of the graphic accounts that she gave us: "What if the child has a loaded gun in their hand?" They are the realities that UN peacekeepers face perhaps not every day, but as a routine part of their lives. The account that Ms Blakemore gave us was very significant in guiding our thinking.

I thank Hon Donna Faragher—I am sorry she has had to leave the chamber on urgent parliamentary business—for being very tactful in saying that the title of our report was stolen from us by the Public Accounts Committee, which, a few weeks before we finalised our report, put out a report titled "Knowing What Good Looks Like". I know that at least four people in the two houses thought: "Oh, blow; we can't call it that, can we?", because that was going to be our title. That was very significant.

The other moment that I think is worth very briefly remarking on as I come to the end of my comments was when Professor Helen Milroy appeared before us. She was a member of the national royal commission. I found her comments extremely helpful in guiding us towards a very practical approach to how we can make things better.

As I was saying, it is an important report to read. I am glad that it is about to be noted by the chamber. The two issues of oversight and child safe standards are absolutely fundamental to putting in place a system whereby we can actually do things better. I think those two great failures will be rectified once all organisations dealing with children embed the national child safe principles into the heart of their operations, and the failure to effectively assess and monitor the capacity of institutions to put the interests of children first will be addressed when independent oversight renders systems transparent.

Question put and passed.

Progress reported and leave granted to sit again, pursuant to standing orders.