

JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

INQUIRY INTO THE MONITORING AND ENFORCING OF CHILD SAFE STANDARDS



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
THURSDAY, 28 MARCH 2019**

SESSION THREE

Members

**Hon Dr Sally Talbot, MLC (Chair)
Mr K.M. O'Donnell, MLA (Deputy Chair)
Hon Donna Faragher, MLC
Mrs J.M.C. Stojkovski, MLA**

Hearing commenced at 3.20 pm

Mrs SANDRA LABUSCHAGNE

Acting Auditor General, Office of the Auditor General, examined:

Mr JASON BEELEY

Assistant Auditor General, Performance Audit, Office of the Auditor General, examined:

The CHAIR: On behalf of the committee, I would like to thank you for agreeing to appear today to provide evidence in relation to the Joint Standing Committee on the Commissioner for Children and Young People's inquiry into the monitoring and enforcing of child safe standards. My name is Sally Talbot; I am the Chair of the committee. I will let my colleagues introduce themselves.

Hon DONNA FARAGHER: I am Donna Faragher, member for East Metro Region.

Mr K.M. O'DONNELL: Kyran O'Donnell, member for Kalgoorlie.

Mrs J.M.C. STOJKOVSKI: Jessica Stojkovski, member for Kingsley.

The CHAIR: Kyran is my Deputy Chair. It is important that you understand that any deliberate misleading of this committee may be regarded as a contempt of Parliament. Your evidence is protected by parliamentary privilege; however, this privilege does not apply to anything that you might say outside of today's proceedings.

Before we begin, do you have any questions about your attendance here today?

The Witnesses: No.

The CHAIR: Would you like to start with an opening statement?

Mrs Labuschagne: Yes, I would. I would just like to thank the committee for the invitation to appear here. I note with interest the matters that you would like to discuss with us. Noting that we have only, I guess, a minor role to play in this space and that our role is not directly related to the matters before us, we are more than happy to share with you the experiences that we have had and any information that you may seek.

The CHAIR: That is excellent; thank you very much. You can see that the committee has identified some eight dot points from the Australian Law Reform Commission report, which we know is quite old now, but nevertheless these dot points seem to us to provide a useful jumping-off point for talking about independent oversight. They still seem to be quite relevant today and they do, indeed, fit within the Paris principles, which are obviously very contemporary. Would you like to talk about your agency in relation to those eight dot points?

Mrs Labuschagne: That is not a problem.

The CHAIR: Some of them we clearly know, but it might be interesting for you just to run through them.

Mrs Labuschagne: Yes, absolutely. We firstly note that we are not an advocacy agency but an accountability and oversight body, and we operate under very specific standards across the whole sector. While these are considerations, they are not directly relevant to our role. We have a range of mechanisms to assess our performance, including our annual report and our transparency report, and they are all available on our website. In terms of statutory independence, as specified in section 7 of the Auditor General Act, the Auditor General has complete discretion in the performance of the functions of the office and is not subject to direction from anyone in regard to

the audit program. However, section 8 of the act requires the Auditor General to have regard to the audit priorities of the Parliament as determined by either house of Parliament or by the oversight committees, which are the Public Accounts Committee and the upper house Standing Committee on Estimates and Financial Operations. In terms of adequate resources, obviously as an agency funded by appropriation, it is always, I guess, an interesting debate as to whether we have sufficient resources to provide for their mandate.

We have put in budget bids on occasion. Some of them have been more kindly looked at than others, but we scale our performance audit program then to the budget that we basically have available. In terms of investigative powers, under our current legislation we are able to access all information which is held by agencies except for that information which is protected by legal professional privilege or cabinet-in-confidence. We have raised this a number of times and it is currently actively being looked at by government. I understand that changes to our mandate are underway.

The CHAIR: Would that relate specifically to legal professional privilege?

Mrs Labuschagne: And cabinet-in-confidence information, yes. That is our understanding. Of course, we do not have a particular minister. The Treasury will need to make these changes, so we do not have an advocacy position in that but we are reliant on Treasury, but I understand that that is underway.

In terms of the active participation by children, whenever we do have an audit which is likely to impact on children or where we need to engage with children or young people, we do that with the necessary permissions and supervision in place, of course. The most recent example was during our audit “Young People Leaving Care”, where the audit team spoke with a number of young people—but I think they were all 18-plus—about their leaving care experiences. In terms of accessibility to children, children can contact our office if they want to with complaints and referrals. We are not aware that that has actually ever happened, though. But I think also that they are more likely to be individual matters, which would not be our role but that of the Ombudsman.

The CHAIR: Are you ever contacted by agencies or organisations on behalf of children?

Mrs Labuschagne: Not that I am aware of, because we do not have a role in investigating individual complaints or individual matters; our role is more systemic, basically, across the sector. We do have, as I will come to maybe in the next one, a relationship with the decision-making bodies concerned with issues. We regularly meet with the Commissioner for Children and Young People. We also meet with the Ombudsman and the Inspector of Custodial Services when we do performance audits, if they are particular stakeholders in a performance audit. We also, on our forward audit program, consult with them to say, “These are the kind of audits that we think we are going to be doing”, and they would provide information about timing or about whether they think it has the right focus and the like. In the audit we did on the Banksia Hill redevelopment, that was deliberately done alongside, although very independently of, the Inspector of Custodial Services. Both of those reports were tabled on the same day.

Four: Regional and local representation. Basically, we go to regional locations when it is necessary for our audits and we do site visits quite regularly. For the “Young People Leaving Care” audit, we had some of those discussions in the regions. Then we have access, as I said earlier, to all kinds of information that WA public sector agencies hold, except for that which is subject to legal professional privilege or cabinet -in-confidence. That, basically, I think covers all of those points.

The CHAIR: Thank you; that is very useful. In relation to the data, the final dot point, when you ask departments, agencies and organisations for data, are you ever surprised about the inadequacy of data you get from organisations? Your colleague is grinning. Hansard does not pick that up.

Mrs Labuschagne: I am not sure whether “surprised” is the right word anymore. In a number of reports, it has been a fairly consistent finding that agencies either do not have the information that we think they should have or it is not collected in a manner that enables them to interrogate it in a meaningful manner to provide them with information about actual performance.

In a number of instances, particularly when it comes to health care and where we are having a look at where services are provided, agencies are pretty good at monitoring instances of service but they are less good at monitoring individuals as they track through those instances of service. For example, in the “Young People Leaving Care” audit—Jason can provide some examples—they were able to say that they referred X number of young people to a particular service, but knowing whether that particular service was actually having the intended impact was very difficult to find.

[3.30 pm]

Mr Beeley: Agency data tends to be patchy and does tend to focus on activity—how many times an agency or an NGO potentially does something. For instance, in “Young People Leaving Care”, they might be able to say how many times an NGO had seen young people with housing needs, but did not really know how many young people had housing needs, how repeatedly, and then whether those housing needs had been met. There are often gaps in terms of particularly understanding whether they are meeting needs and then whether they can go back and adjust services to make sure they are meeting young people’s needs.

The CHAIR: Which presumably goes to a critical part of your function in auditing the effectiveness. Do you have the word “effective” in your mandate?

Mr Beeley: Yes.

The CHAIR: If somebody is looking for evidence-based practice—if somebody believes their practice is based on evidence but they do not have that evidence—are you able to investigate that and make recommendations on the basis of your statutory powers?

Mrs Labuschagne: Yes.

The CHAIR: Have you made specific recommendations about data?

Mrs Labuschagne: In virtually every audit that we do, yes.

Mr Beeley: It can end up being a bit of a cut-and-paste as we work through.

The CHAIR: I do not want to create an enormous amount of work for you, but is it possible for you to take on notice from us the request to provide us with a selection of those? I do not know whether you can do the whole lot, but, say, perhaps look back over the last couple of years and tell us what recommendations you have made to which agencies and organisations about the need for improved data. Do you do any follow-up to see whether your recommendations have been adopted?

Mrs Labuschagne: Follow-up audits are part of our program, but the Public Accounts Committee has a role particularly to have a look at our audits and our reports, and then to follow up any recommendations that we may have made in those reports. That is in fact a power of the Public Accounts Committee and a role for the Public Accounts Committee. They are also able to independently call agencies in and question them about the recommendations and their progress in achieving those. They are able to then also provide their own reports to Parliament with different recommendations, or possibly repeating the same recommendations, along with time frames for agencies to comply with. We do follow-up audits, probably about one or two every year. They could follow up on previous audits or it would follow on from those. We would either revisit exactly the same thing that we looked at and say, “How have you actually followed up on those recommendations?”, or, alternatively, we would go, “These recommendations are no longer quite

as relevant”, so we will have a look at something which is similar but not quite exactly the same. At the moment we are doing follow-up audits on an audit that we tabled a number of years ago on working with children checks. We will be tabling that before the end of June. That is still the plan.

The CHAIR: That is very useful.

Mrs J.M.C. STOJKOVSKI: Would it be correct to say that what you have observed is a gap in the cycle that they are not getting that reporting back or that feedback loop to find out what they are doing is working?

Mrs Labuschagne: In terms of our recommendations, that is in fact every agency’s responsibility.

Mrs J.M.C. STOJKOVSKI: Not the recommendations, but just what they are doing in their processes.

Mrs Labuschagne: Oh, right. It can be a problem. When we find that is the issue, we do raise it. Yes, a lot of agencies that work with people as their primary focus tend to focus on the delivery of services to those individuals, but it is very difficult then to trace trend information in the delivery of those services because a lot of times the information is just not set up that way.

Mrs J.M.C. STOJKOVSKI: So we are not getting the outcomes tracked?

Mr Beeley: What we quite often find is that agencies are not well set up to specify and then measure outcomes. They will know what their activity is, and they will know the input and, to some extent, the outputs, but then in terms of what that is delivering in outcome terms, it is more difficult to do anyway. But they are often not well set up to do that.

The CHAIR: You will be aware that in our terms of reference for this inquiry we have chosen as one of our jumping-off points the oversight report that the Commissioner for Children and Young People did in 2017. As you would very well know, the commissioner refers to your function throughout the report—your ability to conduct performance audits and particularly the potential significance of those audits in assessing effectiveness and efficiency for programs delivering services to children and young people. I suspect that we venture into quite abstract ground here, so we will start the conversation and see where we get to, because you might need to take a few things on notice. We may even have to ask you to come back later in the process to discuss these things. When you saw the recommendations that arose out of that oversight report in those six function areas, do you see a role for the Auditor General to be more active in providing efficient and effective oversight?

Mrs Labuschagne: I think that the current role that we have, which is for the Auditor General to decide—we have a very large sector, so it is not just in terms of oversight of recommendations or the efficiency and effectiveness of programs related to children and young people. Certainly we have a role in terms of our performance audit program in deciding and determining whether we can and should be looking at a particular issue, and whether that then translates into any kind of ongoing function. I do not believe that that is consistent with the independence of the Auditor General and it is a matter for Parliament to determine, if Parliament so wishes.

The CHAIR: We notice that one of your specific types of audit relates to key performance indicators. How do you define a key performance indicator in relation to something like oversight?

Mrs Labuschagne: There are not many oversight bodies.

The CHAIR: Perhaps I can be a tiny bit more specific. Sorry, that was a little bit broad. The commissioner, in his report, identifies 11 oversight agencies, of which you are one. They include the Inspector of Custodial Services, the Mental Health Advocacy Service, the Chief Psychiatrist, the Commissioner for Children and Young People, HADSCO, and the Ombudsman. Do you have any audit functions in relation to any of those organisations?

[3.40 pm]

Mrs Labuschagne: Ongoing audit functions? Yes; we do the annual financial audit for all of those agencies. Because they are all agencies under the Financial Management Act, they are also all required to report key performance indicators in their annual reports. We would do the audit of those as well. Those particular key performance indicators, though, do not cover all of the functions of those particular agencies. The requirement is that they have one efficiency and one effectiveness measure for each of their program line items.

It is up to the agency to determine whether that is the correct or an appropriate performance indicator in consultation with Treasury. Our role is then just to go and have a look and say, “Does it relate to the functions of that agency and does it relate to the outcomes of government?”, and if it ticks those two marks, we say that is an appropriate performance indicator.

Our audit opinion on performance indicators does not cover whether they are complete; it only covers whether they are appropriate and relevant for the agency. Often, agencies will not, in fact, have performance indicators for everything that they do, only for a particular function that they have. They are required to have it for each of their functions, but it would not be necessarily something that you would be looking for on something like oversight, because it depends on the information that they have and how difficult it is to make that auditable, which means how difficult is it to determine that they are able to collect the right data, that it can be repeated from year to year to provide consistency, that the underlying information is, in fact, able to be verified after the fact —

The CHAIR: Able to be measured?

Mrs Labuschagne: Able to be measured, yes. There are all these things that, while providing an indication of performance of an agency, would not necessarily become part of their key performance indicators that we audit, because they do not meet those criteria because they are not measurable or easily measurable because it is not easy to repeat them. Sometimes, if you were not actually at a particular event, you would not know that it had happened. There is a range of, I guess, considerations that an agency must take into account and when they consult with Treasury, they go, “Are these indicators appropriate to be key performance indicators?”, in which case we come in then on the audit function and audit how they measure their performance.

The CHAIR: So are you able to audit the actual choice of KPIs? Can you determine, for example, that a KPI is appropriate or inappropriate?

Mrs Labuschagne: It is one of the things on which we provide an audit opinion, but, as I have said before, it is very, very specific in that if it is an outcome about the agency’s functions and it is part of how it fits into the government objectives, it actually ticks those boxes. It does not necessarily have to be complete. It does not have to be a complete view of the agency either.

The CHAIR: This is a very topical subject, is it not, because the government has talked a lot about revised KPIs?

Mrs Labuschagne: Yes.

The CHAIR: Are we still in the process of negotiating those and is your agency involved in that discussion?

Mrs Labuschagne: No, we are not involved in that because we do not negotiate those. As far as I am aware, in terms of the government goals that have been set, we have not been informed of what the key performance indicators for each of those are, just the broad statements of what the goals are. Jason?

Mr Beeley: We are aware of what government announced in terms of its very broad whole-of-government targets a few weeks ago, but how they will translate into individual agency KPIs and how they link down that outcome-based management framework is not clear yet.

The CHAIR: And you are not envisaging any role for your agency in that development of the specific KPIs?

Mrs Labuschagne: No, because we are, in fact, independent of government. As an independent statutory body, no, we would not envisage being part of setting those goals.

The CHAIR: I am not asking you to comment on something that you are not able to comment on because you are an independent statutory body, but what is your advice on whether an auditing agency should have a seat around that table, because you are the people who will be auditing those functions? How would somebody without your skills and experience know, for instance, how measurable a KPI was without your advice?

Mrs Labuschagne: I think that at the moment they receive that advice from Treasury, and I would imagine that Treasury are, in fact, around that table. They have similar skills in terms of ensuring that things are measurable. I do not see that us not being around that table is an impediment at all.

The CHAIR: Is your view that the measurability includes things other than dollars?

Mrs Labuschagne: Yes.

The CHAIR: Can you elaborate on that?

Mrs Labuschagne: For example, in the prisons set-up, one of the key performance indicators would be the number of hours that people are able to exercise. That is very important for the wellbeing of the people in prisons. That would be numbers based on people—sort of an activity-based performance indicator. It is top of my mind because we qualified that not too long ago, and they had to make changes to make sure that they are actually capturing all that information. Many of the key performance indicators that agencies have, have nothing to do with dollars. The health department, for example, have performance indicators on how long it takes patients on a waitlist, and that is about to be translated into a key performance indicator. It was not in the past because they did not have the structure set up to measure it, but they are fairly confident that they do have that now and they are wanting to put that in for the next year.

The CHAIR: So you will audit that function according to the parameters that are laid down to give it shape?

Mrs Labuschagne: We do, yes. Other measures that we have are things like agencies perform surveys on their client satisfaction, so those are not dollar based either. We have looked to see how the survey was structured—whether they had sufficient numbers of people responding and whether what they have responded to actually translates into the satisfaction of the service rather than something else.

The CHAIR: You talked about measuring the effectiveness of recommendations. I think you referred to that—that you look at whether recommendations have been implemented. Have I got the right language for that?

Mrs Labuschagne: Yes. We do that in a follow-up audit, yes.

The CHAIR: One of the observations of the Commissioner for Children and Young People is that we have become very good at producing reports and recommendations, yet it is probably fair to say that when you look at the material outcomes for children and young people, you do not see those material improvements. Does your office have a function in monitoring that aspect of reporting and recommending?

Mrs Labuschagne: The only function that we have in terms of, I guess, following up on recommendations would be if we were to conduct a performance audit in that space. What we have done in the past, for example, on subcontractors is we have conducted an audit in the space of how well government was implementing the Small Business Development Corporation commissioner's recommendations. We could follow up on recommendations in any number of areas and, in fact, on our forward program, we will be having a look at how government will be implementing the National Redress Scheme, but also how it will be implementing the recommendations of the royal commission. We have got that on our forward work program to have a look at.

[3.50 pm]

The CHAIR: Could you develop that last point in a little more detail?

Mrs Labuschagne: I can possibly by reference to a prior report that we did a while ago. All the way back in 2005, we had a look at the progress with implementation of the response to the Gordon inquiry. That was an inquiry that, as the committee may be aware, contained a number of actions, particularly to address violence and child abuse in communities. It would be more or less along those same lines. An inquiry or the royal commission would have particular recommendations. I am guessing we would probably have a look at more than one step in the process, but, firstly, on the basis of the government's response and what it is going to do about the recommendations, we would be saying, "How do you know that what you are going to be implementing will actually be implemented? How have you set up to track that you are actually implementing those? How are you set up to make sure that agencies that you think should be doing work in that space are doing work in that space?" It will be more in terms of how you have set up to track those recommendations. Probably three to five years down the line, we would be having a look at aspects of that to say, "How do you know whether that has been effective?", because just implementing recommendations does not necessarily mean that it has the intended outcome.

The CHAIR: Yes—we have noticed!

Mr Beeley: If I can expand on that, where we usually focus attention in effectiveness terms is often to look at whether agencies can demonstrate that what they have done is effective, and therefore at the beginning whether they are setting themselves up to be able to track and measure both progress and effectiveness, so whether they have sensibly baselined the existing situation, whether they are clear about the outcomes that they are driving for, and how they are going to measure those. Then, when we come back, we can say to them, "Show us the information that you have gathered and demonstrate to us that you have both made progress and are delivering the outcomes."

The CHAIR: You did that work in relation to the Gordon inquiry?

Mrs Labuschagne: Yes.

The CHAIR: Was the Gordon inquiry in 2005 or was that your report?

Mr Beeley: The inquiry was 2002, I think.

Mrs Labuschagne: That is right, 2002.

The CHAIR: You reported in 2005?

Mrs Labuschagne: Yes.

The CHAIR: You are proposing to do that in relation to the national royal commission?

Mrs Labuschagne: Yes.

The CHAIR: So that work would start in two or three years' time?

Mrs Labuschagne: Yes.

Mr Beeley: We are looking at the moment at how we do that. It may well be that we would break that up into two pieces of work, one to see how the program of implementation is set up, so go in reasonably early so that we can provide recommendations to agencies before they set off, almost, to make sure that they are set up to be able to measure what they are doing.

The CHAIR: How early would you start that?

Mr Beeley: It depends on the rest of the program.

Mrs Labuschagne: it depends on the rest of our program.

The CHAIR: So you do not have a starting date at the moment?

Mrs Labuschagne: I think we are doing it next year, as I understand it.

The CHAIR: Could you take that on notice —

Mrs Labuschagne: We can do, yes.

The CHAIR: — and let us know what sort of time frame is envisaged for that?

Mr Beeley: A slight note of caution in there is that what we need to do is make that decision based on when there is something meaningful to audit as well. We need to understand what government and agencies' timing is going to be in terms of how they are implementing, and then we can pick the time that is sensible for us and useful for them.

The CHAIR: Who do you work with in terms of government agencies or ministers on that? Do you work with the Department of the Premier and Cabinet? I mean, the Department of the Premier and Cabinet is the lead agency on implementation. So is that a piece of work that you do in association with them? How does that relationship work?

Mrs Labuschagne: I would not call it "in association with", because we would in fact be auditing them.

The CHAIR: That is what I am teasing out. I am wondering where do you get the information about what needs auditing? This is your own investigation that tells you what you have to look at auditing?

Mrs Labuschagne: Absolutely, yes.

Mr Beeley: We have a relatively standard process for our performance audits which involves some reasonably early consultation with agencies to say, "We think we should look at this for these reasons. What kind of timing is sensible to be able to do that?" Then we come back to do what we call planning and scoping, which is to gather a lot of that background information so that we can target what we are going to do into what are either the risky areas or the most meaningful areas, and then we exercise the powers we were talking about earlier to do that. With a lead agency, we would probably start there, but then we would need a picture of which other agencies were involved and who is doing the balance of what work, and then we would select from there in terms of what we wanted to audit when we went forward into the full audit process.

The CHAIR: That is interesting, because the reason I am asking you to provide some sort of quite granular detail is because the commissioner gave the states 10 years to both comply and effect the necessary changes. You would not wait 10 years to start this process?

Mrs Labuschagne: No, certainly not.

The CHAIR: There was a question mark after that!

Mrs Labuschagne: No, certainly not. Shall I just qualify that a little bit: unless DPC takes 10 years to put anything in place, which I do not think that they will because of the seriousness of the issues.

We basically want to get in there at the early end of it. Once they have some sensible structures in place or some sensible arrangements, we would want to go and have a look at that, a fairly early look, so that we are able to influence or are able to recommend what kind of information they should be collecting; for example, how they should be setting up in order to measure their performance and in order to measure the outcomes, whether they have the right governance arrangements in place—things that will make sure that agencies that are responsible for implementing will actually be held accountable to do that. Then, of course, because there is a huge number of recommendations and the DPC as a lead agency needs to keep track of all of that, there needs to be some kind of prioritisation at a central level, because possibly not all of it can happen all at once. There may be dependencies in there that the lead agency would need to tease out. We would have a look at all of that and say, “Have they done that?”

The CHAIR: Clearly, the redress mechanisms have commenced. You mentioned redress on your way through that explanation, did you not? Is that going to be your first focus, do you know, or have you not got to that stage?

Mrs Labuschagne: We have not yet decided and determined exactly in which order those will be, but the redress scheme is something that we would be looking at as well, yes.

Hon DONNA FARAGHER: Thank you for that. I am just interested to tease out a bit more when you talk about something meaningful to audit and the time frames in and around that. You are suggesting, from what I hear, that you are keen to do that fairly early on, but at the same time, you are somewhat dependent upon, as you said, something meaningful to audit. Perhaps this is a hypothetical, but I suppose if within a short or medium period of time you are not seeing something meaningful to audit, is there a mechanism for you to raise concerns or undertake some investigation in and around that?

Mrs Labuschagne: The answer is yes. What we can do is do a very preliminary look, ask questions as to why things are not progressing or why they have not set up either some kind of a governance arrangement or why there—we can have an early look anyway, once we consider that sufficient time has passed for them to have something meaningful in place, and then look at what they do have in place and report back to Parliament. So even if they do not have anything meaningful in place yet, if we think that in the Auditor General’s judgement there should have been something in place in a particular time frame, then absolutely we can look at that and then report that message to Parliament.

[4.00 pm]

The CHAIR: Do you have the resources to go and have a look for yourself when something is reported to you by an agency as having happened? What I am asking you to speak about here is that difference between the external audit and the internal monitoring self-assessment. The audit data that you look at, how much of that comes from your independent oversight reporting and how much of that comes from looking at the data that has been provided by the agency?

Mrs Labuschagne: A lot of the time we are very heavily dependent on the data that agencies provide because we do not independently collect information on any range of matters that an agency will have, but there are times when we have our own independent sources. So, for example, we would do surveys among stakeholders. We may have specific focus group sessions that we would collect information from. We may ask private service providers for information. We are allowed to do that, provided they get agency funds, but we would, likewise, be expecting agencies to ask those service providers for the same information. We sometimes use ABS data, particularly when we are looking at trends or when we are trying to determine a particular area that we would like to look at, so some of that information gives us some high-risk trend information that we can target. We, in the past,

looked at data which is held at commonwealth agencies. So, for example, for immunisation of children, we had a look at some commonwealth information. So, it does depend on, I guess, the source of information, but primarily we would be heavily reliant on information that agencies have. We often put it together in a way that they have not thought of, which then provides the basis for a number of the findings or sometimes they do not have the time to do.

Mr Beeley: If I can expand a little bit, being conscious of their position, we will generally try and triangulate anything that we find, so we will go out and talk to other stakeholders. We will go out and visit programs, projects, those kinds of things, and talk directly to, as I say, stakeholders, NGOs, providers and contractors so that we can establish an independent view of what an agency is telling us and not just solely based on what the agency gives us.

The CHAIR: I have just a couple of quick questions to finish. When you are performing an audit, do you look, first, at statutory functions or do you take the overall, not activity, but all the functions that the agency could be carrying out into account? For example, some of the agencies that we have spoken to already in relation to this inquiry have told us that they have both statutory and discretionary functions. Do you look at both discretionary and statutory functions when you audit the effectiveness of an agency?

Mrs Labuschagne: It does depend on the audit. In a number of audits that we have done, we have, for example, reported that although an agency has a particular—it is sort of like an enforcement role, so where agencies may, for example, be able to issue fines for breaches of regulations, we will report in a number of—I think in at least two that I can remember offhand we have reported that they have never actually fined anyone for breaches. So we have a look at what they could do as well as what they actually do, but it is very heavily dependent on the scope of the audit. Sometimes we will have a look at an issue, rather than at an agency or its programs. We will have a look at an issue and go—I am trying to think of a good example. Mental health maybe. Aboriginal ear health—those are audits that we are doing at the moment. We will have a look at that issue. It is a well-known issue in Aboriginal communities and then we will ask who is responsible for addressing that as an issue and is there some kind of coordinated response, rather than asking what is the Department of Health or WA Country Health Services or somebody else doing about the issue.

The CHAIR: So you look at what is not there as well as what is there?

Mrs Labuschagne: Yes.

The CHAIR: The context of the question arises from the observation that many of the oversight bodies have a function relating to complaints made by children and young people and referral of those complaints to an agency like the Ombudsman. In actual fact, they do not get any complaints and they do not make any referrals, which, of course, is not to be taken as demonstrating the fact that children and young people do not have anything to complain about, because clearly a lot of them do. So does your audit facility, your capacity, extend into that area?

Mr Beeley: Yes.

The CHAIR: At least in theory it could extend into that area.

Mr Beeley: Effectiveness is more than just compliance from our perspective. It is about exercising, I suppose, the professional scepticism to look at exactly questions like that, to say, “Well, there’s a complaints mechanism established. It is obviously there for a good reason.” The fact that there are not any complaints, as you say, does not mean that everything is great; it might mean that there is something wrong with the complaints mechanism and how it is set up and how it is functioning.

The CHAIR: You are probably aware that the commissioner has been quite eloquent on that particular aspect of the problem.

Mrs Labuschagne: If you look at our “Young People Leaving Care” report, we, in fact, commented on exactly that, where there is a portal set up for them to access and to provide information, but very few of them actually do. We kind of said, “Well, it is probably something that the agency should be looking at and going, well, why aren’t people using that? Are those the right mechanisms for the outreach?”

The CHAIR: I believe that has changed.

Mr Beeley: Yes, some things have changed.

Mrs J.M.C. STOJKOVSKI: Very recently.

The CHAIR: That is the end of my questions.

Mrs J.M.C. STOJKOVSKI: I just had the request for—you can take this on notice, obviously—an organisational chart to look at how you guys are structured.

Mrs Labuschagne: Yes. It is up on our website.

The CHAIR: I am sure we can find that then. I think we have probably covered everything, but if we find something that we have not covered, we might put that in writing to you, if that is okay. I appreciate you coming down. Now I will formally close the session.

Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days of the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary document for the committee’s consideration when you return your corrected transcript of evidence. Thanks very much for your time this afternoon. It has been most interesting.

Hearing concluded at 4.08 pm
