

SCHOOL BOARDING FACILITIES LEGISLATION AMENDMENT AND REPEAL BILL 2015

Second Reading

Resumed from 22 October 2015.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [3.17 pm]: The opposition will be supporting the School Boarding Facilities Legislation Amendment and Repeal Bill 2015. The bill will abolish the Country High School Hostels Authority by repealing the Country High School Hostels Authority Act and inserting new provisions relating to the functions and governance of country high school hostels into the School Education Act 1999. The Country High School Hostels Authority Act provides boarding facilities for students attending secondary schools in eight regional centres—one at City Beach, mainly for regional students attending Perth Modern School. Primarily, students residing in these facilities attend public secondary schools, but there are three service agreements with the Catholic Education Office to provide a certain number of beds for students attending some private schools in the areas where those hostels are located.

The government tabled the Blaxell report, “St Andrew’s Hostel Katanning: How the system and society failed our children”. This was a special inquiry conducted in 2012 into the response of government agencies and officials to allegations of sexual abuse. The bill before us today is a consequence of that inquiry. It was not a direct recommendation of the Blaxell inquiry, but it is consistent with the recommendations of the inquiry. I want to touch on the Blaxell inquiry to put the legislation before us into some context. I read from the introduction of the Blaxell inquiry report, which states —

Between 1975 and 1990 the warden of the Hostel —

St Andrew’s Hostel in Katanning —

was Dennis John McKenna ... , and for the last five years of that period, the senior male supervisor was his brother Neil Vincent McKenna ...

These two men held very high level responsibilities for the wellbeing of the students who were entrusted to their care. However, they each breached those responsibilities as well as the trust placed in them by parents, by committing serious offences of sexual abuse against some students.

In that regard, Dennis was convicted of a total of 29 offences of a serious sexual nature committed on 11 male students between 1977 and 1990. In 2012, Neil was convicted of three offences committed on a female student in 1991. Dennis was first convicted of 19 offences following a District Court trial in 1991, and it was not until 2011 when he pleaded guilty to a further 10 offences that the full picture started to emerge.

Following Dennis’ pleas of “guilty” in August 2011 there was extensive media coverage which raised the question of why his vast offending had been able to continue for a lengthy period. Questions were asked in Parliament, and a number of concerned people came forward to allege that certain public officials had been made aware of the suspected criminal behaviour by Dennis at various times during the 15 year period it was occurring.

That was the context in which the government commissioned the Blaxell inquiry. In the course of the public debate and, indeed, in the course of gathering material for the inquiry, allegations of sexual abuse and references to other country hostels, like St Christopher’s hostel in Northam, were brought to the attention of Justice Blaxell and were included in his report. His report set out in really shocking detail two elements of this. First of all there was the abuse, which by itself was appalling; however, the purpose of the inquiry was not just to give a voice to those who wanted to express their view about what had been done to them by virtue of the abuse itself. It became clear that when those young men, and in one case a young woman, reported what was going on, they were either systematically ignored or, worse, systematically shut out, and the people who they complained to were systematically shut out from the process of dealing with the issues. It was a betrayal not only in the nature of the abuse, but also it came in the form of many adults who received complaints from children and who did not respond appropriately. In chapter 20 of the “St Andrew’s Hostel Katanning: How the system and society failed our children” report, Blaxell set out whether there was a need to recommend any changes to the current policies, procedures and operations of government agencies, and I will refer to that. Part of his terms of reference was to recommend any changes to the current policies, procedures and operations of government agencies that might be desirable as a consequence of his findings. In considering this aspect of the inquiry, Blaxell stated —

... I have consulted with relevant and affected agencies and individuals, and have also sought submissions from other experts in particular fields. Although I am not making a large number of recommendations, I believe the adoption of those listed below will ensure that the public sector continues to evolve and operate with primary consideration being given to children and their protection. I therefore recommend and detail below:

- A robust child focussed complaints system for the Country High School Hostels Authority (the Authority).
- The development of a central child focused complaints function to encourage and protect disclosure.
- The inclusion of hostel staff employed by the Authority as legislated mandatory reporters.
- A review of the Department of Education’s preventative curriculum.
- The expansion of training for Authority hostel board members.

I want to focus on one of those points for a moment before I get back into the detail of the legislation before us; that is, the independent whole-of-government child abuse complaints system—the one-stop shop—because this is the one recommendation made in Blaxell’s report that the government first accepted and later rejected. I refer to page 340 of the Blaxell inquiry. It states —

Based on the evidence and submissions I have heard as well as the consultations I have held with government agencies, I believe that there currently exists an opportunity for a whole of government approach to developing a ‘child-friendly’ system for handling complaints from children and young people or their guardians in relation to child abuse (both physical and sexual).

The development of this opportunity would aim for a ‘one stop shop’ that is promoted and provided as an avenue for any complaint independent of the agency which is the subject of the complaint.

Such a role within an existing agency or in conjunction with other appropriate central bodies must:

- Promote disclosure of complaints by providing appropriate and diverse avenues. This would include use of technology, ensuring multiple mechanisms for complaints, and promoting an open and approachable avenue for all individuals.
- Recognise the potentially different needs and access levels for children and young people in regional areas with consideration of regular visitor programs that enable the building of relationships and confidence in the system.
- Be able to receive complaints of child abuse related to public sector programs and services run or contracted by public sector agencies. This would include facilities contracted by any agency which provides services on behalf of Government to children and young people.
- Provide independence from the agency the subject of a complaint and enable determination of the initial response to the complaint independently of that agency.
- Facilitate referral of the complaint to an appropriate existing agency and oversee this referral as well as the outcome of the process.
- Provide or facilitate support for the individual making the complaint (throughout the complaint process and its immediate aftermath) and allow self-identification of their needs.
- Ensure when a complaint is made in the belief that it is or may be true that the person making the complaint is protected from civil or criminal liability in respect of the same (similar to voluntary reporting provisions of the *Children and Community Services Act 2004*).

This proposed function of a ‘one stop shop’ would not remove or replace the responsibility of any agency to ensure that their own complaint mechanisms are focussed on and accessible by children and young people.

It is important that there be a strong relationship with the agencies responsible for the care of children and young people for this proposed function to ensure a system of complaints management that is responsive and expedient.

I recognise that there are already in existence independent and central agencies that have either mandated roles for complaints, or a role in advocacy on behalf of children and young people. Consideration should be given to expanding an existing role within one of these agencies to encompass a central oversight role in respect of all complaints by children and young people in relation to child abuse.

I recognise that the development of a ‘one stop shop’ will have an impact on resourcing for one or more agencies which take on this function. However, I believe that assigning this role to a current central agency with aligned responsibilities will minimise the amount of resourcing required.

The development of this model should take account of the need of potential complainants to feel protected from civil and criminal liability for making the complaint. (In my view there is currently

a widespread lack of public awareness of such procedures). In this regard I commend with the following exception the recommendations of Professor Gillooly in Appendix 7 to this report. (Although the Public Sector Commission has considerable experience in overseeing public bodies it is not well adapted to handling individual complaints from members of the public. In my opinion the Ombudsman would be a more suitable candidate for development of a 'one stop shop' role in the area of child abuse).

Whether or not Professor Gillooly's recommendations are adopted there is a need for better education of the public to ensure that they are well aware that bona fide complaints or concerns about child abuse can be reported without fear of proceedings.

The Australian Institute of Family Studies described the inquiry as follows —

This inquiry examined the conduct and response of public officials and government agencies to allegations of sexual abuse at St Andrew's Hostel in Katanning, Western Australia. From 1964 to 2009, the hostel offered residential care to students from outlying areas who were attending the Katanning Senior High School. The inquiry follows on from the controversy over how child sexual abuse by senior staff at the hostel could have continued for over 15 years. This report presents the findings and recommendations of the inquiry, including the systemic factors that allowed the abuse to continue.

Members will recall that at the time that the report was released there was enormous media coverage of it. I want to refer to an article in *The West Australian* by Gary Adshead and Jayne Rickard, published on 20 September 2012. It reads —

Public servants and parents ignored more than 20 attempts to warn them about child sexual abuse happening at State-run boarding hostels over two decades.

In a stark 345-page report into how such systemic abuse could go unchallenged by the authorities for so long, retired Supreme Court judge Peter Blaxell singled out people, saying they should be ashamed of themselves.

While most of the public officers were now retired or dead, Mr Blaxell made adverse findings against serving WA Police inspector Bill Todd and Shire of Katanning councillor Ainslie Evans.

Mr Blaxell concluded that both failed to respond to allegations about Dennis John McKenna, the warden of St Andrew's Hostel in Katanning, who molested boys for 15 years before being arrested in 1990.

The report, tabled in State Parliament yesterday, found that at least 48 boys and girls sent to that hostel between 1975 and 1990 while they attended the town's high school were victims of McKenna, his brother Neil or a third staff member.

Maggie Dawkins, a former government youth worker —

I guess for transparency, I should declare that I have known Maggie Dawkins for a long time. The article continues —

who tried to blow the whistle on McKenna, said she felt vindicated by the inquiry and called for those who did nothing to apologise.

Mr Blaxell said people were more worried about the hostel's reputation than investigating allegations "that something evil was going on".

"There are many failures by many people in terms of failure to respond to what they were told and allegations made at the time," he said after the report was released.

"One factor was very clear as to why public officials did nothing.

"Nearly all of them knew McKenna, they admired him and when allegations were made they, simply didn't believe them."

It was a similar story at Northam's St Christopher's Hostel where warden Roy Wenlock regularly wrestled boys, while wearing just his underpants, for sexual gratification.

Premier Colin Barnett said that as a result of the damning report, the organisation that managed State Hostels, the Country High School Hostels Authority, would be abolished.

"It is astounding that such abuse could go on for such an extended period of time and it wasn't acted upon," he said.

"Care and responsibility for children in hostels will come under the Department of Education fully."

That is the point at which we are today; namely, the introduction of the legislation to give effect to that. It continues —

Mr Barnett, who apologised on behalf of the state, accepted five recommendations to improve reporting of child abuse allegations, including a “one-stop shop” for complaints.

I will come back and talk about that a little bit later. It continues —

He also announced an ex-gratia payment scheme for victims.

The article goes on to note, I guess, some disappointment on the part of some of the victims about the ex gratia payment scheme for victims. The article goes on to note also that 11 allegations of sexual abuse raised during the course of the inquiry were referred to WA Police.

Peter Blaxell made a number of findings of abusive staff, poor governance and lack of training of board members of the Country High School Hostels Authority, all of which contributed to the systemic abuse of students by Dennis and Neil McKenna at St Andrew’s in Katanning and by other staff against students at Hardie House, South Hedland; Adamson House, Northam; the Narrogin Hostel; and St Christopher’s. His report made a number of recommendations about improving staff selection, training, board training and other matters. The Premier took the view, and I agree with him, that the best way to respond to the recommendations was to abolish the Country High School Hostels Authority and bring the responsibility back under the Department of Education.

Although Peter Blaxell stopped short of recommending that the authority should be abolished and the functions and governance transferred to the Department of Education, the School Boarding Facilities Legislation Amendment and Repeal Bill before us today does just that. It is consistent with Blaxell’s recommendations to abolish the statutory authority, which is at arm’s length from the minister of the day, to bring the functions and governance under the closer scrutiny and accountability afforded by the Department of Education and the Minister for Education. The government flagged this move in the implementation report tabled in 2013.

The bill amends part 6 of the School Education Act 1999, which deals with the administration of schools, by adding new part 6A, which will allow for the establishment and administration of residential colleges; wide regulation-making powers covering boarding agreements; fees and charges; students’ health and safety; dispute and complaint resolution mechanisms; application processes; the use of facilities; the powers exercised in investigations of complaints; advertising or sponsorship and a code of conduct for students; the establishment of local input networking and communication committees; and, a local input networking and communications committee at each residential college as a consultative, not a decision-making body. These will be appointed by the director general. This is different from school councils where nominations are called for by the principal and for which elections can be held.

The bill before us provides that a majority of any LINC committee must be from parents and the general community. The land and finances are to be under the control of the department on behalf of the minister. The bill also includes provisions for school staff to be removed due to misconduct and extends these to include staff of residential colleges. As we would expect, transitional provisions are included in the bill to apply to all existing staff so that they and all entitlements and service periods, for example, are transferred to the new employer. The scope of these powers is modelled on the existing powers for the establishment of schools, so obviously are slightly varied, to take account of the different functions; for example, boarding agreements will be required. Another difference is that some elements of the functions I have just outlined are prescribed in the School Education Act for schools but the provisions in new part 6A to be inserted into the School Education Act contain a head of power for making regulations on these matters, particularly for dispute and complaint resolutions, application processes and the use of facilities. I invite the minister to comment on why he thinks it is better to have the regulation-making power rather than set out the provisions in the act, which I think is currently the case for schools. Generally, the feedback I have received from stakeholders is positive, although some concern has come from some quarters about the non–decision-making function of the LINC—the parent and community bodies—at the residential facilities rather than their being decision-making bodies. I would appreciate the minister’s response to that.

I turn briefly to Blaxell’s one recommendation that the government did not pursue. The government gave a commitment that it would adopt all the recommendations, including the establishment of a one-stop shop. However, in June 2015, we discovered that would not be the case. Certainly, the author of the report, former Supreme Court of WA Judge Peter Blaxell, was disappointed. At that time, in an article in PerthNow, he expressed his disappointment that the state government had reneged on a plan to create a one-stop shop for reporting child abuse. That article states —

It was a key recommendation of his 2012 inquiry, which examined historical abuse at four regional hostels, including St Andrew's Hostel in Katanning, where horrific abuse was committed by convicted serial paedophiles Dennis and Neil McKenna.

The one-stop shop was supposed to encourage disclosures of abuse and operate under the management of the Commissioner for Children and Young People.

Justice Blaxell suggested budgetary concerns might be the reason the idea was abandoned.

"I suspect that might be the issue here," he told ABC radio on Wednesday.

However, Premier Colin Barnett said it wasn't about funds.

"A number of the agencies and other ministers are not convinced that you can have just one point of reporting," he said.

Justice Blaxell said a single a reporting channel for victims would take pressure off the police services.

"I am disappointed," he added.

"I thought the recommendation was a good one."

WA opposition member Lisa Baker, Chair of the parliamentary oversight committee of the Commissioner for Children and Young People, said that the decision was a shocking betrayal of children in WA and an insult to those who had fought for better abuse reporting systems. She asked, "What is the point of having an inquiry if the Premier disregards its recommendations?" I think it was very disappointing that that recommendation was not pursued. The notion that a number of agencies and other ministers suddenly reached the view that they were not convinced that we should have just one point of reporting when they were consulted on whether government should accept all those recommendations at the time the government announced that it was accepting all those recommendations says that something strange happened, and I do not know what that is.

The final thing I want to do is refer to a piece of work that was carried out on the effect of trauma on the brain development of children. This is not because I think anyone in this chamber needs to be convinced of the merit of responding to the kind of abuse that was revealed in the Blaxell inquiry but because we should not lose sight of the fact that the trauma that occurs in these cases of sexual abuse is not just about what happens to the victims at the time and the particular circumstances of the abuse; it has an ongoing physiological effect on their brains. It is not just that we should respond because we are appalled at the betrayal or the nature of the abuse or the fact that people who were entrusted with the care of children behaved in a heinous manner, although those are important reasons to take the action that we are talking about; we need to understand and keep talking about the fact that this kind of abuse has an ongoing physiological effect.

I want to quickly refer to some work that was done by the Child Family Community Australia practice resource published in June this year headed "The effect of trauma on the brain development of children: Evidence-based principles for supporting the recovery of children in care". It relates to children who are in the care of the state. Although the children attending these respective hostels were not in the care of the state in the sense that they had been removed from their families and the guardian role replaced, they were in the care of the state while they were residing in these hostels during the school terms. As I said, this practice paper was published in June 2016. The author is Sara McLean and it states —

This practice paper provides an overview of what we know from research about cognitive development in children who have experienced trauma, and provides principles to support effective practice responses to those children's trauma.

The key messages are —

- Children in care experience symptoms and difficulties associated with complex trauma, however these may also be related to a number of other early life adversities such as ante-natal exposure to alcohol, placement instability, poverty, neglect, and pervasive developmental issues.
- Practice and policy documents focus on trauma-informed interventions to improve cognitive functioning; however there has been very little critical research that links trauma and cognitive development, or the interventions that are effective in helping affected children.
- Interventions that target complex trauma are necessary, but may not be sufficient to meet the developmental needs of children in care.
- Some principles to keep in mind for supporting children who have been traumatised include:
 - provide safe environments;

- support children and caregivers to understand links between traumatic experiences and cognitive difficulties;
- develop and support positive relationships in children’s lives;
- offer all children in care targeted trauma-specific interventions;
- maintain these interventions throughout childhood and adolescence; and
- ensure separate cognitive difficulties are addressed directly.

The document goes on to refer to the effects that prolonged exposure to traumatic events is thought to have on brain development. It states —

While the broad symptoms of complex developmental trauma may well reflect the experiences of many children in care, other difficulties may be related not to trauma but to adversities such as antenatal alcohol exposure, placement instability ...

It goes on to refer to complex trauma and the impact of children’s exposure to traumatic events on their development and long-term outcomes, stating —

... the neurological development of the brain becomes distorted such that the “survival” mechanisms of the brain and body are more dominant than the “learning” mechanisms ... resulting in wide-ranging impairments in arousal, cognitive, emotional and social functioning.

In this case, members will remember when we were dealing with adults who came forward to reveal the nature of the trauma. There is an intergenerational impact of this kind of trauma because many of these folks who suffered cognitive development difficulties as a result of the trauma that they went through went on to become parents and have families of their own. For many of them, their capacity to be the parents that they really wanted to be was impacted by this trauma. I do not think we can say that about all the victims. The research shows that it is likely to have that kind of impact. I do not know whether that was an issue for all the victims. I certainly spoke to some of them. I had a cup of tea with the guys up here when the report was released. I had the opportunity to have a good conversation with them about this. We need to understand the impact of what happens to children when our system breaks down, and that is what happened here. Yes, it was the evil activity of a number of particular individuals, but it was also a system that refused to listen and refused to accept the inconvenience of what was going on literally under their own eyes and noses.

Although Blaxell did not make a specific recommendation that the Country High School Hostels Authority be abolished, I think it is the right decision that the governance functions come under the Department of Education. The most appropriate structural way to achieve that is to abolish the authority and to give the power back to the Department of Education to take its responsibility seriously. We should bear in mind that although the department has had an active role and a very close relationship, and the director general has certain responsibilities for the functioning of the hostels authority, this is effectively a new role for the department. The department has to get its structures and responses right to ensure that nothing like this ever happens again. With those words, I am happy to support the legislation.

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [3.47 pm]: During this debate on the School Boarding Facilities Legislation Amendment and Repeal Bill 2015, I rise briefly to speak on one aspect that was raised by the Leader of the Opposition—that is, the proposals for a one-stop shop through the Commissioner for Children and Young People. I have spoken about this matter to the Joint Standing Committee on the Commissioner for Children and Young People in the past and indicated the government’s position on that particular recommendation. In substance, much of the action that may need to be taken to implement that recommendation has been deferred until the findings of the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse have been fully formulated and published.

In the interim, the Commissioner for Children and Young People has been undertaking a variety of strategies to facilitate the reporting of complaints of abuse in institutions in liaison with the relevant investigative agencies. There are practical difficulties in importing into the role of the Commissioner for Children and Young People a quasi-investigative or clearing house role. For a start, it is not within the commissioner’s remit; that would mean legislative amendment. Secondly, to do so, we would need to take on staff who are equipped to deal with children who are potentially complainants in child sexual and physical abuse cases. That is a specialised area of operation—one that the police carry out as a matter of course. The taking of statements at a very early stage when a child complains of some form of abuse is a critical factor in any successful prosecution. Procedures are in place under the Evidence Act 1906 and the Criminal Investigation Act 2006 to deal with that, and it is a specialised role. We do not want to interfere in that process by having, say, preliminary statements being taken by an insufficiently trained or qualified person that may ultimately compromise a successful prosecution or some other action being taken.

The government considered at that stage that it would be a better proposition to provide the commissioner with the remit or to allow the commissioner to liaise with investigative agencies. Certainly, if children feel that they are the victims of the abuse, they can contact the Commissioner for Children and Young People and make a complaint and then the commissioner can refer them to the necessary investigative agency and assist the proper investigation of those complaints. However, the full-blown idea of a one-stop clearing shop —

Hon Sue Ellery: Will you take an interjection?

Hon MICHAEL MISCHIN: I will, but I would just clarify that the spirit of what former Justice Blaxell had in mind has been effected by the government, and if further action is necessitated by the outcome of the Royal Commission into Institutional Responses to Child Sexual Abuse, we will take that action. The commissioner has liaised with agencies to facilitate putting into effect the spirit of that recommendation.

Hon Sue Ellery: I appreciate you taking this interjection. What he said in the report was that in his opinion the Ombudsman would be a more suitable candidate, and I point out that the Ombudsman deals, for example, with inquiries into deaths of children in the care of the state, and so already has an investigative capacity, including dealing with very sensitive circumstances around the death of a child in the care of the state.

Hon MICHAEL MISCHIN: Again, similar comments apply. I am not diminishing the work that Justice Blaxell put into his report and its recommendations. He plainly tried to identify a means of facilitating the reporting and action upon these complaints in a way that would be sensitive to the needs of the complainant. However, on mature reflection, it was considered that the Ombudsman was not equipped for that particular task. Again, it would be an expansion of the Ombudsman's remit, and the Commissioner for Children and Young People was not an appropriate agency. It would require either setting up a further agency to deal with these matters, which would be, in effect, a duplication of the services and avenues currently available and would cause more problems than it solves, or refining the processes that are currently available. The government's view is that at the moment it is better to refine the processes and make them user-friendly, as it were, rather than either set up a fresh agency or expand the capacity of existing agencies that were not quite created for that type of purpose. I accept that there may be a difference of opinion, but that was the approach taken. I understand that it is operating satisfactorily, but it is constantly under review, and we will consider the matter further once the royal commission has delivered its final reports.

HON LYNN MacLAREN (South Metropolitan) [3.52 pm]: I understand the convention of going here and there, and sharing it around, so I appreciate the opportunity to comment on the School Boarding Facilities Legislation Amendment and Repeal Bill 2015. I thank the minister for the briefing that I received at the eleventh hour. It was very helpful in giving me an overview of the situation with hostels in Western Australia. Much of what I have to say has been canvassed by Hon Sue Ellery in this debate, so I will just make just a few comments about this bill, which the Greens will support.

This bill was introduced into the Legislative Council on 22 October 2015, so it has been a long time coming. I note that the bill has come about because of the recommendations of the 2012 Blaxell inquiry, and it implements the recommendations, which have been the subject of two other investigations: the review of the Commissioner for Children and Young People Act, which was completed in 2013, and the recently released parliamentary inquiry undertaken by the Joint Standing Committee on the Commissioner for Children and Young People. Its report was entitled "Everybody's Business: An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse". It is clear that the better protection of children is at the forefront of all our hearts and minds, but the evidence shows that we are not making great gains in this area. The recent parliamentary inquiry report on this matter reflects how widespread it needs to become. Increasingly, awareness is growing that we all must take responsibility for the wellbeing of children more broadly, and there are clearly challenges for what this means in practice.

Many members will be aware that earlier this year, Centrecare and Parkerville Children and Youth Care appointed former member for East Metropolitan Region in this house Hon Linda Savage to develop the Valuing Children Initiative. I want to make some comments about this, because I believe they are relevant to examining what we have before us in a bigger picture. It is about trying to make sure that children are adequately cared for, and that appropriate governance mechanisms, as well as reporting and complaints mechanisms, are in place. Underpinning that is the way that we value children. It is important that this bill comes before the house at a time when the Valuing Children Initiative is in the public domain. I want to make a few comments about that in relation to this bill. The initiative that Linda Savage and her team have put together is aimed at elevating the awareness of all Australians about the issues facing our young people, and for us all to take a role in protecting children and promoting their wellbeing. I want to read from a letter that I received from Linda, who is the project manager for the initiative. The letter was sent to all of us earlier this year, and it articulates well the challenge facing us. The letter reads —

The Valuing Children Initiative ... is an ambitious project that seeks to inspire Australians to value all children, understand that a child's wellbeing is the shared responsibility of the entire community and ensure children are at the forefront of our considerations.

The driving force for the VCI is the desire to ensure that all children in Australia experience the caring, safe and supportive childhood they deserve.

While the last 50 years has seen significant strides in reaching that goal and improving outcomes for children, it has also seen calamitous failures as evidenced by revelations at the Royal Commission into Institutional Responses to Child Sexual Abuse, as well as the increasing number of substantiated cases of neglect, and emotional, physical and sexual abuse of children. Issues such as mental health, the lack of school readiness and obesity are amongst other serious concerns that have been identified as adversely impacting on Australia's children. Today, for the first time, children in affluent countries like Australia are predicted to have a shorter life expectancy than their parents simply because of obesity and the chronic diseases that result. In Australia almost one fifth of children live below the poverty line. The question must be asked, what accounts for the gap between what we want for all children and the reality?

The VCI believes it is time to ask some challenging questions about how we value children in Australia today, and whether our attitudes to children have kept pace with what children deserve and have a right to expect?

How we value children matters, and has been identified as directly impacting on attitudes, behaviours and actions towards children. This in turn directly impacts on how governments, not for profit organisations, community groups, individuals and the private sector develop policies and provide programs for children and their families and carers. In Nordic countries such as Sweden, a strong culture of valuing and respecting children has been identified as an important factor contributing to their wellbeing. Research in Australia has found that children too, rate being valued as one of the most important contributors to their wellbeing.

The need to make Australia a better place for all children, has been identified by some of the most respected and committed advocates for children. They have highlighted the need to reconsider the priority we give to children, as well as the need for the entire community to understand its shared responsibility for children. Professors Fiona Stanley, Sue Richardson and Sue Prior in 2005 in their seminal book, *'Children of the Lucky Country? How Australian society has turned its back on children and why children matter,'* challenged Australia to, '... Put children in the centre of our society, (and) ... encourage a cultural change in Australian society towards greater equality and opportunity for our children.'

June Oscar AO, lauded for her work in leading the campaign for alcohol restrictions in Fitzroy Crossing, has spoken about children traumatised by family violence in the Kimberley and pointed to the need for society to more explicitly assume responsibility for all children, because it is, '... A societal issue, when we are wanting healthy human beings for the future.'

The VCI is seeking to stimulate and lead the discussion that explores our attitudes to children, how we value them and the priority we give their needs and rights. The aim is to engage with as many individuals and organisations in Australia as possible, in the belief that leadership at multiple levels and across sectors is needed to ensure the success of the initiative.

When the Blaxell report was released, the government committed to implementing all its recommendations. However, the government subsequently announced that it would not pursue the concept of a one-stop shop. There was some negative media when it made that announcement. However, both the review of the act and the recent parliamentary inquiry found that the one-stop shop would confuse matters and that although the Commissioner for Children and Young People can make improvements in raising awareness about what to do in reporting child abuse, the commissioner should not have a role in child abuse reporting itself. I understand that the bill does everything outlined in the recommendations, apart from dealing with the one-stop shop. It is interesting that that has come to our attention possibly because of recent events in the news and also because it is the outstanding business of how we ensure that children are properly protected and that they have access to reporting and complaint mechanisms. I understand that the mechanism that we are dealing with today is largely an administrative change to move what was in the Country High School Hostels Authority Act into the School Education Act and will give a greater structure around the governance of these residential hostels in schools. We support that and we see it as an important step forward. I welcome the discussion about how we can better ensure that children have access to reporting and complaint mechanisms. That is a good debate to have, but on this specific bill, it is an extracurricular debate, if you will. What this bill will do is supported by members on both sides of the chamber who have spoken thus far.

I want to draw attention to the other part of the recommendation that relates to the lack of ongoing advocacy and support for children in the whole process. We need to explore ways to ensure that there is effective oversight of agencies that have dealings with children. A whole range of strategies are required to address these issues. Moving the management of hostels to the Department of Education is one strategy, but it does not address the whole picture. I was interested to note that we are talking about 600 children who are in residential hostels in Western Australia. Currently, hostels have the capacity to take about 900 children. This is a very important step forward, especially in light of the Blaxell inquiry and how we were able to understand how things could go so horribly wrong for that community and those children. It is an important change that we are making for those 600 children who are currently in residential hostels, but also the many children who may indeed be housed in residential hostels over the months and years to come. As I understand it, there is potential to double the capacity of residential hostels. It is important for us to put in place the right structures now so that when we expand that, we can be assured that the appropriate governance structures and fail-safes are in place so that we do not have the same situation that we had previously.

Again, the parliamentary inquiry picks up on these points: we need effective oversight of how policies and procedures are implemented; children must have a voice throughout; and these principles must apply to all facilities that deal with children, no matter what kind they are, whether they are boarding facilities, juvenile detention centres or mental health facilities.

As I have said, the Greens will support this bill and we will continue to promote the need for fundamental, systemic change that seeks to address some of the root causes that place our children in danger in the first place.

HON MARTIN ALDRIDGE (Agricultural) [4.04 pm]: Madam Acting President, I was concerned that you did not see me on the last occasion, so I thought I would draw myself to your attention! Thank you for the opportunity to talk on the School Boarding Facilities Legislation Amendment and Repeal Bill 2015. Given that this bill was tabled in October 2015, I am glad that we have been given some time to look more fully at some of the issues that have arisen in the past that have resulted in the reforms before us today. For those members who have not had the opportunity to read the report by Hon Peter Blaxell, it is a significant publication. I read it one night and it was the early hours of the morning by the time I had finished reading it. It was pretty horrific to read some of the things that happened. One of the challenges for the inquirer was dealing with the time that had lapsed between then—although it was not that long ago, we are talking about 1975 to 1990—and when the inquiry occurred in 2011–12 and being able to ascertain and prove some of the allegations and the complaints. It really was a gut-wrenching read. I have respect and appreciation for those people who came forward and submitted to the inquiry. That would have been a very difficult thing for them to do, given the experiences they had that were detailed in the report tabled in Parliament.

I want to talk about a number of things in my speech today. One of them is to say at the outset that I had the opportunity to spend two years boarding at St James Residential College in Moora, which was under the control and operation of the Country High School Hostels Authority. That experience was nothing like what was detailed in the Blaxell inquiry report. One of the most pleasurable and significant experiences of my education in the public school system in Western Australia were the two years that I spent boarding at St James, combined with my time at Central Midlands Senior High School in Moora.

Generally speaking, residential colleges are held in high regard by the community, and that is something that I will talk a little bit about later. They are absolutely critical infrastructure in our education system, particularly in regional Western Australia. It is important to note that eight of the nine residential colleges under the control of the authority are based in regional Western Australia. Over the last number of years, significant investments have been made in some of those residential colleges, but some are still in need of attention.

As I said, this bill was tabled and read a first and second time in October 2015. I did not look at it more closely until I started receiving some feedback, which, as members would expect, was largely from the members and chairpersons of boards of the residential colleges. It was sufficient enough that it resulted in me writing to the five residential colleges in my electorate. I also sought the views of the Isolated Children's Parents' Association shortly after the bill's introduction in October 2015. A number of conversations and contacts occurred over the months following that time and it resulted in me corresponding with the Minister for Education about a number of things that had been expressed to me about the reforms and some concerns that were and are held particularly by the boards of the residential colleges. It is something that I want to talk about today and allow the Minister for Education to respond to, noting that he responded formally to my correspondence this morning, but a few other issues have resulted from a briefing that I had the opportunity —

Hon Peter Collier: I apologise for the lateness of that. When did you actually send me the letter, because I received the response only today?

Hon MARTIN ALDRIDGE: I think the letter was dated 11 July.

Hon Peter Collier: It usually takes three to four weeks to get onto my desk. When I saw it this morning, I was embarrassed because obviously today we are dealing with the legislation. I apologise, but I did not realise the member had written to me until this morning.

Hon MARTIN ALDRIDGE: Thank you for that clarification, minister.

I will talk about a few of those things in my contribution. Earlier this afternoon I had the benefit of meeting departmental advisers to get some clarification on some aspects. Some of the concerns expressed included uncertainty about what regulations might look like. That is not uncommon when dealing with legislation that provides regulation-making provisions. Concern was expressed about how staff transitioning to the Department of Education would be treated, particularly what would happen to the awards and agreements that are in place. I will also talk about that a bit later. They were also concerned about their ability to recruit and retain members of the LINC committees. I had to look that up because I keep forgetting the acronym—it is local input networking and communications committees. They expressed concern that taking decision-making away from these bodies will make it difficult for them to recruit and retain the right people in these positions. LINC committees will provide advice and promote the residential colleges, but will not have any day-to-day responsibility for the discharge of functions or finances. Another concern about staff coming under the Department of Education related to the current disparity between similar staff within the agricultural college network and how, over time, that might be resolved. They are some things that I will talk about today in more length.

After listening to what has been said so far in the debate, one issue that has been raised is the government's position on recommendation 2 of the inquiry report that related to the one-stop shop. I do not have a particular view because it has not been something that I have focused on in my research in preparing for today. Although it was clearly outlined in the inquiry report that there was a systemic failure by the authority and the residential college staff and board, there were also significant failings by many other government and non-government agencies including the Department of Education, WA Police and other agencies that have child protection responsibilities, and of course non-government organisations including religious bodies. I think it was last week that I heard a media report about a special inquiry or royal commission—I am not sure which—in South Australia relating to some child protection issues that that state has been considering. I have not had the opportunity to delve into this. The media report that I listened to on ABC radio was not dissimilar to the recommendations or comments that were coming across about the need to have some sort of body that was independent of the departments to investigate these types of matters so that departments do not initially investigate themselves or their own staff. It is not something that I have had the opportunity to delve into, but something that I heard in a media report following what occurred in South Australia.

In my view this bill does two key things. One is that it obviously abolishes the Country High School Hostels Authority and brings it under the control of the Department of Education; the other is the abolition of the residential college boards and the conversion of them to LINC committees, which I have talked about. I do not think anyone could argue that bringing the residential colleges under the auspices of the Department of Education will not give them a much greater level of governance and accountability. Looking at the history of residential colleges under the Country High School Hostels Authority, that process started in 2003. That was when the authority was co-located with the Department of Education. From that time I believe it started to share a number of its services; I assume they were administrative services. In August 2006, the director general of the Department of Education was appointed acting CEO of the authority. That person was substantially appointed in October 2011. The special inquiry report was received by government in August 2012 and tabled in Parliament in September 2012. Since 2003 there has been a relationship of sorts between the Department of Education and the Country High School Hostels Authority at differing levels, I think it is fair to say. From the briefing that I received earlier today, I am absolutely convinced that having residential colleges under the Department of Education in many respects will improve service delivery to students. One opportunity that was put to me today was the ability for psychologists to work within residential colleges whereas otherwise those residential colleges would not be able to provide that level of resource and support to students. The second aspect relates to the residential college boards. This is an area that has attracted the greatest amount of contention. To be honest, I am probably not as convinced about some of the other aspects of the strength of these reforms. I want to talk about that a little more.

This report was tabled in September 2012 and received by government in August 2012. The Department of Education had an active role in the operations of these residential colleges for six years prior when its director general was appointed as CEO of the Country High School Hostels Authority. Although I have heard previous speakers say that the Blaxell inquiry did not recommend that the Country High School Hostels Authority be abolished and come under the Department of Education, neither did it recommend that local boards of residential colleges be abolished and replaced with LINC committees. Chapter 20 on page 338 of Blaxell's inquiry report states —

This Inquiry's review of the Authority's current system of complaint handling confirms that they do now have processes in place. In my opinion this current complaint system is appropriate for parents and adults but has the following deficiencies:

1. It is not adequately tailored to the needs of children and young people so as to make the system 'child-friendly'.
2. It is not particularly robust in respect of sensitive or serious matters.
3. It does not give sufficient consideration to potential conflicts of interest.

After the inquirer said that adequate processes were in place, three areas for improvement were outlined in the report.

Contrast that with the period that they were examining as a result of this inquiry—1975 to 1990; some 15 years—the inquiry concluded there were not adequate processes in place within the Country High School Hostels Authority. That was for the period that this report investigated.

I appreciate the concerns that have been put to me by some members, not all, of the residential college boards in my electorate. One concern is that the Blaxell inquiry is the substantiation for the abolition of the authority and the boards. But when I have considered some of these issues in more detail, it is not necessarily that black and white. One concern, which I outlined in my introductory remarks, was about the authority's ability to recruit and maintain appropriate people on its boards. My experience with boards in my electorate is that they are made up of very good people, and not necessarily people with direct interests in the colleges. I would have expected boards to comprise predominantly parents, but interestingly my experience is that they do not and sometimes the people on these boards have had no direct involvement in schools and their children have not attended a residential college. They are people with business and community backgrounds. They are community leaders and sometimes local government officials. They bring a whole range of skills and experience to the boards of residential colleges, other than what we might expect to see on a committee dominated by parents. That concern is real and needs to be addressed during the passage of this legislation.

Obviously, the responsibility of residential college boards will change because they will become committees and will not have any direct responsibility to communities. We need to make sure that we have good people on these local input networking and communications committees who will provide good advice. Also, one aspect of their responsibility is to promote the interests and affairs of residential colleges, which is just as important as their advisory role to residential colleges. These colleges are held in high regard in our communities, which absolutely believe that they are an asset to their communities and so their success is important to communities.

I talked a little about the failings of the St Andrew's residential college, the Country High School Hostels Authority and a range of other bodies that were involved at that time. I do not think anybody, after reading that report, could get up and say there was not a need for significant reforms to residential colleges. I want to express in my contribution today the concerns that have been put to me by a number of boards—as I said, not all—of residential colleges in my electorate that we are aware of the issues as we go through this transition phase. One issue that I will talk about, which I believe will be left to regulation—perhaps the minister might be in a position to provide some more information to the house today—is how government and non-government students will be treated within the residential colleges. At the moment, I understand that either the act or the regulations gives priority to government students in accessing our publicly funded residential colleges followed by some arrangements, with ministerial discretion, to allow access to non-government students. I understand that can happen in two different ways. Firstly, if capacity exists at a residential college the minister can allow non-government students to fill that capacity. There must be an ongoing commitment to that student over their time at high school, so there needs to be significant forward planning to accommodate that requirement. Secondly, a non-government school may be prepared to make a capital contribution to increase capacity at a government residential college. I am interested to know how we will preserve some of those arrangements with the abolition of the Country High School Hostels Authority.

Another issue I want to talk about is staffing. For some time college boards have been saying to me that in some areas, not all, recruiting and retaining staff is challenging. They are not paid a lot of money. It is even more challenging in areas of the state that have a high cost of living. Some residential colleges struggle with high staff turnover. It was really interesting going through this feedback process with the residential colleges. I learnt that a manager of one of these facilities earns in the order of \$50 000 to \$60 000 a year. On any measure that salary is equivalent to a fairly low level public servant. One of my colleagues today said to me that it is comparable with the salary of an education assistant in the education system. When we talk about the government's responsibility and duty of care in the appointment of senior supervisors, particularly the managers of these facilities, the salary levels need to be seriously considered, not just for workforce retention, turnover and delivery of service, but also in the reforms in the bill dealing with how we provide better governance and a better understanding of the duty of care responsibilities and, obviously, better child welfare outcomes. I am not saying that is linked purely to

how much someone is paid, but clearly when someone is managing and has responsibility for a facility with a particular number of staff and students, it is surprising that managers are paid in the order of \$50 000 to \$60 000 a year, which is comparable with an education assistant in the Department of Education.

One other issue with staffing, which I will deal with in the time I have left, is how the department will manage the transition of staff on the current award and agreement to one that applies in the Department of Education. I understand there will be benefits to staff moving to the Department of Education through transferability and working in a much larger organisation, but the agreement that covers staff of residential colleges expires at the end of this year. If that is correct, there is not a lot of time left for the government either to negotiate a new agreement with those staff or to bring them on to another agreement. That probably raises a whole range of industrial considerations, not just for residential college staff but also agricultural college staff and Department of Education staff, depending upon what the director general of education and the minister may be considering in managing those human resource issues in residential colleges as we go forward.

Having said that and wanting to conclude my remarks before I get cut off, overall, having read in full the report of the Blaxell inquiry, nobody could stand here and say that we do not need to do something about governance within our residential colleges to prevent what happened in Katanning happening again. I am fairly confident, based on the inquiry report, that significant work has already been done by the Department of Education, the Country High School Hostels Authority and residential colleges to prevent something like this happening again. I really hope that we remain mindful of the importance of the volunteers on our residential college boards and, hopefully, that many of those will transfer to our LINC committees. They play an important role in how our residential colleges remain successful and in maintaining the high regard that they hold within the communities in which they exist. With those few remarks, I conclude my contribution.

Debate adjourned, on motion by **Hon Peter Collier (Leader of the House)**.