

*Joint Standing Committee on the Commissioner for Children and Young People — Second Report —
“Annual Report 2008–2009”*

Committee was interrupted after Hon Linda Savage had moved the following motion —

That the report be noted.

Hon LINDA SAVAGE: In the few minutes in which I spoke before the debate was suspended for afternoon tea, I had noted that this report covers a shorter period than is normally the case with a report of this kind, because it covers the period from 26 November 2008 to 30 June 2009. I had also made some comments about the activities that the committee had undertaken. That included visiting New South Wales, and holding a number of hearings with Michelle Scott, the Commissioner for Children and Young People. I had also made the comment that, since that time, I hoped the committee would have the opportunity of hearing from some of the experts to whom the commissioner often refers in the information that is provided on her website, and in her comments. Those experts include Professor Fiona Stanley and Associate Professor Trevor Parry from the Telethon Institute for Child Health Research. I look forward to the next report of the committee and to reading the evidence that it has received from those experts.

The foreword to the report says that it is anticipated that the committee’s review functions will expand as the commissioner’s own role continues to develop and the commissioner undertakes new initiatives. That comment led me to think that it would be appropriate at this time to refer to an initiative that has been taken by the Commissioner for Children and Young People. That initiative is in the form of a letter that all members of Parliament have received. Therefore, I will be speaking about something that members are already aware of. This is a very important letter. I say that because it was in this letter to all members of Parliament—which I received shortly after I was sworn in as a member of Parliament—that the Commissioner for Children and Young People and Professor Fiona Stanley wrote to the Parliament to express their concerns about the urgent needs of children in Western Australia.

Before I read that letter, I would like to detail some of the context behind that letter. I mentioned before the break that since 2009, committees of both the Legislative Assembly and the Legislative Council have tabled three very significant reports about the state of children in Western Australia and issues affecting children in Western Australia. That is a very large number of reports to receive in a short period of time on the same topic. The third of those reports was called “Invest Now or Pay Later: Securing the Future of Western Australia’s Children”. That report, like the other two reports, points out the real concern that not enough attention is being given to the needs of our children. These reports draw on the now indisputable evidence about the pivotal importance of the early years of a child’s life in shaping the person and the life of that child in future years. We now know, of course, that the brain of a child develops significantly during the first three years of a child’s life, and that that affects the outcomes for that child. I was interested to read also a report from the Legislative Assembly titled “Destined to Fail”, in which Dr Steven Patchett, who was at the time head of the Department of Mental Health, made the comment that when it comes to mental illness, we should be looking at interventions and at identifying children at risk as early as in the first three years of a child’s life.

This letter to members of Parliament talks about the lack of services for our children, and about how this lack of services is coinciding with the increasing needs of our children. That coincides with other research that shows that although children in Western Australia are, generally speaking, doing quite well, there is a significant, and unfortunately increasing, number of children who are doing poorly. That research is coming from not only the Telethon Institute but also other research institutions. I think everyone would be aware of that. It is perhaps most easily seen in the concerns that are being expressed about the growing obesity of children, and the lack of readiness of children when they enter the school system in terms of literacy and verbal skills, and socialisation. Of course one of the most disturbing aspects is the increasing incidence of mental illness. That, of course, is one of the aspects that led to the calls expressed in this letter that members received for consideration to be given to the establishment of one agency. The letter states that part of the solution is to establish one agency for early childhood matters, including health; and that an early years commissioner or office reporting to a minister and sitting outside any existing department would take responsibility for community child health, early childhood education, child care and parenting programs. It is hoped by experts in the field that a coordinated approach like this focusing on the early years, whereby the research shows that the greatest influence can be had and, by extension, whereby intervention and assistance by government has the most likely chance of having an influence, is the answer to what we are seeing, which is that in a significant number of children outcomes are going backwards.

Of course, other voices have been added to this call for greater priority to be given to children and for us to reconsider policy and be informed by what we now know from research into the early years and from the

outcomes that children in Western Australia are experiencing. Associate Professor Trevor Parry has also added his voice to that.

Obviously, the work of this committee is one that I am particularly interested in because of the work that the commissioner is doing in raising concerns about children in this state. With that in mind, I would like to also mention an initiative that the Commissioner for Children and Young People has just launched. I will read from a press release of 30 July 2010 —

The Commissioner for Children and Young People is holding an independent inquiry into children and young people's mental health and wellbeing.

I raise this matter as I am sure every member of this chamber will be very concerned about the figures and the research, and would have heard Australian of the Year Patrick McGorry speak about the increasing incidence of mental illness in children. The burden of mental illness for a community is at its highest in childhood, through adolescence and into the early 20s. The independent inquiry will be focusing on young people up to the age of 18 years, and will be looking at ways to identify, prevent, reduce and treat mental health problems among children and young people from birth to adolescence. The media release also states —

Figures show 30% of adult mental health problems are related to negative early experiences in childhood so, as a community, we must also focus on prevention and comprehensive intervention services in the very early years of a child's life.

Of course this just reflects the enormous body of research now that speaks to the importance of the fact that the early years are when the future mental health of a person is affected. I encourage every member to make sure that this inquiry is widely known about. The media release continues —

The Commissioner is inviting submissions to the inquiry from professionals, government and community organisations, as well as members of the public, including children, young people and their families.

I am sure many members of this place have had inquiries from constituents who are looking for assistance to deal with mental health illness in their families. The submission period has started, of course, and will close on 1 November 2010.

I will end my comments there, but I look forward to an opportunity to comment on the third report of the committee, which I understand has already been tabled. This committee has the potential to bring to the attention of the Parliament, and more widely too, one of the most crucial issues we face—that is, our need, being echoed now by many voices, to give far greater priority to children in Western Australia.

Hon NICK GOIRAN: I want to make some comments in support of the motion by Hon Linda Savage. I start by thanking her for moving the motion in my absence earlier this afternoon. I also thank the honourable member for a comprehensive analysis of the report and for the interest she has shown in the work of the committee and in some of the work that has been done in more recent times outside the scope of the reporting period that we are dealing with this afternoon.

It is probably worth noting, as has been mentioned, that this committee had a shortened reporting period caused by the onset of the early election in September 2008. We have therefore covered a period of only seven or so months, of which I and my other colleague on this committee, Hon Helen Bullock, were a part for only a month or so at the tail end of the reporting period. Nonetheless, we were commissioned with the task of putting together a report on the work of the committee by our predecessors. I therefore draw to the attention of this place a number of matters, including the work of the committee in visiting the NSW Commissioner for Children and Young People. Regrettably, Hon Helen Bullock and I were not members of this place when that visit was undertaken. That certainly would have been a useful exercise, as I understand that commissioner has existed for the best part of 10 years and is probably the closest parallel to the Western Australian model. I flag also that the committee is currently looking to conduct a similar exercise with the Victorian Child Safety Commissioner and the New Zealand Children's Commissioner in the not-too-distant future.

The other point in the report tabled by the committee that I want to draw to the attention of the chamber is that during the reporting period, the committee made some recommendations on the legislation dealing with an exemption for the children's commissioner. In particular, this exemption applied from the Ombudsman's investigatory powers into certain children's deaths. I understand that even though the legislation was enacted before my time in this place, it was amended accordingly and passed. That was certainly a very productive outcome by the committee.

Probably lastly, I also want to make mention that during the reporting period in question, there was talk of holding another information seminar for members of Parliament on the role and functions of the children's

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commissioner. I understand that has not happened to date, but I am pleased to say that there was some discussion about that this morning. I anticipate that that is something that will be rejuvenated and reinvigorated in the near future.

Because this is a report from the committee on its activities during that period, it would be remiss of me not to acknowledge the work of the members of that committee, in particular the former chairman, Hon Barbara Scott, and the current chairman, the member for Kingsley, Andrea Mitchell. I also want to acknowledge the work of the deputy chairman, the member for Bassendean, Martin Whitely. As I have mentioned previously, I also acknowledge my counterpart on this committee, Hon Helen Bullock. We also need to acknowledge the hard work undertaken by the committee's principal research officer, Ms Dawn Dickinson, who continues to do an outstanding job assisting the committee in its work.

Hon HELEN BULLOCK: I take the opportunity to speak on this report. For a report of only seven pages, it has been extensively covered by the two members who have just spoken. What I want to add to everything else that has been said is that due to the membership change of the committee, the new committee put lots of thought into how it should carry out its functions. I would love to talk more about that. However, given that we are considering this report of the committee, of which I was not a member during that period, it is appropriate to leave my comments on the committee's new directions, thoughts and activities until the consideration of the next report.

Hon ALISON XAMON: I also wanted to make a few comments about the report. I note that it is a short report but I understand that because it is also the inaugural one relating to the setting up of the committee, that is completely understandable. I take this opportunity to congratulate the previous government for establishing the position of the Commissioner for Children and Young People. I also acknowledge the work done by Hon Barbara Scott, who, as I have been led to believe, was a tireless champion for the creation of this role. That was a very positive step.

I note that the committee went to New South Wales and got to speak to the commissioner over there and also look at the way the commission structures itself. I wonder whether the New South Wales Commissioner for Children and Young People is listened to a little more readily than is occurring with our commissioner. Our commissioner has some very important things to say, certainly in relation to a lot of the legislation that is presented in this place. It is beholden on us to perhaps pay a little more attention to her expertise, otherwise it almost makes a mockery of setting up the position in the first place.

I note that it was suggested that the working with children checks not operate out of that office. This place certainly acted on that advice and took it when we looked at the working with children checks because it was recognised that it would be a resourcing issue and essentially was an administrative function. It is good to know that that advice was listened to. I think the right decision was made.

I was particularly interested in the referral to the development of a wellbeing indicator framework for Western Australia's children. It is looking at how WA children are faring. That is good, but compared with what? I will be very interested to look at the criteria that will be established when we are asking these questions about our children. I imagine there are some obvious ones in there, such as how our children are faring with access to housing, food, clothing and shelter. I hope that is the case. I am also interested to know whether we are also looking at the issue of access to education and health services for children. In particular, I am concerned to ensure that, as a matter of priority, we pay very careful attention to the needs of at-risk children as well. These children often require the greater attention of government and certainly a greater level of resourcing. We often recognise that higher need or at-risk children are the obvious ones, but we should also take into account children with disabilities and children who are acting as carers. We have already spoken about children who are experiencing mental illness or who are at risk of experiencing mental illness, obviously children who are subject to abuse in all its forms, children who are subject to poverty, Indigenous children, refugee children or migrant children and obviously same-sex attracted youth. There are some really important questions to be asked as to how we are ensuring the protection and wellbeing of these children. In particular, I am concerned to ensure that when we are talking about children, we are also ensuring that we are not subjecting them to excessively punitive legislative regimes.

I turn my mind to the many discussions that we have been having in this place on children and law and order issues. I am concerned that perhaps there is a failure to recognise, particularly when children come into contact with the justice system, that they are children. Many have simply not had the opportunity to mature to the levels that some people assume they should have, effectively as though they are adults. It is very important that we remember that children, as Hon Linda Savage has rightly pointed out, have developing brains. Children are not all the same. I am sure all members know of children whom we regard as being well beyond their age in terms of wisdom. Sometimes we think of them when we are talking about how we should address issues of law and order,

particularly for adolescents. It is very important that we remember that for every mature child we know, there will be other children who perhaps are at different levels and different stages of their development. It is very important that we always ensure that when we are creating laws, we are mindful of the difference that exists within children. In the same way, I hope that we are always mindful when we are talking about at-risk children that those children who are experiencing health issues, particularly around substance abuse, are given particular recognition and that we acknowledge that perhaps we need to look at different ways to address children who get caught up in the cycle of substance abuse.

I also noted that since the tabling of this report, the children and mental health inquiry by the commissioner has been initiated. That is absolutely fantastic. I welcome that. I am sure that view is shared by everyone in this place.

I look forward to being able to see future reports when they come out. I also look forward to being able to monitor the work of the committee and of the commissioner. In the meantime I hope we will start paying a bit closer attention to the important work that is being done by the commissioner.

Question put and passed.

TAFEWA Colleges — Governance and Accountability — Statement by Minister for Training

Resumed from 31 March 2009.

Hon LJILJANNA RAVLICH: I rise this evening on the matter of the ministerial statement read into this Parliament on Tuesday 31 March 2009.

The CHAIRMAN: You need to move that the ministerial statement be noted.

Hon LJILJANNA RAVLICH: I so move.

The CHAIRMAN: I would like you to couch it in appropriate terms.

Motion

Hon LJILJANNA RAVLICH: I move —

That the statement be noted.

The CHAIRMAN: Thank you.

Hon LJILJANNA RAVLICH: This is indeed a very interesting statement. Most of the preamble is concerned with just how great the public training system is. I think we can all agree that it is a training system that we can all take pride in. The statement then moves on to the issue of the capacity of TAFEWA colleges to respond flexibly and responsibly and have accurate and supportive governance and accountability frameworks, which is a requirement in line with the state government commitment to TAFE colleges. In making this ministerial statement the minister made it quite clear that, first of all, he was very pleased to release two major documents as part of this ministerial statement—firstly, the TAFEWA “Governance and Accountability Framework”. I will make some comments in relation to that. He also released the TAFEWA “College Governing Council Handbook”. These documents will provide the TAFEWA college managing directors and the governing councils with some future direction by clarifying the legislative policy and accountability framework within which the colleges function.

I want to concern myself with the governance and accountability framework because I think it is very important that we recognise just how important it is to get that right. TAFEWA colleges clearly need to be accountable; their infrastructure is used by thousands of students. The lecturers have clearly a duty of care to make sure that they work within an accountability framework. We would expect no less of TAFE lecturers in that regard than we do of teachers within the education system and of employers of the people they interface with and so on. In fact, there is a very clear duty of care for vocational education and training students who undertake courses within publicly funded training systems—predominantly the TAFE sector. Quite clearly, that duty of care needs to be exercised and there is an onus on the institution not only to get the government’s framework right, but also to ensure that that governance framework in terms of duty of care, for example, is translated to a macro level whereby the responsibility or the duty of care is guaranteed to the user of the TAFE services.

There is a very clear policy statement on this that teaching staff have a duty of care for the safety and welfare of students while students are involved in vocational education and training. That applies to not only full-time TAFE students but also of course the VET courses we have introduced, which can be undertaken part-time in schools and part-time within TAFE colleges. That duty of care therefore extends as far as high school students

who undertake VET courses. TAFEWA college lecturers also have a duty of care to their students. The duty is to take such measures as are reasonable in the circumstances to protect students from risks and harms that can be reasonably foreseen. This requires protection from not only the known hazards, but also harm that could foreseeably arise and against which preventable measures can be taken. I move in this direction because it is not always very easy to see what all those predictable measures are. Some things are more obvious than others. But I guess it is very important that the lecturers who work within the TAFE system understand that they do have this duty of care and that they take every reasonable and practicable step to ensure that it is exercised and that that safe environment is normal for students who undertake their studies there.

This requirement for duty of care is translated also into the performance agreement of TAFE college managing directors. The key priority in the management of each college is to implement effective accountability and governance arrangements in the college. A number of actions are required in that regard. They include implementation of governance and accountability training for their staff and the implementation of internal audit risk-management policies. They clearly set a target that deals with the internal audit risk-management plan, policies and processes that have to be developed and endorsed by the corporate executive or the equivalent. It is quite comprehensive. It starts at a more macro level and goes down to a micro level. At the end of the day, the director general or managing director of the respective TAFE institution is evaluated in accordance with that policy. One of the key risks that presents itself within the TAFE institutions is of course the equipment and various hazards that are found within such institutions—not so much within normal classrooms, but more so when students undertake trades training. For example, when they are training to be a sheet metalworker, they are probably working with oxyacetylene torches, welding equipment or hammers or they may be driving forklifts. A plethora of high risks present themselves around the equipment that students use.

On Thursday, 6 March I asked a series of questions about TAFE colleges and the improvement notices that they may have been issued during a site inspection by a WorkSafe inspector in 2009 and what each of these WorkSafe notices were issued for. We have heard in this place about the notifications that were issued to the Great Southern Regional College of TAFE. I am not sure what the new rebadged name is for that college. We heard that the minister unveiled the plaque just before he took off to Kalgoorlie. We will not go back to what happened in Kalgoorlie because that would just be too much fun!

Hon Peter Collier: I have no idea!

Hon LJILJANNA RAVLICH: I remember the long list of all the breaches of safety. I could go through that long list. In that case, for example, 127 improvement notices were issued for the one college. At the same time, the minister released a wonderful ministerial statement that would have us believe that we have a fantastic framework and that it is all working very well. Clearly, the evidence is to the contrary. One would be concerned enough if it were just that particular college, but it is not. From the responses I have received, it is quite clear that the accountability framework is not as strong as it should be. Indeed, it is wanting, particularly in the area of safety and care. On Tuesday, 22 June I asked a question on notice about Polytechnic West. I asked —

- (1) How many Improvement Notices were issued at Polytechnic West, during a site inspection by a Worksafe Inspector in late 2009, and what were each of the notices issued for?
- (2) Were either students or lecturers exposed to any hazards prior to the issuing of the notices?
- (3) What procedures did Polytechnic West have in place to identify, and fix any workplace hazards prior to the issue of these notices?
- (4) How many registered safety and health representatives were there at Polytechnic West prior to the visit?
- (5) What recommendations has Worksafe made to Polytechnic West as a result of the improvement notices being issued?
- (6) Have these recommendations been implemented?

In answer to the first question, the minister said that 78 improvement notices had been issued at Polytechnic West—keeping mind that 127 improvement notices were issued at Great Southern TAFE in November. Earlier today when we debated the rebadging of colleges, the minister said that the government did not fund the extra rebadging of colleges because the colleges funded that themselves. I put it to the minister that the money should have been spent by the colleges to make sure that the safety of the students was the first priority of the colleges. If training cannot be delivered in a safe environment for students, everything else becomes secondary. Safety should be the number one priority. Instead of the colleges spending money on rebadging their colleges, they should have spent money on ensuring that the TAFE colleges offered a safe learning environment for the many thousands of students who attend TAFE across the state. Not only were 127 improvement notices issued to Great

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Southern TAFE, but also Polytechnic West was issued with 78 improvement notices. There were 61 registered health and safety inspections at Polytechnic West prior to the visit, yet it still was issued with 78 improvement notices. The question must be asked: what are they all doing?

I will not read each of the 78 improvement notices, but I want to take us through this great accountability framework that we are all supposed to believe exists because of the ministerial statement made by this minister. The improvement notices read —

- 1 Blocked access to emergency stop.
- 2 Blocked access to emergency stop.

They must be different areas —

- 3 Shrouded emergency stop.
- 4 Blocked access to emergency stop.
- 5 Labelling of containers.
- 6 Inappropriate containers.
- 7 Flammable store ventilation.
- 8 Flammable cabinets.
- 9 Emergency stop signs.
- 10 Storage of PPE.
- 11 Manual handling.

And so on and so forth. There are 78 of them. I will not read out all 78 of them because quite clearly that is enough.

I refer now to Challenger Institute of Technology, where provisional improvement notices were also issued. A provisional notice was issued in February. Subsequently, safety audits and safety inspections were carried out in the Challenger Institute campuses, including at Henderson, on a fairly regular basis. No improvement notices were issued but provisional improvement notices were issued. That college had 41 visits from registered safety and health representatives at the Challenger Institute of Technology prior to the visit. Surely the minister must be asking what is going on.

Hon Peter Collier: Are any of them outstanding?

Hon LJILJANNA RAVLICH: I do not know whether any are outstanding, but that is a good question for me to follow up on.

Hon Peter Collier: It is in the answer to the question that you asked.

Hon LJILJANNA RAVLICH: Is it? I hope that there are not any.

The other thing I note from the answers that I got was that WorkSafe did not actually inspect all the colleges at the same time. The answer to the question that I asked about an inspection by the WorkSafe inspector in 2009 was that it covered only a number of TAFE institutes, but other institutes fall outside the time frame that I had asked about. I should revisit this because I am very interested to know what is happening in the other colleges.

I will not go into South West Regional College because we have already explored that. For the record, I make the point about the time frame because neither the Kimberley TAFE nor the Durack Institute of Technology, for example, had a site inspection by WorkSafe inspectors in late 2009. It would be very interesting to see when those institutes had a WorkSafe site inspection and how many, if any, improvement notices were issued.

The case that I have made is that a ministerial statement that is read into this place can be very misleading. If we did not have the answers to the questions I asked, which show a quite different picture from the ministerial statement, one would probably think that what has been outlined in the ministerial statement is wonderful and that everything is going fabulously well and that we now have a streamlined government and accountability framework that is as accurate as the minister reported it was. In fact, what really counts is what is happening on the ground. Does this framework translate into better safety for the users of the public training facilities?

Hon PETER COLLIER: I will not take up too much of the chamber's time. I thank Hon Ljiljana Ravlich for her comments. In respect of the motivation behind these two documents, as I stated in comments that I made in the chamber this afternoon, the whole point of the documents was to ensure that our state training providers are and continue to be provided with more autonomy. That is very important to me. It is also important that they are provided with a framework for accountability. That is essential. When I took over the portfolio in September

2008, one of the first things I did was to meet with all the managing directors of the state training providers, and I articulated where I thought the government wanted to go. They were very supportive. I explained that I wanted them to become specialist centres of excellence and they were very keen to do that. I said that I would like them to become institutions in their own right, and that if they were to do that, I would like to give them the autonomy they needed and wanted. We had a couple of very fruitful meetings and I asked them to put in written form what priorities they saw as being essential to ensuring that they had the capacity to provide a robust, efficient training sector, and they were very forthcoming. It has been very successful. As I said this afternoon, most of the state training providers have now been rebadged to continue to raise their status, to give them a profile, to give them prestige, and to become centres of excellence in a raft of different areas, particularly some specialist areas. However, to do so, they must also be cognisant of the fact that they are funded by the state and that they have a responsibility to ensure that they deliver. They were very conscious of that and very reluctant, I have to say, to sever the metaphorical umbilical cord of the department; they still wanted that connection to ensure they had direction from the department and the government on where we saw training ending up.

That is why we started off the process with these two documents—one is for the governing councils and one for the managing directors—to ensure that it provided a framework; not constraints but, rather, guidelines on what the department and government expected of them in meeting what was required of them. These documents will continue to evolve. It has been a tremendous two years as far as state training providers are concerned. They continue to offer feedback to me and the new Department of Training and Workforce Development on how they can provide impetus in a vibrant, robust training sector. That feedback is very much appreciated by me; the director general, Ruth Shean; and the Department of Training and Workforce Development.

I visit our state training providers on a very regular basis. I have been to Geraldton on eight occasions as minister and to most of the others, certainly in the metropolitan area, at least that many times, and the other regional training providers. The feedback I get from managing directors is that they are very happy with the process. They have articulated to me that they like the notion of more autonomy, but at the same time they still would like direction from the department and the government. However, if we are going to move with the industry sector, I would like to see them have more communication with the private sector; I think that is a logical step forward. If they are going to meet the needs of industry, I would like to think that they will actually move towards a situation in which we can see public–private partnerships evolving and extending what is being offered by our state training providers.

The document that I read in through my ministerial statement last year was just the start. It is a continuing, evolving document and I am very confident that each of our state training providers, which are magnificent institutions and very capably run by 10 wonderful people with a wealth of experience, will continue to work effectively and consistently with the department and with me to ensure that the autonomy that continues to evolve will continue in earnest, while at the same time they will have a clear articulation in written form of what is expected of them. That is what we will get through these documents, both in their current form and as they evolve over the coming years.

Question put and passed.

Progress reported, pursuant to temporary orders.