

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

REVIEW OF THE FUNCTIONS EXERCISED BY THE COMMISSIONER

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 15 JUNE 2015**

SESSION ONE

Members

**Ms L.L. Baker (Chair)
Hon Robyn McSweeney (Deputy Chair)
Ms E. Evangel
Hon Sally Talbot**

Hearing commenced at 9.48 am

Hon BARBARA SCOTT

Former Member of the Legislative Council, examined:

Mr CHRIS BURGER

Policy Adviser, examined:

The CHAIR: On behalf of the Joint Standing Committee on the Commissioner for Children and Young People, I would like to thank you for your appearance before us today. The purpose of this hearing is to assist the committee in its review of the functions exercised by the Commissioner for Children and Young People, with particular reference to the recommendations contained in the review of the Commissioner for Children and Young People Act. Formally introducing myself, I am Lisa Baker, member for Maylands as the Chair; Hon Robyn McSweeney, member for South West Region; Eleni Evangel, member for Perth; and Hon Dr Sally Talbot, member for South West Region. This hearing is a formal proceeding of the Parliament and therefore commands the same respect given to proceedings in the house itself. Even though the committee is not asking witnesses to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament. This is a public hearing and Hansard will be making a transcript of the proceedings for the public record. If you refer to documents in your evidence, please provide the full title for the record.

I would like to ask you now a series of questions: have you completed the “Details of Witness” form?

The Witnesses: Yes.

The CHAIR: Do you understand the notes at the bottom about giving evidence to a parliamentary committee?

The Witnesses: Yes.

The CHAIR: Did you receive and read the information for witnesses briefing sheet provided with the “Details of Witness” form today?

The Witnesses: Yes.

The CHAIR: Do you have any questions in relation to being a witness at today’s hearing?

The Witnesses: No.

The CHAIR: Would you please state your full name and the capacity in which you appear before the committee today?

Hon Barbara Scott: Barbara Scott, former member of the Legislative Council.

Mr Burger: Chris Burger, Barbara’s research assistant.

The CHAIR: Thank you. Can we use first names? First names are okay. I think our committee likes to do that. Thank you so much. We received your very comprehensive information through Renée this morning, but have not had a chance to go through it in detail. What we thought we might do is offer you the opportunity to give us a bit of a summation, or an introduction to your thoughts around the work of the commissioner. Perhaps we might want to focus on your contents of this submission, but we will go through this later, obviously, as a separate role. Barbara.

Hon Barbara Scott: Thank you, Madam Chair, and thank you for the opportunity. It seems like a long, long time ago that the bill went through the house.

The CHAIR: It was a while.

Hon Barbara Scott: If my memory is not exact on some points, I do apologise. I think that the opportunity always with reviewing an act is an opportunity to be grasped with two hands. It is a challenge to assess where a new instrument like this for Western Australia is at; how well it is operating; and, from my point of view, how well it serves the children in Western Australia. I wanted to make a couple of comments before I get on to the recommendations that we have chosen to discuss this morning—most of the recommendations from the Public Sector Commissioner are fine. I gave a detailed submission to that inquiry. They called us in and we spent several hours with them; it was useful, I think, from both sides. In relation to the operation of this standing committee, at the outset in the early days when the government of the day brought in the bill, we made it very clear—both sides of Parliament, all of Parliament were in concert on the fact that this was about listening to children, hearing their concerns, and making sure that government agencies and authorities and instruments had the benefit of knowing how children felt about issues. I would like to say in commendation of the work that this committee has done, the recommendations that you have made about the inquiries into legislation concerning children I thought were commendable—on film and television, and the two bills you made submissions on in 2012, public gatherings and whatever. It is very good to see that initiative coming from a standing committee like that; that is part of your role. I think one of the most important things about having a children's commissioner as a fearless advocate for children, not only does that person need to have a thorough understanding of where children are at in society, but to constantly be able to hear what they have to say about issues. The responsibility of the commissioner is to raise the issues and allow avenues for children to be heard. One of the disappointing things, from my point of view, is that there is not an extensive network of children's advisory committees around the state. Whilst the commissioner and the acting commissioner have done very good jobs in raising the profile of the commissioner for children, there is still a deficit of understanding of what the commissioner can do and is doing. I would suggest that, particularly amongst children, although there has been a lot of consultation—lots of children—we envisaged at the time of the legislation going through there would be a network of children's advisory groups constantly happening. These would not be costing a lot of money, but as an ex-teacher, I could see possibilities of every school having at least one advisory body so that every child in that school knew or had heard of the children's commissioner—maybe not an intimate knowledge of it, but know that there was somebody safe that they could safely go to and that that person would be accessible to them. My recent information would indicate that there are only two children's advisory groups operating at the moment. You might like to go into that a little bit later.

I think that your role is very significant, and it is very significant in that the commissioner for children is independent of any minister or any agency. Whilst some governments may not like that independence, that is the benefit and the beauty of having established a commissioner with the rights and the governance to investigate and comment on what governments are doing; to speak out with no fear as a fearless advocate for children.

I think also that some of the things that you have referred to the commissioner very much reflect the day-to-day issues; the over-sexualisation of young girls, I think, is a serious issue so I was very pleased to read that in your executive summary; and you have raised the issue of classification of videos and television. We will get to the detail later of the situation of a minister developing a policy and not abiding by the act of going to the children's commissioner where it deals children and young people. Whilst I am cognisant of the fact that ministers want to develop policy and for it to be put out in the arena, I think there are mechanisms that can be used so that that consultation is done and the minister is very aware, if they are not already, of the impact that particular policies would have on children. You have highlighted several of those. Did you want to make any comment, Chris?

Mr Burger: No; I think you pretty well covered it.

Hon Barbara Scott: Just to explain, and you may wish to start somewhere else, what we have done is to go through very carefully the review of the commissioner done by the Public Sector Commissioner and just commented on recommendations that stand out as not being ones that I would agree with and want to make a comment on.

The CHAIR: Thank you for that overview, and might I say that we are very glad that you have been able to come today. As you know, it is quite a unique committee of government, so there have always been challenges associated with the work of this committee and how we exert influence over Parliament. I am very thankful that you have recognised some of the work that we have done. In this current review, we have chosen to drill down, if you like, on the functions of the commissioner, with which you would be intimately familiar, having been involved in the drafting. Looking at the functions of the commissioner as distinct from reviewing the whole act—that is being done by the commissioner, of course—we are looking particularly at the amendments that were proposed by the Public Sector Commissioner. Where there are particular things, such as in recommendation 2 from the inquiries into St Andrew's Hostel, we wanted to particularly look at how the commissioner's office might respond to recommendation 2 of the Blaxell inquiry in the context of the Public Sector Commissioner saying that the commissioner should not investigate individual complaints. That is something we do not have a particular problem with, but we are very interested in how the commissioner might be structured in the future to do all the other things around that. Barbara has already mentioned someone being the child's friend, to be able to take complaints and to refer them on et cetera. That is the thing that we are particularly focused on—the impact of the proposed child abuse complaint support function and how that might work with the commissioner. We have some questions that —

[10.00 am]

Hon Barbara Scott: Can I just clarify something, Madam Chair? You referred to recommendation 2 of the Public Sector Commission Act, but are you talking about the recommendation in the Blaxell inquiry?

The CHAIR Two different inquiries are afoot. There is the inquiry that I have mentioned with recommendation 2, which is the Blaxell inquiry. The public service commissioner recommendation that refers to this same matter is, in fact recommendation 12, which is the one you have included in your submission. We have some questions that will start to make things a bit clearer. Given that you were instrumental, as you said, in the Commissioner for Children and Young People Act—you have covered this in some detail, but I want to give you the opportunity to be more expansive in your comments—how do you think the commissioner's effectiveness has been operating to date?

Hon Barbara Scott: I think the first commissioner, Michelle Scott, did a marvellous job consulting thousands of children. The downside was that not enough advisory committees were set up, but the consultation was excellent. She would recognise and she did recognise that there was a need for the commissioner's office to be a spot where children would be welcome to come if they wanted to make complaints. But the budget, as you know, did not cover the investigation. Blaxell has recognised that and concurred and I think there is little difference amongst public opinion in that the commissioner's office could not take on the role of investigation when there are already government agencies such as child protection and the police abuse unit. Hon Robyn McSweeney would have far more knowledge than I about the detail of how that actually works in hearing children and looking after children. But I think it is obvious from the revelations of the Katanning inquiry, the revelations from the federal royal commission into child abuse and from my own experience as a teacher for many years that the signs may be obvious but the voices are silent. Children are most reluctant for a whole range of reasons to make allegations when they know something wrong is happening. That, I think, is one of the critical areas that the commissioner's office could cover. The thought of a child aged five, six or seven or even younger—please God, let us not go there, but there have been recent situations and in the years I was a member of Parliament,

many situations were brought to me, not by little children but by people around them or their parents or their grandparents and it was very much in the majority of close family members committing sexual abuse and other abuse. That is where I think the children's commissioner could hear their concerns. There is a need—I think it has been recognised—for a child-friendly office that is also family friendly. In all the years that I taught I found that people—particularly Aboriginal people and I taught in country areas; and people who are less empowered for whatever reason—are most reluctant to go to the school. They do not want to go to the principal; that is a government institution. There is a reluctance to go there. I think that recommendation 12 is an excellent recommendation and largely has been achieved in the act. The final sentence, I believe, should be amended to adding that the commissioner should only investigate in exceptional circumstances. The sentence would then read that the commissioner should not have a role in investigating the substance of individual complaints that are received except in extraordinary circumstances. The circumstances would have to be most extraordinary since one would expect that most investigations that could not be referred to the police or the Department for Child Protection and Family Support could be referred to the parliamentary ombudsman. If this investigatory or child ombudsman responsibility is added to the commissioner's role, the commissioner would have to become a full parliamentary commissioner —

The CHAIR: That is very big.

Hon Barbara Scott: — in the manner of the ombudsman and the Corruption and Crime Commission and links to the executive would have to be removed, especially the ability of the minister to direct the commissioner and to make regulations governing the commissioner. This must become the sole responsibility of the Parliament through this standing committee. It is a big responsibility, but this committee has a very important role. I have attached some amendments in appendix 2. These amendments were also discussed with the Public Sector Commissioner. The amendments will enable the commissioner to investigate individual cases where the circumstances are exceptional rendering normal avenues of investigation inappropriate or impossible and will ensure that the commissioner has only one master—the Parliament.

Hon SALLY TALBOT: What sort of exceptional circumstances do you envisage?

Hon Barbara Scott: That would be entirely up to the discretion of the commissioner, because who knows what peculiar, different or difficult circumstances a child may not want to disclose to the police child abuse unit or child protection. It would be rare, I would think.

The CHAIR: I am fully sympathetic to the points that you raised. You have outlined for us the resource implications of the commissioner having that role and if that role were only for exceptional circumstances, it would require resourcing just in case. My concern is that no government would be particularly comfortable setting up that level of resourcing because it would be quite a profound investment.

Hon Barbara Scott: It would be duplication, and that has come up in all the findings and recommendations; why would we duplicate the Department for Child Protection and Family Support or the police child sexual abuse unit? It would be the view, and it is the view of Blaxell, that the commissioner needs to be, firstly, well known amongst children so that they know that they can go there and tell their story in a child-friendly atmosphere. However, their story will not be investigated by the commissioner but passed on with the child supported. Yes, that would mean additional resources, but not total duplication of child protection where social workers and people go the family and take care of and support the child.

Mr Burger: With investigations into an exceptional circumstance, I envisage that whilst the commissioner would have oversight, he or she would second someone from either the parliamentary ombudsman, DCP, the police or whatever is most appropriate to conduct the investigation. You could not have a specialist on board all the time just in case. If something like that came on,

you would say right, we need someone for six months and you would take that person from the most appropriate body.

The CHAIR: Thank you; that is clear. Barbara, do you think that the children's commissioner office is achieving what was originally anticipated by Parliament? Has that happened?

Hon Barbara Scott: Yes, I do. I am an ambassador for children. There are about 12 or 15 ambassadors. We meet regularly and we are kept in touch with the commissioner's reports and the work that has been done. We can sit around the table and discuss those, question them and advise. We are really out there to be ambassadors for the commissioner. That was a very good initiative of the first commissioner. My understanding and reading of the report is that there was a lot of interaction with agencies because the commissioner felt very comfortable that she could work with the agencies, which is important. She would bring the heads of agencies together and we have meetings with them as well. Yes, I think so.

The CHAIR: You referred several times to the independence of the office and I would concur—and I am sure that the committee would concur—that after reading the *Hansard* of the debate of the bill, a number of politicians from both sides of the house emphasised the need for independence. I have spoken in Parliament about the Premier's commitment to the independence of the office when he was Leader of the Opposition at the time. Do you think the office is as independent as it should be?

Hon Barbara Scott: I think the legislation supports that independence.

Mr Burger: Certainly under Michelle it was very independent, but it seems to have gone a bit quiet in the past couple of years. Would you agree with that, Barbara?

Hon ROBYN McSWEENEY: That is because it is an acting position.

Mr Burger: Yes, you have an acting person who does not feel confident in the role.

Hon Barbara Scott: That is right. I am reluctant to reflect on individuals because until there is a commissioner in place, one has to understand the position of the person who has been placed in a temporary position. But the office was set up very well. The acting commissioner seems to be following along the activities, but I think what is needed in a commissioner is fearlessness—without fear or favour and regardless of the government of the day, the commissioner must be free to speak out against anything that may seem not right.

Ms E. EVANGEL: I was particularly interested in the comments you made about the advisory board. I was hoping you could expand on those a bit. You mentioned that there are two. How can we improve on that according to the benefits that you briefly mentioned?

[10.15 am]

Hon Barbara Scott: Yes, the Public Sector Commission has suggested an amendment there, and that is that the word “must” be interchanged with “may”. That is in direct opposition to everything that was agreed to on both sides of Parliament, and the goals and the concerns of all those who supported the establishment of the children's commissioner. It was considered that a vital part of the children's commissioner office was a statewide network of children's advisory committees, so there should not be a “may”—that is the point I am making—it should be “must”. That should not cost a lot of money. If you can build up a network in schools and in organisations that are supported, yes, by people appointed, it should not be a huge cost on the commissioner's office, but in my view it should be “must”. The “may” just leaves it totally open. How are you going to get to children? I do not like to go back to the past. My grandchildren say, “Nanna, tell me about the early days”! When I was growing up in the country, there was a wonderful movement called the Junior Farmers' Movement, and in every district, in every town, there was an organisation for rural youth—young men and young women. There was seconded from the education department an adviser for each huge district, so maybe six in the whole state. They worked together and went to every little

town and taught people how to run meetings, how to be office bearers, how to public debate, how to public speak. That is just an example of something that works well without a huge cost. Having been a teacher, I have seen it in schools—little mini councils, little mini Parliaments. I had little Aboriginal children in Merredin standing up and telling the other kids what they think they should do. You can do it with little children; you can encourage them to speak up, to speak out and to hear their voices and to help them. I have a very firm belief that unless the commissioner's legislation says "must", it will not happen. What, then, is the use of the children's commissioner office if children do not really know about it?

Hon ROBYN McSWEENEY: I actually agree with you, Barbara: I think it should remain "must". It actually fits in with the Blaxell inquiry recommendations, and, as you say, how are children going to know unless it is set up throughout the community? The school is the best place to do it, because you can actually have primary and high schools.

Hon Barbara Scott: Absolutely. I was a primary teacher and in year 5 we had debating circles—this is going back a long way—at no extra cost and with no extra staff.

Hon SALLY TALBOT: Do you think there is resistance in the current set-up to expanding that advisory committee system?

Hon Barbara Scott: I am not conscious of it, but whether they think it would be a burden cost-wise, I do not know, or whether it is fear of hearing too much. I do not know, to be quite honest.

Hon SALLY TALBOT: I just wondered, as an ambassador, if that is one of the things that you are reporting back. Do you have a report-back system where you can feed these kinds of observations in?

Hon Barbara Scott: Yes, we can, and until I have readdressed this issue—I have not looked closely at it, but I have spoken with the staff and they have told me that they have concentrated on having consultation with lots of children, but then just maintaining two advisory bodies each year, and targeting, in the main, vulnerable children. Whilst that is commendable, it does not do the broad brief, the broad brush across the state. I do not know whether I have answered your question.

Ms E. EVANGEL: Yes.

Hon SALLY TALBOT: From memory, those existing committees are topic specific, are they not?

Mr Burger: Yes.

Hon Barbara Scott: Yes, they were.

Hon SALLY TALBOT: One on disability and one —

Hon Barbara Scott: Yes—was it mental health and disabilities?

The CHAIR: Yes, set up for the inquiry, I think.

Hon SALLY TALBOT: You are talking about a different sort of group.

Hon Barbara Scott: I am talking about a grassroots one.

Hon ROBYN McSWEENEY: The youth advisory councils that they had.

Hon Barbara Scott: Yes, exactly; that is right—like the junior councils that the councils support. There are networks already that could be tapped into, from my experience, and you do not have to think, "Oh, the cost." You do not have to have people going out all the time; you could have itinerant people doing a district or whatever.

The CHAIR: That is very interesting, Barbara. Thank you for that. I have two questions, but not on this subject. I just wanted to clarify: at one point in this morning's comments, Barbara, you mentioned legislative review or the opportunity for the children's commissioner to actually make comment on legislation. Was I incorrect in hearing you mention that?

Hon Barbara Scott: Yes, I said two things, I think. First of all, with a new act that goes through the Parliament, there is a review clause, and that was in five years, so that is why the review was done. The other issue was developing policies that affect children and have impact on children. Your committee has already identified two where the commissioner was not consulted. I raised one at recommendation 8 on compulsory preprimary. Those of you who are familiar with my background will know that I was very involved in early education and that was always my view. It is recommendation 8 comments that I have made in respect of that particular one. It was made by the stroke of a pen by a minister in 2013. Going back to 1996–97, when I was charged by the government to look at the entry age of school, there was extensive statewide consultation with parents and stakeholders. It is a big issue; you just cannot change the entry age into school overnight, and this was done with very little publicity or consultation. The parents of today do not have an organisation that has a voice either. It was a major change, introduced without public consultation, and no consultation with the children's commissioner, just like you have already identified those other two pieces of legislation. This occurred despite the fact that the cabinet handbook requires government agencies to consult with relevant stakeholders in the course of developing proposals that are to be submitted for cabinet consideration, to ensure that all relevant information and views are provided for cabinet to make an informed decision. It is just good decision-making. For cabinet to be well informed on anything is important. Unfortunately, it seems that the only mechanism that will ensure agencies consult with the children's commissioner when introducing policy change that affects children is the heavy hand of legislation, so I have attached an amendment to that effect, with explanatory notes that will achieve this goal.

The CHAIR: Thank you. I am really interested in what you are saying, and I know that others might want to comment as well, but just let me ask my question first and I will hand it over! You mentioned legislation. There is no impost within this legislation for government to have potential legislation reviewed by the commissioner for its impact on children. Is that something you think should be part of the commissioner's role in the future? Like the Human Rights Commissioner federally, or in Victoria anyway, any new legislation that is being developed has to go through the screen of the Human Rights Commissioner in the Victorian government so that they say, "This is the impact", and then it is presented to Parliament along with a statement from the commissioner. There is absolutely nothing that says that the government has to go against or with the equal opportunity commissioner's review; it is just a statement so that the government is aware, when it is bringing in new legislation, if it is potentially in breach of or different from what the human rights commissioner says. I am very interested in whether you think that should be something that the commissioner has a role in doing.

Hon Barbara Scott: Absolutely, it is very clear to me that that is one of the important roles of the commissioner—to speak up for children, if new legislation is being brought in that impacts on children. We actually wanted impact statements to be made to the Parliament in the course of our debate, but —

Hon ROBYN McSWEENEY: Ministers will not like that!

Hon Barbara Scott: That is why the debate took so long; there were lots of issues that did not reach —

The CHAIR: That did not get through, then?

Mr Burger: It did not get through.

Hon Barbara Scott: There are two things that should be sufficient for even this committee to raise it every now and again. That is, that the cabinet handbook requires agencies to consult, and appendix 1, which I have attached, is a requirement to seek the views of the commissioner, and I have recommended that we delete all of part 4 of the act and replace it with the following. With regard to policy proposals by government agencies, a government agency must notify the commissioner of any policy proposal. The notification required under subsection (1) must be given

at a time that will enable the commissioner to give proper consideration and inform the government agency of the commissioner's view in relation to the policy proposal. Without otherwise limiting the commissioner's power to publish information upon receiving notification of a policy proposal under subsection (2), the commissioner must publish information that the commissioner considers sufficient to inform children and young people of the policy proposal and the likely effects that the policy proposal would have on the children and young people to whom it would apply. So the government agency must take into account the views of the commissioner in relation to a policy proposal and must inform the commissioner of any amendment to the policy proposal after having taken it into account.

I think that amendment, if it were to be taken up, would enforce it into legislation, and your question was: should it go into legislation? My view is yes, and it could go in as altering part 4, the relationship between the commissioner and agencies, even though for governments it may be something that is new and difficult, and I accept all of that. If you are a minister with a great new proposal, you want to keep it under wraps; it is your idea. But there is a need greater than that and that is that if this does have a detrimental impact on children and young people, the cabinet should be made aware of that. I do not mean that it goes out into the public arena, but those people responsible for making the decisions should be aware of the impacts. You probably all can think of some legislation that has had impacts that you did not ever dream of, later on. That is my view.

[10.30 am]

Hon ROBYN McSWEENEY: Just taking recommendation 8, for example, what happens if the Minister for Education wants all children at a certain age to go to preschool, so they put up a submission to cabinet and every agency gets that submission; the children's commissioner does not get that submission because they are independent and outside the agencies? You would have to see how you wanted that worded, because if she was to get those cabinet submissions she would have to be in the executive and the executive agencies to get those submissions to be able to see what is going on and what the government is doing. If that was the way you wanted it, you would probably have to probably word it a little differently to what you have worded it at the moment to get through, because you have got the independence of the commissioner, which we fiercely want, and you do too, and then you have got this. If, say, there was something in education that the children's commissioner should look at at the same time cabinet looked at it so they could have a viewpoint, after it passed cabinet, you cannot really effect any change.

Hon Barbara Scott: No, that is the point of it going before, so cabinet is informed.

Hon ROBYN McSWEENEY: So cabinet is informed. There would have to be some mechanism apart from the executive government that the children's commissioner can have a look at before it goes to cabinet. It would have to be under all sorts of confidentiality —

Mr Burger: Exactly, which would make it difficult.

Hon ROBYN McSWEENEY: I am not saying it cannot be done; I am just saying that if that is what you want, it would have to be worded differently.

Mr Burger: Do you know they do it in Victoria?

The CHAIR: I did, yes, but it has been some time since I was there talking to them, so I would have to go back and check again. But yes, there are mechanisms in place and it may be that the human rights commissioner there is slightly different and has some executive functions as well. I would have to check that.

Mr Burger: Because you would think the minister would want to be fully informed before he presented legislation of whatever department. Once it gets out there, the egg on the face is going to happen, is it not?

The CHAIR: My understanding is that the human rights commissioner tables a report with the legislation, so there would have been some mechanism for that discussion to have gone on in cabinet prior to that, but I cannot remember what that is, I am sorry.

Do you want to keep thinking about that? I have another question.

Mr Burger: Yes, Robyn has brought up a good point on how you handle that in order to maintain the confidentiality of cabinet.

Hon ROBYN McSWEENEY: It has its own set of rules and regulations.

Hon Barbara Scott: Exactly; it is a challenge, as I said, but it should be able to be worked through and I think that in this appendix 1 the issues we have raised about part 4 of the act deals with the commission's relationship with the minister, as explained under recommendation 12, and this can no longer continue. If the commission were a government agency, this clause of the bill would be essential to ensure accountability. Accountability is ensured by an oversight committee of the Parliament in the same way as the Parliamentary Inspector of the CCC, so maybe there is a role for this committee.

Mr Burger: The current amendments leave the timing open, and so by doing that, it is up to the minister when he or she gives the policy proposal to the commissioner. I would have thought that if the minister was smart, he would do it as early as possible before taking something to cabinet that later gets criticised by the commissioner as having all these problems. In that way you are sort of getting ahead of the cabinet process, but still, the minister would want some sort of level of confidentiality there and I think that is the point you are making, Robyn, and that is the difficulty.

Hon ROBYN McSWEENEY: There is certainly nothing wrong with the minister going to the children's commissioner and saying, "Look, I am thinking of putting this up to cabinet. What are your views on it?" But that is a minister to the children's commissioner. That is without legislation; that is just them doing it.

The CHAIR: I might move the discussion a bit away from this. I will read from the Attorney General's media statement of 20 August 2014, which he put out in response to the Public Sector Commission's review of the act. I will read it out and ask for your reaction to or comments about this. It states —

"Full implementation of the proposed child abuse complaints support role for the Commissioner for Children and Young People will be deferred to allow for the findings and recommendations of the Royal Commission to be taken into account," ...

I would like your reaction to those comments.

Hon Barbara Scott: That is a statement from the —

The CHAIR: Attorney General about the Public Sector Commissioner's review of —

Hon Barbara Scott: Not the tabling; not when the minister tabled this review?

The CHAIR: No, it is a media statement given on 20 August 2014. He put it out in conjunction with tabling the review and calling for submissions. I am just reading you the Attorney General's media statement. There is a precursor that states —

The Attorney General said following careful consideration of the review, as well as the interim report of the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse, the Government had provided its in-principle support to each of the recommendations.

"Full implementation of the proposed child abuse complaints support role for the Commissioner for Children and Young People will be deferred to allow for the findings and recommendations of the Royal Commission to be taken into account," ...

Effectively, the Attorney General said, “No problem with recommendations, but we’re not going to do anything until after the royal commission is completed.” Could you give us your response to those comments?

Mr Burger: I hope that at least he is working up the legislation in preparation so something can be done when the findings happen, because I do not think there is going to be that big an impact, given where this came from.

Hon Barbara Scott: I do not have a copy of that.

The CHAIR: The Attorney General basically said not to move ahead with this child abuse complaints function until such time in the future as the royal commission has completed its work. I am interested because in particular the royal commission has now had several extensions to its work.

Hon Barbara Scott: Yes, it could go on for several more years. I guess he has covered himself there by saying “full implementation of the proposed child abuse complaints support role for the Commissioner for Children and Young People will be deferred to allow for the findings and recommendations of the royal commission”. I would have to say from my personal response that I would have a level of concern about that delay, because every day we know that children are being abused in this state in every town and in too many homes.

Hon ROBYN McSWEENEY: And I would agree with you.

Hon Barbara Scott: You would?

Hon ROBYN McSWEENEY: I would definitely agree with that.

Hon Barbara Scott: That would be my reaction, not having seen that before. There are measures in my view, and we have discussed them, how that complaints role of the commissioner, hearing children, could be extended. I have cited the children’s advisory committees. I think if the commissioner’s office was made more accessible in the public arena—but you would have to work out mechanisms of how that is; we cannot leave it two, three or five years to initiate something to hear children and have them go to a child-friendly office where they can be heard and supported through their reporting stage. I think Blaxell made that very clear: you do not duplicate the cost of investigating, but the commissioner, in my view, has a role to hear complaints, to set up child-friendly practices and to teach child-friendly practices. Even within the children’s advisory committees you could have a mechanism, and the commissioners have been developing those mechanisms so that children can report; it is one of the things they have been doing in this latest children’s advisory committee, so I am told by one of the staff—they actually assist children in reporting. As we know, little children often do not even know what is right and wrong. They would not know things are a crime, but they know things are not right and they are suffering from it. I would find that to put that support role off—we are not talking about investigation—in my view it needs to be expanded sooner rather than later.

Hon SALLY TALBOT: It is very interesting to hear your response, Barbara. I think that the committee is aware that there is a view in some quarters that Blaxell was talking about historical abuse and therefore we have got much better systems in place. I know Blaxell develops a whole chapter talking about how things have improved, but it is our concern there is still a deficit in the system, so it is interesting to hear you confirm your views about that. Sorry, that is a comment, not a question!

Hon Barbara Scott: I thank you for that. I think anyone listening to the revelations of the royal commission sexual abuse inquiry would have to think why did they not have somewhere to go to. Where could they go that they felt safe? I grew up in a small country community. I know people who were abused. They would not have even told their parents, and it is still happening today. It is happening in childcare centres, for goodness sake, and schools, so why put off the support role of the commissioner until later?

The CHAIR: Thank you, I think we probably kept you a little longer than we anticipated.

Hon Barbara Scott: As you can see, I am very interested in what you are doing and what is happening.

Mr Burger: Exactly.

The CHAIR: I think our committee is deeply concerned about similar issues on a number of fronts and we see our role as, of course, advising the Parliament on how things might work and should work. With those comments I thank you both for coming and I will read the closing statement.

Thank you for the evidence you have given to the committee today. Our principal research officer may write to you in the future about additional matters our committee wishes to clarify as a result of the hearing. A transcript of the hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days on the date of the letter attached the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcript of evidence. Personally, I thank you both so much for coming today.

Hon Barbara Scott: Thank you for giving us the time and if you have anything to come back on to clarify, I am very happy to provide that to you.

Hearing concluded at 10.43 am
