

**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
FRIDAY, 19 JUNE 2015**

SESSION FOUR

Members

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

Hearing commenced at 1.53 pm

Mr CHRIS FIELD

Parliamentary Commissioner for Administrative Investigations, Ombudsman Western Australia, examined:

Mrs GWYNETH MARY WHITE

Deputy Parliamentary Commissioner for Administrative Investigations, Ombudsman Western Australia, examined:

The CHAIR: On behalf of the Joint Standing Committee on the Commissioner for Children and Young People, I thank you for appearing today. The purpose of the hearing is to assist this committee review the functions exercised by the commissioner, in particular with reference to the recommendations of the Public Sector Commissioner's review of the act. I am Lisa Baker, member for Maylands; my Deputy Chair is Hon Robyn McSweeney, member for South West Region; Eleni Evangel, member for Perth; and our other colleague Dr Sally Talbot who is also a member for South West Region. This hearing is a formal proceeding of 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 make a transcript. It would help Hansard if you could provide the full title of any documents you refer to.

Have you completed the "Details of Witness" form?

The Witnesses: Yes.

The CHAIR: Do you understand the notes at the bottom of the form about giving evidence?

The Witnesses: Yes.

Mr Field: I was going to say it would be a sad thing after eight years if I did not, Chair!

The CHAIR: We have changed them.

Mr Field: We still looked at them.

The CHAIR: Did you receive and read the information for witnesses briefing sheet?

The Witnesses: Yes.

The CHAIR: Do you have any questions in relation to being in the hearing today?

The Witnesses: No.

The CHAIR: Thank you, both, again. First names are good, so Lisa, Robyn et cetera.

We thought we would be best placed to start by asking whether you remember back when Blaxell put his recommendations in and subsequently we had the Public Sector Commission review—things have changed and time has gone by—but originally, Chris, you spoke with Peter about the concept of what role the Ombudsman's office might want to play in child abuse complaints? Do you remember that scenario? Maybe you would just like to make some opening comments?

Mr Field: Certainly. I certainly do, Chair, in relation to that. I cannot remember how many interactions I had with Peter Blaxell about those matters, but I certainly have a photo recollection of a meeting at the premises at which time the Blaxell inquiry was being held. I am sure we would

have had some other interactions as well. He and I spent an hour or an hour and a half or so of me meeting him at the time and I thought that was a very sensible consultation at that time. Yes, we certainly met and we certainly discussed a range of things that he was thinking about including the idea of how we would both ensure as many children as possible who potentially had a matter to disclose or at least to come into the system effectively—described in its most general way—be supported through that system when they came into the system. So it was those matters in particular that he and I discussed. We certainly had a discussion at the time about—there was much of a focus in that inquiry around child sexual abuse for obvious reasons because of the terms of reference and what it related to, of course. Much of it was historic, but we certainly discussed the idea that some of these matters might be beyond child sexual abuse, because there are going to be of course continuance of behaviour. So we certainly discussed matters beyond simply child sex abuse, to complaints about abuse generally. We largely spoke, as you would expect, because of the functions of my office, about the complaints, the receiving of complaints, how they might be handled, and how they might be supported. I am sure we would have spoken about the role of the Ombudsman generally in the system as it currently stood then.

The CHAIR: Peter was very supportive. He told us that at one time he was very supportive of your office accepting that function and whilst he did not direct the government in any particular way, he did suggest that that function was needed somewhere. He made it very clear to us recently that exactly what you have just said—we should have talked to you before—that it is not just about the complaint, it is about how the complaint continues for that individual and how that child is looked after through that journey. He made that very clear to us. I suppose, Chris, given what you know now and the time that has passed and things that have happened, and the system, we hope, has improved, do you still see the Ombudsman as potentially playing that similar kind of role of accepting a complaint of this nature?

Mr Field: Yes, certainly. As you know, matters have progressed since that time and there were the considerations of the government of the day: the considerations of the Public Sector Commission, some views about the CCYP being the most appropriate body for that. I can certainly say that my recollection—this is an absolute photo recollection and I do not know if there is a transcript of the particular meeting we had—is we certainly discussed at the time that there were potentially a range of options. That was in addition to those that currently existed in the system at that time and that subsequently, obviously, further matters have been developed since then. We certainly discussed the possibility of the CCYP having a role in that space, either the entire role or a part role in that space and potentially certainly in that advocacy space as well.

[2.00 pm]

The CHAIR: Can I ask you about that then? Sorry to interrupt. This is the finer point that I think is not evident when you first look at this—that is, what we are very, very clear about now is that what Peter was talking about was having someone who is the child's friend; someone who specifically is the advocate on behalf of the child who is not impartial, not at all impartial. Someone who is specifically looking after that child and accepts what they say is the truth and works with them through the process regardless. So, the police, of course, have rules of evidence and criminal investigations take over potentially. DCP come with their own amazing system, but they also have, you know, some baggage maybe that might be in-house. The Ombudsman's role—correct me if I am wrong, I certainly could be—is more about process and whether the process been followed correctly and will the process be followed correctly during the journey. To me, that is not a partial role; it is an impartial role again.

Mr Field: Chair, you could not be more right; that is the answer. The Ombudsman exists—the title alone of our office, the long title, gives it away: the Parliamentary Commissioner for Administrative Investigations. So, certainly we are investigating the administrative acts of government. I often explain this as: Parliament makes the laws, as an officer of the Parliament and I sit there through the

complaints I receive from the public, investigations of my own motion—my own decision in regards to where there is a complaint—to determine how the laws of Parliament are being administered. Are they being administered fairly, legally, correctly? Do I need to make recommendations about changes to law or changes to policy or changes to the way things are administered arising from that? We do all of that every day. But you are right; it is fundamentally an impartial role. So it is both utterly and completely bipartisan impartial to the politics of the day and it is utterly impartial to the complaints. There is partiality on those two levels—impartial to the parties before the dispute. And that I think was one of the reasons when Peter and I originally discussed these matters, since we would not and it would not be appropriate for us to take an advocacy role, and there are others in the system of course in care, which one of your members would be particularly familiar with as a former minister, that there are a range of systems in place to advocate for children in care environments and other environments, but one of those clearly in the community is the children and young persons' commissioner. I would think that would have been something we would have definitely discussed with Peter at the time.

The CHAIR: Well, that is good, because it is very instructive to think that the Ombudsman might be the right place to take on the complaints role, but then when you actually look at what it is that children need, it is that voice for them and that friend to work through the journey with them. So it then brings us up short again. Along with what Blaxell decided, I suppose, after talking to you—great idea; however, you guys have to be impartial, so we still have that gap in the system that he first referred to. Given that he was also talking particularly—working with—a group of children who were outside of care, who were not on anyone's radar. These were just kids at a hostel, going to school, over 20 something years and abused through that period. The whole issue is: who is looking after and ensuring that the system is accessible for kids who are not on anyone's radar? So that your kids or our kids feel that if they are not on someone's radar and there is something going wrong, they can ring someone.

Mr Field: Chair, once again, I think it is a very good point. Talking once again about the Ombudsman's office, I think we have a clear and important role in relation to both the accountability oversight through complaints investigations in relation to all those agencies within our jurisdiction. Of course, that is the vast majority of state government agencies and public authorities, local governments and universities, but it certainly does not include non-government agencies. We can request information from non-government agencies by subpoena, but only insofar that we are investigating a government agency—so there is a gap. It is not the case all around the country, some ombudsmen—and internationally now—are doing some more work, some are getting some jurisdiction to go into the non-government space. I think the New South Wales Ombudsman, for example, can investigate private schools. The OPCAT jurisdictions, which is not yet operational in Australia—this is the optional protocol cruelty and torture that is being examined. It is a UN protocol that allows agencies like the Ombudsman and Inspector of Custodial Services in WA to look at potentially private nursing homes, boarding houses and those sorts of things; some of those sorts of areas which would otherwise be outside the traditional jurisdiction of the Ombudsman. But as it stands today, yes, while we can get a very strong understanding and absolutely investigate what the Department for Child Protection and Family Support are doing, police, the CCC as well with police, in our case, Health, Education, Corrective Services, we are certainly not the place where child abuse complaints will come to be investigated, which is of course those other agencies, principally the police, Education, Health, Corrective Services. We can certainly investigate those who do investigate those matters, but it is really about government and not non-government. I would not call it a limitation of the Ombudsman, because the Ombudsman's traditional role is about government, but, effectively, for our purposes today, it is an inherent limitation, yes.

Hon ROBYN McSWEENEY: Can you go in by the back door, because non-government services are funded and contracted by governments and in child protection a lot of the state children in care

are in out-of-home care with non-government service providers. Would your act have to change for you to be able to do that or can you do that now?

Mr Field: Once again, I think that is an excellent question as well. I think the answer is: it is not entirely clear. There is certainly a capacity for me to say—let us use child protection in so far as they are contracting out a service—it is unambiguously clear that I could investigate that which they are providing directly. Can I investigate that which they are contracting out? The answer is: I can investigate what they are contracting out—the wisdom and the management of that which they contract out. Can I actually investigate the contracted out provider? Probably not. Can I get every piece of information I want from them via subpoena? Yes, I absolutely could. So in the investigations we have undertaken in our office, we have certainly got information from non-government providers. Private schools are a good example; we will get information from them. It is usually not by subpoena because they are very keen to help these investigations and work with our office, but sometimes if necessary, by that mechanism, we can get that information, but I am not going to be investigating it or making findings about them and I cannot make recommendations directly to them. But, for example, I could make a recommendation to the Department for Child Protection and Family Support: “I do not think you have contracted out this service correctly. You have contracted it to the wrong person. You have contracted it with someone who is not doing the job properly and you are not supervising it properly.” That is, for example, something that I could do.

Hon ROBYN McSWEENEY: If you were an ombudsman and a youth ombudsman that would be different. If there were new legislation set up so that you were youth ombudsman as well, that would apply to all children under 18, let us say, in this state, would it not, logically?

Mr Field: It is the sort of matter that we would normally expect the State Solicitor and those and others would look at very carefully in relation to the appropriate formulation of that legislation. But I suspect that New South Wales undertook that role to extend their jurisdiction. It was done through legislation. We do not have what a lot of the Auditors General refer to as follow-the-dollar powers. They can actually follow a dollar of government money all the way through the system. That is certainly not a feature necessarily—I am not saying that we should have it; I am just saying that it is not a feature.

Hon SALLY TALBOT: Which was I think how the Ombudsman for Children in Ireland chased the dollars—well euros I suppose—into the Catholic Church.

Mr Field: The Irish Ombudsman is a colleague of mine.

Hon SALLY TALBOT: A legend.

Mr Field: Yes, he is exceptionally competent.

The CHAIR: There is a new one now.

Mr Field: A new one now, that is right, Peter Tyndall. But the reality is that there are different systems and different mechanisms for doing this and really ultimately in that sense it is a matter for the Parliament of the day as to whether they thought that was an appropriate function for an office like mine. It is certainly not unprecedented around the world. If I look at some of our major investigations certainly, say our most recent investigation that we will be tabling in Parliament shortly in the next month or so in relation to domestic and family violence fatality, which clearly impacts upon children, as you would absolutely know. As I say, I do not need to speak to most of the members on this committee at all; they know these matters. If you look at our most recent and tabled report last year into youth suicide and the prevention and reduction of youth suicide in this state —

[2.10 pm]

The CHAIR: A very good report.

Mr Field: Thank you, Chair. We thought it was a powerful good addition to the important work on that fundamental issue that has to be done. So, in that space, we are, of course, making our recommendations to government. We are making findings about government departments and it is government that we look to to accept the recommendations, government that we look to to implement the recommendations, but we will be in those places talking about non-government delivery of services as well, because these days that is such a fundamental part of government service delivery—the contracted out services.

The CHAIR: And the private sector?

Mr Field: That is exactly right, yes. But, as I say, the critical difference for us is that I cannot say tomorrow, “Hey, I am investigating a private sector organisation, can’t make findings about them, can’t make recommendations.” Ultimately, I make recommendations to ministers responsible for government departments.

Hon ROBYN McSWEENEY: I believe that is a failure of governments. I think that if they gave you the power to be a youth ombudsman as well as the Ombudsman, children in this state would be a lot safer. I also believe that if they let the children’s commissioner alone to do what the children’s commissioner should do best in a preventative way, that would strengthen up greatly for the benefit of children in Western Australia. I just wonder how you would feel if you were given those extra powers. How would you feel about that?

Mr Field: Well, I was certainly going to say to the honourable member, too, it may well be something that is examined by—you imagine it could well be examined by the Royal Commission into Institutional Child Sexual Abuse. You could imagine that their needs could be properly considered by them both at a state-by-state level and also with a national approach as well. Look, I have had the same view about these matters the whole time I have been in office. It is not so much how I feel about it, it is more a question of could we do it? As I say, I believe it is entirely a matter for others—elected officials—to say that I should do it.

Hon ROBYN McSWEENEY: No, but if you were properly resourced to do it, you —

Mr Field: If we were properly resourced to do it, I do not know that that resourcing would be absolutely extensive and substantial. We have done most of the functions that we have been asked to do either by the government of the day—say, a family domestic violence jurisdiction—or by the Parliament of the day, a child death review jurisdiction, on what would not be called, in the overall scheme of things, significant levels of resources. If we were asked to do such function or, indeed, Parliament required us to do such a function through changes to our legislation, we could do it. And I would say this: we would do it with the same level of commitment—commitment to doing it with sensitivity, sensibility but excellence that we have done for all of our other work. Now, I am not saying that we have achieved that but we certainly commit to that.

The CHAIR: Can I pick up there because that is a really good lead-in to one of the things I was going to ask about your current situation. We notice that unless—in the words of your legislation or your operations—there are special circumstances, you cannot investigate complaints that are more than 12 months old or that can be taken to a court or tribunal, which has a direct relevance on this particular issue if you were to take that on.

Mr Field: Yes.

The CHAIR: Because, of course, most people do not report until 30-plus, if it is historic abuse.

Mr Field: Look, once again, Chair, I would have thought that a question central to the efficacy of this sort of role, Parliament clearly envisaged, as a general proposition—perhaps is the best way to describe it—that complaints that were older than 12 months may not be undertaken by us and those which have a legal remedy may not be, but in both cases we have the discretion to take complaints. So we can do that and there will be many examples in my office where there will be cases where we will receive a complaint that is older than 12 months and we will not investigate it. But there will be

cases where we have a complaint older than 12 months and we will investigate it. And they are exactly the same in terms of legal remedies. Sometimes we look at a complaint and say, “Look—that is best resolved by a court”. In all the circumstances, it may raise incredibly complex legal issues—the quantum of the complaint. That remedy which the complainant is seeking might be suggestive that it ought to be dealt with by a superior court, but there will be other cases where there could be a legal remedy, but we will still believe in all the circumstances it is appropriate for us to do it.

The CHAIR: You would have to have a significant outreach program in order to take on this role. Do you want to talk about what you do at the moment in terms of outreach of the services that are offered by the ombudsman’s office? You go and talk to people about what you do and how you do it. So you can imagine that this target of children from zero to 18, it is a little bit different in getting the message out there.

Mr Field: Yes, absolutely.

The CHAIR: So any thoughts about how you might?

Mr Field: Yes. We are delighted to speak about that and I think there is really nothing more important than an ombudsman being, of course, whilst fundamentally retaining impartiality, their whole point is for an access to justice jurisdiction and we need to be accessible and we need to go to the community and make sure that they are aware of our services. Certainly, in my time—this is no criticism or comment upon any predecessors—from really the moment I started, I am sure partly influenced by my background, I was very, very keen to look at those communities in particular that we thought were vulnerable or disadvantaged and not otherwise having access to our office, particularly Aboriginal Western Australians. I am sure that there is very strong support from the community and we are unashamedly of the view that we needed to increase our access and awareness for that community, who are historically very under-represented in complaints to my office, but of course, are very over-represented in many of the issues. That situation was not acceptable. So we have done a lot of work. We combined that with our commitment to those who are living and working in the regions of Western Australia. So we formed a program—it is the public sector, so we had to have an acronym and it is the regional awareness and accessibility program, called RAAP. That has been undertaken for eight years now. Some of my terrific staff who are with me today are involved in that program. My deputy and myself—I have attended the vast majority of them personally. So we go to those communities and we outreach, and we go to youth councils. I think when we were in Northam recently went to the Avon youth group. We go to a range of youth facilities in relation to those in particular outreach activities. So, as I say, that is important and we are always looking at ways to amplify that. I will get to just a little bit of perspective in a second. Other things that we are doing at the moment: we have a particular focus on outreach to prisons, and we always have. The Inspector of Custodial Services is clearly an important role in the state in relation to that, but he does not handle complaints. So we obviously go to prisons in relation to making sure that we are—I will not talk about prisons generally, but focus on Banksia Hill for today’s purposes. We have put a lot of emphasis on making sure that we have visited Banksia Hill a couple of times in the last 12 months. We have got a further program to do that over the next 12 months. We go there with an Aboriginal consultant as well to make sure the sensitivity and sensibility of our approach is as appropriate as possible. We really go there to hold complaints clinics. We have children and young people and we actually encourage them if they have a complaint to raise that complaint with us. We check the mail systems. If they have a confidential mail system process, is that all intact, is that working? We look at the sort of issues that have been raised with us because we get complaints from children and young people in Banksia Hill.

The CHAIR: Yes. We have a question about that.

Mr Field: Absolutely. We will look at those complaints—the issues that they have been raising—and look at the prison from our own perspective. So here are the issues they have been raising; what does it look like when we look at it? So that is another part of what we do in terms of outreach. Later this year and into the next year, and working with the children's commissioner because I have raised this with the commissioner, and something we are very keen to do is we are actually going to do some further work on making my organisation as child-friendly as possible. We will either be looking at a dedicated website—I suspect that it might be a portal within the website; it stands alone but it links back into it. We want to look at making our website and our accessibility as child-friendly as possible—social media as child-friendly as possible. I think the Chair knows that I have a 13-year-old daughter and I can tell you I do not necessarily know that the way her dad communicates is the way that she is communicating. I think we have probably all experienced that. We are going to do a couple of things. We are going to have a roundtable of young people help to inform us about those things; we will work with the children's commissioner; we will do some survey work. We are really mindful that many children in the community will have fundamentally strong and supportive parents and guardians and others who will, on their behalf, make complaints to my office if it is appropriate. They will do that for the telecommunications industry ombudsman and other ombudsmen around the country. We are interested in all children and young people, and particularly interested in those who find themselves in vulnerable situations. We want to make sure that we are doing as much as possible. I think more into the future, to reach into those, we will visit, for example, the Kath French centre in the second half of the year. So we are going to do more and more work in that space over the next 12 months to two years in relation to those things. That has always been something we have planned. As I say, our regional program and our other programs, such as the homeless persons clinic that we are involved with every year, are all about these outreach activities of getting out there. I also appear on 6PR; I do a range of other activities. We are just trying to raise the accessibility and awareness.

[2.20 pm]

The CHAIR: You will not get many young people on 6PR, Chris. Settle—you have lost credibility now!

Mr Field: I will say this, Chair: the particular show that I do probably does not have a significant demographic of children and young people.

The CHAIR: All right. I will pay you that one. Can you talk a little bit about the MOU that you have? I think you have one with the children's commissioner, have you?

Mr Field: Correct.

The CHAIR: Are there any others in the child protection system that you might have? Just tell us a little bit about what that is and what it covers, would you?

Mr Field: Yes, Chair. Thank you. We do not put many MOUs in the office. We have one as public record with the CCC and we also have one with the children's commissioner. I think that is reflective of the fact that we do not have many, that we have it with some pretty critical organisations. Generally speaking, we do not have—I think it was the case historically that there were more MOUs in the office. We generally do not have MOUs with those agencies who account to us because really all the MOUs do is repeat the legislation. We can request these documents from you so they are really, effectively, in that sense, redundant. But they are not redundant with peer agencies; they are not redundant with those who we are not actually ourselves investigating. So we do have one with the children's and young persons' commission. It is a valuable document. We have an excellent, excellent—both under the former commissioner, Michelle, now under Jenni, and it is not just at my level with the commissioner; at officer level my staff met on a regular basis as well. We will talk to them about initiatives we have in mind; for example, our website, accessibility enhancements and improvements.

We will also consult with them when we are doing our major own motion investigations. So it will be typical that we will write to them and say, for example, “Do you have input and views on our current investigation in relation to the reduction of preventions of drownings of children?” We will write to the children’s commissioner about that and say, “Would you like input into that?” Family domestic violence as well and also our own motion investigation into youth suicide. For all of these sorts of investigations, we will also additionally consult with the children’s commissioner. The MOU certainly gives us the capacity to have some regularised way of contact; both my meetings with the commissioner, officer-level meetings, and the sharing of information about complaints. It is not incredibly regular and I know the last time I spoke to this particular committee—it was a different iteration in terms of members—we were talking about that process. Certainly, the commissioner can call me at any stage, entirely appropriately, and say to me, “Look, I am aware of a complaint. I am aware of a concern. I was visiting a centre and a person—can I refer that to you, and can I keep ringing up from time to time and monitoring how it is going?” That is absolutely appropriate. Also, the commissioner, of course, under her legislation—here I do not need to tell you at all what the legislation says—has quite a proper role in relation to that systemic and monitoring role in relation to complaints. It is not incredibly regular that she calls. That is not unsurprising because they are not themselves receiving complaints; they are not a complaint-receiving body. But they can, and they can have interaction and, as I say, literally at any time the commissioner wanted to call me I would take her call, of course.

The CHAIR: Knowing what you know and having trod this path for a few years now, I would be really interested in and respectful of the views of you or your office about what role you think the children’s commissioner should be given around recommendation 12 from the Public Service Commission. You would remember it is the one that states that the commissioner should be given powers under the act to provide a child abuse complaint support function that consists of education and outreach, receiving complaints, referring complaints, providing information referrals and monitoring the way agencies deal with that. That is what the Public Service Commission said that is what we are investigating in particular. What do you think the commissioner’s office should be doing?

Mr Field: I would probably put the caveat in there that you might expect, and the caveat is this: obviously, that is ultimately a matter for the committee, a matter for government of the day, and then ultimately a matter for Parliament if legislation is required. In that sense —

The CHAIR: You mean we cannot just say, “Chris told us to”?

Mr Field: Yes. That is right.

Hon ROBYN McSWEENEY: Very smooth, Mr Ombudsman.

Mr Field: But what I will say to the honourable Chair and my significant respect for her and all of the members of this committee is that I have always had a view that I have stated on many occasions, publicly and privately, about this and that is that I think the children’s commissioner is an important role and it has an important advocacy role in the community generally for children, which can be in relation to the support of complaints. I have also always said that an actual complaint-handling function may not be the most appropriate role for the children’s commissioner because, of course, as an advocate she cannot at the same time be impartial. That is the view, as I say, I have stated to the former commissioner, the current commissioner, I think I have stated it to this committee, actually, and I have certainly stated it on other occasions publicly. I think the children’s commissioner has a fundamentally important role. It is not necessarily as a complaints receiver and handler though.

The CHAIR. Yes; got it. Thank you. My colleagues have been absolutely uncharacteristically dead-silent, apart from Robyn. I know he is impressive, but do not be befuddled! Do ask questions.

If not, I have a question to ask, which I will continue with. It must be late in the day, Chris. Admittedly, you might not want to answer this or you will probably be fairly guarded in what you say. The Attorney General, when he tabled the Public Sector Commissioner's report in Parliament, said that it supported all of the recommendations and then at the end of his speech, and in his media release, which is what I am reading from —

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 views on that statement.

Mr Field: I think the Chair has probably anticipated my response to that. I will say this about it, and this is unquestionably the case with the royal commission, what I would have thought every Australian would think: the Royal Commission on Institutional Child Sexual Abuse is a critically important inquiry. I think it will both receive significant evidence information that will be helpful to them in considering these matters and, of course, they are looking at a national basis and can compare and contrast a range of systems that are available for this. I presume they are also—I am not sure—casting their minds to international examples as well. So, of course ultimately, it would be sensible for any government of the day, whoever that government would be, to look very carefully at the results of that royal commission in relation to its implementation. In relation to doing actions before or not before then, I would say that is a matter for the government of the day; that is a matter for the department of the day, basically.

The CHAIR: Right. My final question is, could you just explain the role of the integrity coordinating group to us? I am interested in it; I have not heard of it.

Mr Field: Absolutely. The integrity coordinating group is a group that was established prior to my time in coming to the state but it is certainly one which I have always found useful in my time that I have been here. It is constituted by myself, the Office of the Ombudsman; the CCC; the Auditor General; the Information Commissioner; and the Public Sector Commissioner. They are the members of the ICG. It basically works like this: we meet quarterly for an hour, an hour and a half, to two hours, that sort of time frame and that is supported by a support group—my deputy sits on that—of senior officers who support the actual operation of the group. The integrity coordinating group principally exists—a range of bodies in the state have a role in relation to the integrity of government. We want to make sure that we do not duplicate efforts inefficiently and we also, where appropriate and always only in the context of our legislation, share information that might help with the coordination of reports. There are many models, Chair, around the country in Tasmania, South Australia, to a lesser degree in other states, and to a greater degree in other states have this sort of model. What I find sometimes also when I am talking to colleagues both nationally and internationally is that ours is often seen as best-practice or a very good practice model. What it is not—I will say two things—it is not, in and of itself, a statutory or organised body of its own right so it does not have its own entity. We see it as an informal collaboration. It is certainly not designed by myself or anyone else to create a fourth branch of government.

[2.30 pm]

Hon SALLY TALBOT: It is not actually minuted, is it?

Mr Field: No, it is minuted. Yes; that is exactly right and I think some of those minutes, by the way, have been provided to the Joint Standing Committee on the Corruption and Crime Commission.

Hon SALLY TALBOT: Okay; that may be. That is where we have had discussions.

Mr Field: Yes, there certainly were discussions about it; the honourable member is absolutely correct to recollect that there were discussions about the minutes, but I actually think that was in relation to whether minutes could be provided. They are minuted and I would have thought

they would also constitute—rather than say think, I should be absolutely certain given that I am a State Records Commissioner—I would have thought that they would constitute state records as well, for the honourable member's interest.

The CHAIR: Do you ever invite any other CEOs or commissioners along to that group or is it just —

Mr Field: Another excellent question. We absolutely do. When I first commenced, the Information Commissioner was not part of that group and he was invited to become a permanent member of the group that is there now. Then we also, for example, have had Professor Neil Morgan, of course, as you know, the Inspector of Custodial Services. He has also addressed the group. Wherever it would be appropriate, I can easily imagine that happening again in the future. It really is about, at the end of the day, two things: there is a fundamental public interest all that we are executing. We want to make sure that we enhance that public interest role. There is a secondary reason, which is that we are spending other people's money; we are spending taxpayers' money and we want to do that as efficiently as possible.

Ms E. EVANGEL: We have been interested; we have been mesmerised by it all, fantastic, thank you. I really appreciate it. But, you did say something previously; it is probably not as applicable to what we are looking for here, but I was interested in the comments that you made relating to homelessness and your work in that space. If the chair could indulge me for a couple of seconds would it be okay to proceed with that?

The CHAIR: Yes, go ahead.

Ms E. EVANGEL: Thank you. Would you mind elaborating?

Mr Field: Absolutely, of course. It is the day after the CEO Sleepout. This is a matter that is of critical importance in the community. It has a relationship, as you know, with mental wellbeing in the community and other issues. So, we take it very seriously. We have been involved with that for some time. I think the honourable shadow Treasurer had an involvement in that, so a particular clinic that we are involved in, but we have certainly been involved in that for a couple of years now, where we send my staff to work with a raft of other agencies, in terms of: what does the Ombudsman do? How could we assist you in relation to our functions and our support taking complaints? And certainly that is just one of the ways that we would reach out to what is obviously a difficult-to-reach community potentially, in terms of their access to our office, but people who find themselves homeless on a long-term basis on just any given time sleeping rough or otherwise, should have no less right to access our office than anyone else. In fact, as I say, with vulnerable communities, we have a particular right, I think, to reach out to them. While some of the sorts of services they might be using from the government will be commonwealth government services, and therefore the Commonwealth Ombudsman would be the appropriate place, we could certainly be a referral mechanism to them, and insofar as using state government services, we may well be able to assist them with their concerns about that.

Ms E. EVANGEL: Thank you.

Hon SALLY TALBOT: I want to take you right back to Blaxell if I could, just maybe by way of a final question. Obviously one of the most important chapters is chapter 19, which is about what has changed since the circumstances which gave rise to the abuse in the first place. There is a lot of consolation or reassurance to be found in that chapter, but of course, Blaxell goes on—his concluding chapter is about what still needs to be done—and even though we have made such major changes to the systems right across the board, it still finds, recommendation 5 or 2—whichever recommendation it is—about the one stop shop. I am interested to know whether you clearly agree with him in that there is still something missing in the system. If it is not the one stop shop, how would you characterise that missing piece?

Mr Field: It is an interesting point the honourable member raises, because if you look to Peter Blaxell's report, he is referring to a one stop shop, but I think subsequently also, when he has given evidence to you and some other commentary, that in some ways was a, as I understand it, from his own terms —

Hon SALLY TALBOT: It is a shorthand.

Mr Field: Yes, a shorthand, and a short term, and almost a working title. That is right.

Hon SALLY TALBOT: Yes, "child's friend" is the expression.

Mr Field: As the chair has indicated and I think that is right clarifying that. I think it also goes interestingly then to that PSC recommendation, because on the face of that I thought that was a very sensible recommendation the Public Sector Commission made, because they are saying it is not so much that the person would investigate complaints, because of course, we have a raft of those investigatory bodies at the moment —

Hon SALLY TALBOT: And Blaxell tells us where he is right.

Mr Field: That is right. I am referring to him as His Honour. I am not sure if you keep that honorific if he is at the point of retirement. As Peter has indicated, we have by his words a very high standard child sex abuse squad in the Western Australia Police. We have the Department of Education, we have the Department of Health, we have others who are receiving and investigating these complaints. So, I saw more what he was ultimately referring to, and it is more therefore, I think, consistent with the Public Sector Commission position which I thought was otherwise very sensible, which is this idea that we support people through that system. Can we potentially do more? It is really at those two ends: it is the identification—I think the royal commission is looking at exactly the same issues. How can we ultimately make sure that there is no-one, no child who has experienced abuse, left unheard of by the system? Not available—that those issues they are raising were not available to the system to resolve, and that once they come into the system, there is support for them through the system, and I think that is ultimately what that was getting at. I think the PSC's recommendation around child support, was trying to get to the essence of that, and as I say, I thought that was a perfectly sensible way of encapsulating that concept. No-one in the community wants to have any unmet need in this area. We talk a lot about that in complaint handling agencies: what is the unmet need? Now, as I am sure, it is always important, you cannot imagine an area of the community where it could be any more important, than in relation to unreported child sexual abuse; an unimaginable heinous and serious crime. So, the reality is we do not want any unmet need, in terms of people seeking the service, and because children of course can be damaged and vulnerable at that stage, and almost inevitably will be, they need support that is partial support; support that actually is accepting those things. As I say, there is a raft of that in the system at the moment. My office alone is doing work in that space. Obviously when we go out and do our outreach, we are doing that coming into the system we work at, when we are doing our work in terms of referring people. Because we have got a person—if a child brings a concern of child abuse to my office, there is a very strong referral process that we use to refer them to the appropriate agency; to police, to child protection. It is not just a call and hang up, it is a call with follow-through, to make sure that actually that is being attended to. So there are all sorts of things that are happening in the system at the moment, and the issue is: can there be more? And I think that is what both Peter Blaxell's report is talking about, the evidence he has given to you, comments that have been made, and also of course in relation to the child support that was being mentioned in the PSC report.

Hon ROBYN McSWEENEY: So even when you do get historic abuse, because it says you do not take referrals if they are over 12 months —

Mr Field: Yes.

Hon ROBYN McSWEENEY: Even if you get historic abuse, obviously your duty of care is ongoing and to report. That would be just as a matter of given anyway.

Mr Field: I would think that the former minister would be aghast if I had said that we had received complaints about —

[2.40 pm]

Hon ROBYN McSWEENEY: I just wanted that put down on the record because it is very clear we said that you do not take complaints over 12 months old, and I would not want anyone to go away thinking, “Well the Ombudsman doesn’t take historic complaints.”

Mr Field: I am actually very grateful to the honourable member for making that clarification because I do want to make it clear, and I have exceptional staff who as you would expect are fairly sensitive about these sorts of issues and if we receive a complaint where we think there is an issue that a child, or someone on behalf of a child is raising about child abuse, there is a high risk strategy process in my office. They are escalated to my deputy and to myself. I have provisions under section 23 of my legislation, which is titled “Secrecy”, so largely we are holding investigations in private and largely the information we receive is secret, but there is a very clear capacity for me to disclose information where I think it is in the public interest to do so. What we will do under those circumstances is immediately assess it, and as I say, it is one of the very few things where people are told, walk in, no matter what we are doing, and tell us about these issues, and we make an assessment about that, and we will refer those matters to the police, we will refer those matters to child protection, we will refer those matters to health, education—it will just depend on the circumstances, it could be all of them, and we will also then do effectively what is a proactive process. So we will then also follow up—what has happened? It will depend, it will not be that case in every circumstance, it will depend on the circumstances, yes, but we would never—we see that as being something that the public would be interested in, obviously morally and legally expect of us, and yes, we expect of ourselves.

The CHAIR: Well thank you very much indeed. I will read the closing statement. Is there anything else you wanted to say?

Mr Field: Not at all, it has been a delight to appear before you.

The CHAIR: Thank you for your evidence before the committee today. The principal research officer, Renee, may write to you in the future about additional matters the committee wishes to clarify as a result of the hearing. The transcript will be forwarded to you for correction of minor errors. It has to be returned within 10 days of the letter attached to the transcript. If it is not returned, it will be deemed correct. New materials cannot be added, and your sense of evidence cannot be altered. If you wish to provide additional information or elaborate, please return a supplementary submission for our consideration. Thank you very much indeed.

Hearing concluded at 2.42 pm
