

**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 TWO**

**Members**

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

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**Hearing commenced at 10.57 am****Ms KATHERINE BROWNE****State Coordinator, Create Foundation, 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 2006. I would like to introduce us. I am Lisa Baker, Chair of the committee. On my immediate left is Hon Robyn McSweeney, member for South West Region, and fellow members Eleni Evangel, member for Perth, and the very absent but not to be too far away Hon Dr Sally Talbot, member for South West Region. On my right are Renée Gould, our principal research officer; Vanessa; and our Hansard reporter, who will change during the hearing, but do not worry about that; they will just come and go.

Thank you for coming, Katherine.

**Ms Browne:** Thanks you for having me.

**The CHAIR:** We have an opportunity to encourage you to talk a bit about Create Foundation, what your role is, and how your role and the role of the Commissioner for Children and Young People impact, perhaps. We will ask you for a general overview at the beginning and then we have some questions that we would like to ask you. Do you want to start by making a statement?

**Ms Browne:** Sure. I am Katherine Browne, the state coordinator with Create Foundation. Create is the peak body representing children and young people with an out-of-home care experience in Australia. We work to improve the lives of children and young people with an out-of-home care experience by seeking to connect children and young people, so bringing them together with others who have a shared experience and connecting them to their community and to Create. We seek to empower children and young people by giving them a voice and ensuring that they have an opportunity to be heard about their experience of being in care, as well as empowering them by giving them skills and tools to kind of develop and better navigate the care system and also their futures. Through the work that we do to empower children and young people, we seek positive change. So it is really around creating change to improve the lives of children and young people in care. That is looking at changing policy, practice and legislation relating to children and young people with a care experience.

I guess in terms of the way that ties in with this review, and with the work that the commissioner does, it is really around advocating on behalf of children and young people. The commissioner has a role obviously in representing the needs of children and young people across Western Australia, and our work fits into that in terms of we represent children and young people with an out-of-home care experience. We work closely with the commissioner to make sure the commissioner is aware of particular issues and trends facing children and young people with a care experience and working to ensure that the commissioner is able to represent the needs of this particular cohort of children and young people as well.

**The CHAIR:** I understand from Renee that you were hoping to bring a young person with you this morning, which would have been fantastic. Thank you for offering that.

**Ms Browne:** Unfortunately, that could not go ahead. But we have spoken to children and young people initially as part of the review of the Commissioner for Children and Young People Act. We consulted with, I think, 24 children and young people around the commissioner's role and also around their initial thoughts about setting up a complaints support function within the

commissioner's office. So we have had opportunity to consult with young people specifically around this but also in terms of the work that we do in speaking to children and young people and consulting with them. There is probably a lot of anecdotal information that I can provide to you today about young people's experiences with making complaints and seeking support around disclosures of harm and abuse, as well as generally around some of their feedback around about what systems or what functions might work for them.

**The CHAIR:** Fantastic. I will start with little questions—they are not little; they are actually quite big. In your submission to Blaxell, you stated that the Western Australian child protection system lacks adequate external oversight and monitoring. Do you think that is still the case?

**Ms Browne:** Yes. Create sees that there is opportunity to develop better child-safe and child-friendly mechanisms to support children and young people in care and to provide that external oversight, particularly with regard to giving children and young people the opportunity to access independent representation or to have independent avenues of accessing support around making complaints or disclosures of harm. Currently, I guess in terms of the complaints mechanism there are a number of internal processes that occur within the department. So if children and young people have a particular complaint, they would tend to go through a departmental case worker and the departmental complaints processes, or through the advocate for children in care, who is a departmental worker. There are some external processes. For example, children and young people can access the Ombudsman to make complaints. But it is quite unclear whether the Ombudsman has the ability to look into not only government providers of out-of-home care but also non-government providers. It is our belief that that particular avenue is not probably accessible for children and young people in that the process around that does not appear to be child-friendly and it probably could be quite confusing for a child or young person to navigate the Ombudsman as an external point of support.

**The CHAIR:** I want to stop you there for a minute and ask how would you make it child-friendly?

**Ms Browne:** When we consulted with children and young people about what they wanted to see from a complaints support function, some of the things that they talked about were that it needed to be an adult who they felt they could trust and who they had some form of relationship with or could build a relationship with. They wanted it to be somewhere that was youth-friendly so that it was easy to find for children and young people and where the actual environment was youth-friendly as well so that it was kind of comfortable for them to get to. For it to be child friendly, they wanted to be able to have access to bring someone along who could support them. They wanted to be able to have a support person who could accompany them to make complaints. They also wanted to have a variety of methods of being able to make complaints as well. In this consultation we did as part of the review of the commissioner's act, young people said that they wanted to be able to have not only the option to speak to somebody face to face, but also the ability to text or email or submit an online form or call.

For it to be child friendly, it needs to be able to work for children and young people across a number of platforms, but also I think in order for it to be truly child friendly, the language and the visibility need to be there as well. Obviously, it is one thing to have a child-friendly complaints mechanism, but it is another thing for children and young people to know about it and know how to access it and to be supported to access it as well. Certainly, a lot of the children and young people we speak to are not really aware of where they can go to access support or where they can go to make a complaint, because it tends to be the adults in their life that have the information about how that might happen, but the children and young people often need to be supported to pick up the phone.

**Hon ROBYN McSWEENEY:** They are actually given a kit when they come into care and that has got all the information on what they need to know, but I know a lot of kids do not read it. They are actually given the information.

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**Ms Browne:** Yes, certainly. I think it is about the importance of the adults in children's and young people's lives checking in with young people and making sure that they are aware of that over time. I am aware of the information that children and young people are given, but I think there is also inconsistency sometimes around how that is explained to children and young people and how they are supported to access that help and assistance that they need.

**Ms E. EVANGEL:** Are they just given it to read it themselves or is it mandatory that it is explained to them as well?

**Ms Browne:** It is a requirement for children and young people when they come into care to be given a charter of rights, which basically explains their rights as children and young people in care. I guess our view on that is that how that is explained to children and young people is quite inconsistent. Some children and young people are given the written material, so they have been provided with the information, but it has not been that they have had an opportunity to sit down with someone and actually explore what that means or really have it explained to them what that is about.

**Hon ROBYN McSWEENEY:** The social workers do it most of the time.

**Ms E. EVANGEL:** They sit there and explain it through.

**Ms Browne:** In best practice, that would happen and that does happen we know, but for a lot of children and young people that does not happen. Nationally, when we have conducted consultation and research with children and young people, a lot of children and young people are not aware of where they can go to make a complaint.

**The CHAIR:** Having said that, I am really interested in what you think about, say, the Ombudsman's role and how accessible the Ombudsman is. They are given the information, I know, in the package. Do many children think of making use of the Ombudsman?

**Ms Browne:** We have not conducted any particular research or consultation around it, but I would say that, as the body representing children and young people in care, we are not particularly familiar with those processes through the Ombudsman. I would not say that it would be an option that many children and young people access. I do not have the exact numbers or figures—that would probably be something that would need to be checked—but I would not imagine that many children and young people would make complaints through the Ombudsman.

**The CHAIR:** I have another question and am encouraging my colleagues to interject any time they wish to. I am just thinking about the proposed role that the Public Sector Commissioner has made for the children's commissioner around complaints and, prior to that, Blaxell. Sometimes I think that people think that there is a big discrepancy between the two. Now we know more about what Judge Blaxell meant, there is not such a big gap between the two—the Public Sector Commissioner's and Blaxell's recommendations. It is still about the office of the children's commissioner not duplicating. It is not about investigating individual complaints per se; it is more about having a role to refer. I am just wondering what you think about the commissioner's proposed child abuse complaint support role that you have heard from the Public Sector Commissioner's review and Blaxell? What do you think about how that might work in practice? Have you thought about it?

**Ms Browne:** I think that the commissioner does play a role in representing children and young people but also making sure that they are aware of their rights and how they can access —

**The CHAIR:** Are they? Is the commissioner's role clearly understood?

**Ms Browne:** I do not think that that has been necessarily a focus of the commissioner's role in the past or something that I have not seen to have been a focus in the past. I think that children and young people do need people who can speak out on their behalf and also ensure that they have the information that they need to be supported.

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**The CHAIR:** Back to the original question: how would the commissioner achieve that?

**Ms Browne:** I think with some of the proposals around outreach and general information sharing, I see that there is still a gap specifically for children and young people in care. Something that we have talked about in our submissions was that for children and young people in care, where they might want to be making an allegation or wanting to disclose abuse or harm against their care providers, the current mechanisms in place do not provide that independence for them. I guess, in our submissions, we actually are recommending that—either through the commissioner's office—there is a person who can actually provide that independence to support children and young people to make complaints and to follow up on that to provide that level of external oversight that at the moment does not exist at the level that it needs to.

**The CHAIR:** Would you see that information as appearing at that first instant when the child comes into care and is provided with a set of referral points or is provided with information—the one that we were just talking about? Is that the extent of the information that the commissioner would need to provide in order to see what you have just mentioned actioned? Would she or he just put that into the pack at the beginning or would there be more things?

**Ms Browne:** I think that there would need to be greater engagement with children and young people, because, as I said before, I think it is one thing for children and young people to be given information or a pack, but it is another thing to be able to have children and young people actually know what that means and really to have it explained to them about where they can go or how they can access the support that they need. I know that there was discussion about some of the ways that the act might change around the commissioner playing an outreach role and in terms of actually providing a role around education and outreach and engaging with children and young people and the adults in their lives to make sure that they know about it. I think that is really important for all children and young people, but I think it is particularly important for children and young people in out-of-home care or who have had an out-of-home care experience in terms of knowing how and where they can access that support. I hope that answered the question.

**The CHAIR:** Yes. I am just really interested in your experience and what you have got to share and talk to us about. You mentioned outreach that the children's commissioner might do. Have you got any more formed thoughts on how that might work?

**Ms Browne:** I guess that I see the commissioner already as really linked in on the ground with children and young people across the state. I see the commissioner as being very active in engaging with children and young people through community visits, through presentations at schools and through the commissioner's youth advisory committees. The commissioner already has a role of engaging with children and young people across the state and I see that an outreach would sit alongside that where the commissioner was going out to schools or to different youth advisory groups and that there could be an additional way of her being able to do that.

**The CHAIR:** Why do you think it has not happened to date? I am asking you a hypothetical question. Do you have a view about why it has not been a focus to date?

[11.15 am]

**Ms Browne:** I am not probably 100 per cent across, line to line, the commissioner's terms of reference, but I think the commissioner has been really active in promoting child-friendly and child-safe organisations and I think that probably the commissioner's role has looked more at the systems and the organisations supporting children and young people maybe rather than the work with children and young people to keep them aware. I am not sure whether that has something to do possibly with the terms of reference around and the interpretation of the terms of reference as well. I think we are also in a climate at the moment, with what is happening with the royal commission and other work, that people are really aware of the importance of children and young people being aware of complaints mechanisms. I think now actually the climate is that everybody is thinking

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about the importance of this even more. I think that actually now is a really great opportunity to be looking at, in light of what we are hearing around the country, how can we be making sure that there are good systems and supports for children and young people.

**The CHAIR:** Following on from that, do you have a view about whether the increased referral or voice for children could come from the existing system, as distinct from the children's commissioner taking on a new and different role? So if properly resourced, would it be something that the existing system is capable of offering? I should preface that by saying that Blaxell's inquiry specifically talks about a children's voice—a kind of an impartial voice that believes the child and works through the subsequent process checking on how things are going. Could that be done by the existing structures if they were resourced to do it, do you think?

**Ms Browne:** If it is about providing children and young people with an impartial and independent person, that is something that cannot sit within child protection or police or it cannot actually sit within government. I guess your recommendations talked about that there are other options. I guess we see that the commissioner's office already has a real role in advocating specifically on behalf of children and young people and already has that place, whereas I guess somewhere like the Ombudsman's office is a lot more general. It would be a different function; wherever it sits there would need to be significant resourcing and investment because it would be a complete change to anything that exists currently. Our view is that it needs to sit external to government providers or government agencies.

**The CHAIR:** Having said that, are you aware that there have been any attempted referrals from children in care to the commissioner? Are you aware of anything in your records that would say that?

**Ms Browne:** Not anything specific, no. I know the commissioner has discussed with us about receiving referrals, but I am not sure whether they have been for children and young people in out-of-home care necessarily.

**The CHAIR:** That is okay; we can pursue that with other witnesses. That is fine. I am really interested in the notion that the commissioner's role is around child exploitation, in particular sexual abuse issues, not so much about whether the system is working for them. The two areas are quite different in form and function. So, if someone wants to complain that they do not like the layout of a care facility or something or other and wanted to make a complaint, should the commissioner take that kind of complaint, or is there a different level of complaint that you would be comfortable with the commissioner taking? So, should she take all or just a section? What do you think?

**Ms Browne:** That is a really difficult question. I think there need to be options. I guess resourcing is an issue in terms of what realistically could the commissioner have referred. There are systems in place where children and young people are able to make complaints already but having that ability to provide oversight is important, as is providing another avenue for children and young people—for example, if they have already made complaints and they do not feel that that complaint has been followed up.

**The CHAIR:** There is a further point of contact.

**Ms Browne:** I also want to mention that there is an advocate for children and young people in care as well whose role really is around some of the things we are discussing. The advocate actually plays a role for children and young people to be able to make these types of complaints and all level of complaints. The advocate's role was set up as a result of the Kant report, I think, around children and young people being able to access an independent third party; however, the advocate's role has been established within the department. So, although children and young people have access to the advocate in terms of being able to all make all level of complaints and receiving support around

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that, it does not sit independent. It is limited in its ability to provide independence, given that the advocate's role reports directly to the director general.

**The CHAIR:** In an ideal world, would that role be more independent? There are four levels, we understand, of referral or complaint processing within the system, so in an ideal world would the advocate's role be a bit more independent rather than introducing a whole new level—a fifth level—of complaint, or what do you think?

**Ms Browne:** I think that would be a real option, and I think that that would kind of help to provide a more child-safe and child-friendly system and actually bridge some of the gap that exists in terms of providing that the independent, external monitoring of complaints.

**The CHAIR:** I am looking down just so I know where we are going with the program, not because I am ignoring what you are saying. I should probably ask whether my colleagues have any questions they want to ask, otherwise I will continue.

**Hon ROBYN McSWEENEY:** I suppose if I go back to all children are given an information kit when they come into care, but they have so many problems at that stage running around in their little heads about all sorts of other issues that they are not really focusing on what is in the pack. I know most social workers do their utmost to explain, age-appropriately, to the child in front of them what is going to happen to them, because that is what social workers are there for. But it would be really good if we could have another option, not so much as for complaints but just for somewhere else to go that is child friendly that perhaps could explain a bit more. Years ago I had a 19-year-old boy in front of me and he said to me that he was really naughty and had been in 40 different homes. I said to him, "Take me back to when you were little: why were you so naughty?" He said, "Because no-one ever sat me down and told me my mother was a drunk and my father was in prison and that I could never go back home." We do it a lot differently these days, thank goodness, but there are still issues that a child could take to a children's commissioner in a friendly environment. We are not on different paths, but how they do that—the complaints mechanism—I think you are talking about a whole different level to what we thought the children's commissioner role would be.

**Ms Browne:** Yes, I agree, and we hear regularly from the children and young people we work with that the information they are given is often limited. Some of that might be done with the best intentions in terms of protecting children and young people from difficult conversations, but it is so important and so vital for children and young people to have an understanding of why they have come into care, what plan is for them around are they returning to family or are they staying in long-term care. Children and young people need to be supported through that, and primarily that would come through the relationship they would have with their caseworker. Similarly, where children and young people have a really strong relationship with their caseworker, hopefully that relationship would enable children and young people to feel like if there was something happening in their life that they could actually talk their caseworker about it. There are mechanisms internal in the department, so there is an interactive software tool called Viewpoint that actually provides children and young people with a platform to be able to provide feedback about their concerns or provide feedback about their experiences in care in an online software management —

**Hon ROBYN McSWEENEY:** Yes; I set it up.

**Ms Browne:** Absolutely; that is really great in terms of providing children and young people with another avenue to provide feedback; however, the feedback is internal. Children and young people have spoken to us and said that some of them are fearful of retribution because they wrote in there that they were having issues with their caseworker and that their caseworker has since come back and said, "Why did you write that about me?" We know that for children and young people it is really important to provide a variety of options to provide feedback; Viewpoint is a really important way, but we know a lot of children and young people are reluctant to disclose issues because of the fear of retribution or the fear of not being believed. So if a child is making an allegation, or

disclosing harm, against an adult who is a carer or a provider of care for them, there is power dynamic there where children and young people will be fearful that they will not be believed or they fear the fallout of disclosing that as well.

**Ms E. EVANGEL:** On that, you mentioned before that there are lots of children and young people who do not know what to do—they are unfamiliar even though they get that pack and get that explained them: do you think it is more a case of they do know, but they are fearful of doing it, or do you think it is a bit of both?

**Ms Browne:** I think it is a combination of the two.

**Ms E. EVANGEL:** Where do you think the weighting is? Personally, I am really alarmed to think that children in care in this day and age, after everything we have been through, are still —

**Hon ROBYN McSWEENEY:** And after everything I have done.

**Ms E. EVANGEL:** Exactly. They still honestly and genuinely do not know where to go in the event that something harmful has happened or something inappropriate has happened. To me, that is probably the most alarming thing I have heard this morning.

**Ms Browne:** I think it is a definite combination of the two, and it would be difficult for me to say which is the most problematic. There are definite issues around children and young people not knowing how to make complaints. Although a number of the young people we work with, sometimes they come to Create and we actually have the advocate come into some of the workshops that we run and talk about her role. For a lot of young people we work with, that is the first time they have heard about the advocate or met with the advocate. Create actually conducted a national research survey in our report card in 2013, and the knowledge about how to make a complaint varied a lot, but only 50 per cent of children and young people surveyed in Australia in 2012-13 knew how to make a complaint. It was higher in those whom are older and in residential care. There were those whom wanted to make a complaint but reconsidered. There were some children and young people who thought they would like to make a complaint and reconsidered, and 54 per cent of those children had chosen not to because they had concerns about the negative outcomes of making a complaint. So there are two separate issues, but they do tie in together.

**Ms E. EVANGEL:** Both are just as important as each other, really.

**Ms Browne:** Exactly. It is one thing for children and young people to know about the complaints functions that exist, but for children and young people who are choosing not to make a complaint because they are fearful of negative outcomes, we need to look at how we can provide systems, functions and mechanisms to support those young people who fear they are not going to be believed or —

**Ms E. EVANGEL:** You comment that the social worker said, “Why did you make that complaint?” That is just feeding the fear. That is exactly why they are fearful. I heard you mention something, Chair. That is alarm bells ringing loudly.

**Ms Browne:** I want to preface that by saying that that is one example. We have a lot of children and young people similarly who we speak to who feel really supported by their caseworkers and feel like they have trusting relationship, and they know that if —

**Ms E. EVANGEL:** Of course, yes. But that is one example too many.

**Ms Browne:** Yes, absolutely.

**The CHAIR:** I have a question about the 2013 survey that was done that you have just referred to: how come WA was not involved?

**Hon ROBYN McSWEENEY:** Because I would not let them.

**The CHAIR:** Pardon?

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[11.30 am]

**Ms Browne:** At the time, the Western Australian government department did not want children and young people to participate in the —

**Hon ROBYN McSWEENEY:** Because we had Viewpoint.

**Ms Browne:** Yes. The department's idea was that it had Viewpoint and that that was the mechanism the department wanted to use to hear from children and young people in care. It was a missed opportunity in terms of being able to provide that benchmarking because it was a national survey.

**The CHAIR:** With the complaints process, if there was something in place in the commissioner's office, how would she connect with children in care and make a system that worked; put in a link that worked, rather than another link that is not going to work? What are the specific things you think a commissioner should do in promoting a complaints process in care facilities?

**Ms Browne:** I guess tapping into where children and young people are and how they receive information, so tapping into processes that exist within the department already. It would be very difficult for the commissioner to have an individual relationship with the over 4 500 children and young people in care in Australia, but be able to promote that through information in packs or be able to have a role in attending events where children and young people in care are attending, so linking in through Create and the work that we do with children and young people in care to be able to establish those relationships. I am not sure of the exact recommendation, but there was some talk around the commissioner providing a link to children and young people who may be living in residential care facilities. Our view on that is that that needs to be looked at further than children and young people in residential care and also needs to extend to children and young people who are in general foster care, kinship care, and independent living as well, because children and young people in residential care have a very specific set of needs, but they represent a smaller proportion of the general children and young people in care because the majority are in either kinship or relative care, so living with family members or significant others or with general foster carers.

**Hon ROBYN McSWEENEY:** They are usually over 12 or 13 if they are in residential care, under normal circumstances.

**Ms Browne:** Yes.

**Ms E. EVANGEL:** Sorry; are you saying that this link in by the commissioner on a wider scale is or is not happening at the moment, or can you see that it can be improved on?

**Ms Browne:** I see that it could be improved on. The commissioner does have a link to children and young people in home care, I guess, through the connection that the commissioner has with Create. However, I would not say that at the moment it extends past that, and that is probably because the commissioner does not have a specific mandate for children and young people out of home care to provide any particular oversight or representation for those particular children and young people.

**The CHAIR:** Could I just interrupt you for a minute. When you say it does not have a mandate, it is not specifically excluded from the commissioner's role in the functions, but it has not accepted a mandate, or has not enacted a mandate.

**Ms Browne:** Yes.

**The CHAIR:** Okay; carry on, sorry.

**Ms Browne:** No, that is okay. I know through some of the work that the commissioner has done as well that children and young people out of home care have been included in the work that she is doing in terms of some of the surveys, I think in mental health and disabilities. So children and young people in out-of-home care have been linked in to the commissioner, but I do not think that that is a well-established link or role, and I would not say that the average child or young person in

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care would know about the role of the commissioner, but, similarly, a lot of children and young people in care possibly do not know about the role of the advocate either. I think in any role that the commissioner played, there would need to be a really clear distinction for children and young people in care. Rather than introducing another adult into the lives of children and young people in out-of-home care, because there are so many adults, the commissioner's role would need to be really clearly defined and articulated and explained to children and young people so they knew what the commissioner was there for and how they could access support and the limits of that function as well.

**The CHAIR:** Yes, which is a good point for me to segue into the limits of the function. What Blaxell and subsequently the Public Service Commission review have recommended is that the commissioner should not undertake investigations into individual cases of child abuse or sexual exploitation, but that the commissioner's role would be more educative and accepting a complaint, but then referring, as the friend of the child in a completely non-partisan way, if you like—so absolutely accepting that the child is right in this report—and then monitoring how that was being progressed through the existing system. What is Create's view about that role that has been defined versus a role of accepting a complaint and investigating a complaint?

**Ms Browne:** I think that it is really supportive of the idea of children and young people generally having access to somebody who can be a support to them. Particularly where children and young people have a fear of being believed, I think it goes a way in safeguarding children and young people because it validates their disclosures and their experiences, and supports them through that. However, I believe that that would still leave a gap for children and young people in out-of-home care, because if the commissioner's role was to refer back and to support children and young people back, then the referrals that were being made, if a child or young person was in care, would be made back to the department, so it would be the department investigating —

**The CHAIR:** Sorry to interrupt, but surely if the department was then understanding that the commissioner was watching and would continue to follow up—so they are expecting a phone call in a week's time to see what happened with this child's complaint, where did it go and what was happening—they could play quite a significant role, could they not?

**Ms Browne:** Yes, certainly—yes, that ability not necessarily to lead, but to be able to oversee the way that complaints were being dealt with, I think.

**The CHAIR:** I am sorry; I did not mean to lead you with that question.

**Ms Browne:** No, no.

**The CHAIR:** I do think that the proposed role has some credibility in that having an extra set of external eyes, which you are therefore accountable to in some way, is possibly a good addition to the system. Thank you. I am just wondering whether you have any further comment that you want to make in relation to what we are all about. In that respect, I will read you a comment and ask for your reaction to it. This committee is looking particularly at that child complaint function and how it might be played out, if and when the commissioner were to accept it. On that note, I want to read you a comment from the Attorney General back in 2014, and just give me your impression of what you think of this. This was when the Public Service Commissioner's review was announced and the Attorney General tabled it in Parliament and put out a media release concurrently. One of the things that he said in it is that full implementation of the proposed child abuse complaints support role for the Commissioner for Children and Young People will be deferred to allow the findings and recommendations of the royal commission—that is, the Royal Commission into Institutional Responses to Child Sexual Abuse—be taken into account. Do you have a view about that?

**Ms Browne:** I think that children and young people need to be safeguarded, and they need to be safeguarded now. I think that there are going to be some really important findings that come out of the royal commission that will guide the work that Australia is undertaking in protecting children

and young people, but I do not feel that in the meantime we should not be trying to get a system which works best for children and young people right now, because it would be a little remiss to wait until recommendations were made to implement systems which safeguarded children and young people. That is work that should be undertaken immediately.

**The CHAIR:** I should ask my colleagues, are there any further questions that we have for Katherine? Katherine, you can breathe; let me just get the closing comments that I have probably hidden somewhere.

**Ms Browne:** The last point that I would make is that in our initial submission to the review of the Commissioner for Children and Young People Act, we actually discussed that at the moment the commissioner represents children and young people from zero to 18. Part of our recommendations is that that should be extended to look for children and young people up to the age of 25, particularly for children and young people with an out-of-home care experience who experience particular vulnerabilities when they leave the care of the department and enter independent living. If we look quite generally in terms of the work that the commissioner does, but also in relation to a proposed support function for children and young people as well, we think that that would need to be extended to 25 to allow those children and young people, and also the children and young people who previously might not have come forward, but after they turned 18 and had a bit of time to process it or feel that they have the confidence to be able to do that, to still access the port.

**The CHAIR:** That is an interesting point. The Welsh children's commissioner last year released a report into pretty much exactly what you have just discussed. He looked at the issues for children in care and the transition as to what comes after that. He said that on some occasions children had reported that they had been in care or were being looked after in a certain way, and then getting towards that particular time when their age changed, they were just simply dismissed out of the system, with no transitional arrangements whatsoever. It was very interesting to hear you comment on that issue as well. Thank you, Katherine.

**Hon ROBYN McSWEENEY:** Just before you go, on that, the research does show—you are very well aware of that—that children in care can be up to 10 years socially developmentally behind, which is very interesting research when you read it. That does not apply to all children, but to a great many there is that social dysfunction.

**The CHAIR:** I found it interesting that the children's commissioner had conducted that research. Anyway, let me read the closing statement. Thank you for your evidence before the committee today. A principal research officer may write to you in the future about additional matters the committee wants clarification on. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections should be made and the transcript returned within 10 days of the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcript of evidence. Thank you so much for coming.

**Hearing concluded at 11.42 am**

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