



**Joint Standing Committee on the
Commissioner for Children and Young People**

2015–16 Annual Report

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Commissioner for Children and Young
People**

2015–16 Annual Report

Report No. 8

Presented by

**Ms L.L. Baker, (Chair) MLA and Hon Robyn McSweeney, MLC (Deputy
Chair)**

Laid on the Table of the Legislative Assembly and the Legislative Council on
10 November 2016

Chair's Foreword

The Joint Standing Committee on the Commissioner for Children and Young People (the Committee) is a Parliamentary oversight committee charged with monitoring, reviewing and reporting on the exercise of the functions of the independent statutory authority, the Commissioner for Children and Young People (the Commissioner).

This report reflects the Committee's activities for the period from 1 July 2015 to 30 June 2016. This is the last report of this Committee in the 39th Parliament, so the Committee has also taken the opportunity to provide comment on some current and future areas of work of the Commissioner. Given the role of the Committee is one of oversight—this report outlines aspects of the Commissioner's work that the Committee strongly recommends be developed further.

The Children's Commissioner has continued to undertake important work in a number of areas that are crucial to the health and wellbeing of children in Western Australia. The Commissioners (the Acting Commissioner Ms Jenni Perkins, and from November 2015 the new Commissioner Mr Colin Pettit) and staff should be congratulated for their hard work and dedication in seeking innovative ways for the needs of children and young people to be considered and valued.

The Committee is seeing a growing trend in targeted research being conducted by the Commissioner to provide information about specific groups of children who are vulnerable or disadvantaged for a particular reason. A key objective of the Commissioner's work is for the Commissioner's office to give priority and have special regard to the needs and interests of such children.¹ The Committee is pleased to observe the Commissioner undertaking this work and encourages this type of focussed research to continue in the future.

In 2014, the A/Children's Commissioner Ms Jenni Perkins commenced the largest consultation with Aboriginal and Torres Strait Islander children and young people ever undertaken in Western Australia. The resulting report, called *"Listen To Us". Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery* was tabled in August 2015. This report is applauded by the Committee for providing a successful avenue by which the voices of the young children outlined in the report could be heard.

In 2015 the Committee promoted this important work by reviewing the report and tabling its findings in Parliament. The Committee wished to see an improvement in consultation with Aboriginal children to improve service delivery, so that measurable

1 Section 20, *Commissioner for Children and Young People Act 2006* (WA).

gains in the health and wellbeing of Aboriginal children and young people can be achieved. The Committee made a number of recommendations to this effect, to both the Government and the Commissioner, and maintains the view that the recommendations should be implemented. The Committee is aware that since July 2016 the Commissioner has employed an Aboriginal Engagement Officer. This is a significant first step.

Another targeted consultation conducted by the Commissioner was with almost 300 children and young people from culturally and linguistically diverse (CALD) backgrounds who were asked about what was important to them. In February 2016 the subsequent report, called *Children and Young People from Culturally and Linguistically Diverse Backgrounds Speak Out* was released. It was designed to be an important resource for agencies that have a role in supporting the health and wellbeing of CALD children and young people.

In October 2016, the Commissioner's most recent report was released called *Speaking Out About Raising Concerns in Care*. The outcomes are intended to directly inform improvements in how children and young people in care can voice concerns about the care they are receiving. As half of all children and young people in care are Aboriginal, the processes that are in place for raising their concerns must be culturally appropriate. With more than 4 500 WA young people now in the care of the state, it is urgent that our system supports and protects the welfare of all children in state care. The Committee has encouraged the Commissioner to continue to conduct this type of targeted research into the future.

Speaking Out About Raising Concerns in Care also reflects a new collaborative approach being adopted by the Commissioner's office. In this case, the collaboration was between the Commissioner's office and the Department for Child Protection and Family Support and the CREATE Foundation. The Commissioner is undertaking a collaborative approach with upcoming work on juvenile justice and engagement in education, which the Committee strongly supports. Greater collaboration between the Commissioner's office and relevant agencies will directly increase the impact of the work of the Commissioner's office.

The Committee recommended the Commissioner develops mechanisms to assess the overall effectiveness of reports and the impact of recommendations. The Committee recommended the Commissioner evaluate the impact of the mental health inquiry that was completed by the Commissioner's office in 2011. The Commissioner completed this work and in December 2015 published *Our Children Can't Wait – Review of the implementation of recommendations of the 2011 Report of the Inquiry into the mental health and wellbeing of children and young people in WA*. The report notes which of the Commissioner's original inquiry's recommendations have been implemented by Government. The report established the existence of gaps in the service provision of

mental health and wellbeing services for children and young people. The Commissioner is now able to advocate for these service gaps to be filled, highlighting a further reason why these evaluations are important. The Committee commends the Commissioner for adopting this process and is looking forward to the Commissioner developing a regular review and analysis of all future projects.

This report also details the Committee's examinations of the Commissioner's recent Annual Reports. Overall, the Committee was satisfied they provided an accurate reflection of the work completed by the Commissioner's office over the relevant periods, and that the work was in accordance with the functions afforded the Commissioner under the Act. In particular, as noted, the Committee was pleased the work presented a trend towards greater collaboration and targeted research with government and non-government partners.

Finally, highlighted throughout this report are areas where the Commissioner's role should be developed with specific regard to the Committee's Inquiry into the Commissioner's functions, contained in the report called *Everybody's Business. An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse* tabled in June 2016.

The report was the consequence of an exhaustive inquiry process undertaken by the Committee, resulting from the careful examination of evidence from many experts and key stakeholders in Western Australia, interstate and internationally. I strongly encourage the Government to implement its findings. The Commissioner will require adequate resources to develop the educative role of the office and to establish an online portal to help the community better understand the dangers of child abuse and help prevent it, or seek effective help when it occurs. The funding for an Aboriginal Commissioner must also be a priority. A number of recommendations for the Government, such as the increasing reporting about the delivery of protective behaviours curricula in schools, should also be implemented as a priority for the ongoing protection of all children in Western Australia.

The Commissioner informed the Committee that he was in agreement with the Committee's recommendations and that he had written to the Attorney General outlining his approval. The Committee is waiting for the Government's response to *Everybody's Business* which was due on the 16 September 2016. The Government has delayed providing it, stating that the response would be tabled as soon as possible.

The Committee was informed by the Attorney General that amendments to the Commissioner's Act would be progressed in this Parliament. It has been over two years since the report on the statutory review of the Commissioner's Act was tabled and five months have passed since the Committee proposed minor amendments to the Commissioner's Act.

The 39th Parliament is coming to an end and the Government has failed to implement the Committee's recommendations (June 2016) and not completed the changes to the Commissioner's Act recommended in the Public Sector Commissioner's Review of the Act (2014). I urge the next Parliamentary oversight committee to follow these matters up with the Government.

I would like to formally thank my fellow members for their dedication to the work of the Committee. I would also like to express the Committee's appreciation of the hard work performed by the Committee's Principal Research Officer and Research Officer over this time, Ms Renée Gould and Ms Vanessa Beckingham.

A handwritten signature in blue ink, appearing to read 'L.L. Baker', with a stylized flourish at the end.

MS L.L. BAKER, MLA
CHAIR

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Chapter 1

Committee Activities

Introduction

The Joint Standing Committee on the Commissioner for Children and Young People (the Committee) was established for the 39th Parliament on 22 May 2013. The Committee has a role to examine the exercise of the functions of the Western Australian Commissioner for Children and Young People (the Commissioner) as defined by the *Commissioner for Children and Young People Act 2006* (the Act). The Committee's role provides an important oversight function and, given the Commissioner does not report to a Minister, facilitates the independence of the Commissioner.

The Commissioner is an independent advocate for children and young people under 18 years of age in Western Australia. Ms Jenni Perkins was appointed in an acting capacity to the role of the Commissioner for Children and Young People until mid-November 2015. On 16 November 2015 Mr Colin Pettit took up the role as the permanent Commissioner for Children and Young People.

This report details the activities of the Committee in the 39th Parliament, in the main from 1 July 2015 to 30 June 2016. The final section of the report provides some detail on the Committee's current activities.

From 1 July 2015 to 30 June 2016 the Committee:

- Held 20 deliberative meetings
- Concluded one inquiry
- Has taken evidence or been briefed by 64 persons
- Undertook investigative travel to Queensland, New South Wales and Victoria

Table 1.1: Summary of Committee activities, 1 July 2015 – 30 June 2016

Description	Activity
Deliberative meetings	20
Formal evidence hearings	21
Briefings	14
Witnesses appearing	64
Reports tabled	3
Report findings/recommendations	46

Public Hearings

Pursuant to Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2015 to 30 June 2016, the Committee conducted 21 public hearings, taking evidence from 39 witnesses to assist with its investigations (Table 1.2).

Table 1.2: Public Hearings of the Joint Standing Committee on the Commissioner for Children and Young People, 1 July 2015 – 30 June 2016

Date	Name	Position	Organisation
10 August 2015	Professor Frank Daly	Acting Chief Executive, Child and Adolescent Community Health Service	Department of Health
	Ms Lisa Brennan	Acting Executive Director, Child and Adolescent Community Health Service	
10 August 2015	Mr Craig Comrie	Chief Executive Officer	Youth Affairs Council of Western Australia
10 August 2015	Ms Mary Cowley	Chief Executive Officer	Aboriginal Family Law Services (WA)
	Ms Andrea Smith	Policy and Compliance Coordinator	
10 August 2015	Ms Jennifer Mathews	Director General	Department of Local Government and Communities
	Mr Scott Hollingworth	Executive Director	
	Mr Jonathan Pilkington	Director, Education and Care Regulatory Unit	
16 September 2015	Ms Jenni Perkins	A/Commissioner	Commissioner for Children and Young People
	Ms Trish Heath	A/Manager, Policy and Research	
16 October 2015	Dr Cheryl Kickett-Tucker	Director	Pindi Pindi
16 October 2015	Ms Rebecca Moran	Criminologist and Trauma Trainer	Richmond Wellbeing
16 October 2015	Ms Holly-Ann Martin	Managing Director	Safe4Kids

16 October 2015	Ms Michelle Bishop	Manager, Inclusive Education and AISWA Psychology Service	Association of Independent Schools of Western Australia
	Mr Michael Ten-Haaf	Inclusive Education Consultant	
16 October 2015	Mrs Robyn Smith	Director, Curriculum, Assessment and Moderation	School Curriculum and Standards Authority
	Mr Allan Blagaich	Chief Executive Officer	
23 October 2015	Ms Jennifer Hoffman	Commissioner for Victims of Crime	Department of the Attorney General
	Mr Michael Johnson	Acting Executive Director, Court and Tribunal Services	
23 October 2015	Professor Donna Cross		Telethon Kids Institute
23 October 2015	Associate Professor Ted Wilkes	Public Health Researcher and Advocate	National Drug Research Institute, Curtin University
19 February 2016	Mr Colin Pettit	Commissioner	Commissioner for Children and Young People
	Ms Trish Heath	Acting Director, Policy and Research	
19 February 2016	Professor Frank Daly	Acting Chief Executive, Child and Adolescent Health Service	Department of Health
	Ms Maggie Woodhead	Senior Policy Officer, Statewide Protection of Children Coordination Unit	
	Ms Trulie Pinnegar	Acting Executive Director, Child and Adolescent Community Health	
19 February 2016	Ms Michelle Fyfe	Assistant Commissioner, State Crime	Western Australia Police
	Mr Gary Dreiberger	Deputy Commissioner, Specialist Support	
	Mr Duane Bell	Assistant Commissioner, Judicial Services	

	Mr Paul Boulton	Detective Inspector, Sex Crime Division	
19 February 2016	Ms Sharyn O'Neill	Director General	Department of Education
	Mr Lindsay Hale	Executive Director, Statewide Services	
	Mr Mike Cullen	Acting Executive Director, Professional Standards and Conduct	
19 February 2016	Mr Richard Strickland	Director General	Department of Education Services
	Ms Joanne Taggart	Assistant Director, Education and Training Regulation and Review	
	Mr Richard Miles	Director, Teacher Registration	
19 February 2016	Ms Judith Garsed	Advocate for Children in Care	Department for Child Protection and Family Support
24 February 2016	Mr Alastair MacGibbon	Commissioner	Office of the Children's eSafety Commissioner
18 March 2016	Ms Emma White	Director General	Department for Child Protection and Family Support

Briefings

In addition to gathering evidence during formal hearings, the Committee received a number of informal briefings to gain information in relation to the Committee's inquiry as well as other oversight matters (Table 1.3).

Table 1.3: Briefings provided to the Committee, 1 July 2015–30 June 2016

Date	Name	Position	Organisation
2 November 2015	Ms Tracy Adams	Chief Executive Officer	BoysTown and Kids Helpline (now <i>yourtown</i>).
	Ms Wendy Protheroe	General Manager Counselling Services	
	Ms Louise Davis	Manager Clinical Practice	

2 November 2015	Dr Neil Carrington	Chief Executive Officer	Actforkids
	Mr Bruce Morcombe		The Daniel Morcombe Foundation
2 November 2015	Ms Cathy Taylor	Deputy Director-General	Department of Communities, Child Safety and Disability Services (QLD)
3 November 2015	Ms Julia Duffy	Acting Public Guardian	Office of the Public Guardian (QLD)
	Ms Catherine Moynihan	Official Solicitor & Director of Legal Services	
	Ms Kate Deere	Acting Director of Transition	
3 November 2015	Ms Samantha Camilleri		Protect All Children Today Inc.
4 November 2015	Mr Richard Cooke	Chief Executive Officer	National Association for Prevention of Child Abuse and Neglect
	Ms Madelene McGrath	National Stakeholder Manager	
4 November 2015	Ms Kerry Boland	The Children's Guardian	Office of the Children's Guardian NSW
4 November 2015	Ms Maree Walk	Deputy Secretary	Community Services Division of the Department of Family and Community Services (NSW)
	Ms Jenny Noble	Executive Assistant to the Deputy Secretary Programs and Service Design	
4 November 2015	Dr Cathy Kezelman AM	President	Adults Surviving Child Abuse (ASCA)
5 November 2015	Mr Bernie Geary OAM	Principal Commissioner	Commission for Children and Young People (VIC)
	Ms Brenda Boland	Acting Chief Executive Officer	
	Mr Andrew Jackomos	Commissioner for Aboriginal Children and Young People	
6 November 2015	Ms Janette Kennedy	Manager Aboriginal Strategy and Policy	Office of the Commissioner for Aboriginal Children and Young People (VIC)

6 November 2015	Mr Gregory Nicolau	Chief Executive Officer, Consultant Psychologist	Australian Childhood Trauma Group
6 November 2015	Ms Chris Asquini	Acting Deputy Secretary of Operations	Department of Health & Human Services (VIC)
	Mr Brad Harwood	Chief Adviser, Office of the Deputy Secretary	
18 March 2016	Mr Colin Pettit	Commissioner	Commissioner for Children and Young People
	Ms Trish Heath	A/Manager, Policy and Research	

Investigative Travel

The Committee undertook investigative travel in support of its *Inquiry into the exercise of the functions of 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* (the statutory review).²

A particular focus for the Committee was the proposed amendments to the Commissioner's Act to provide the necessary power to perform a child abuse complaints support function. The Committee travelled interstate to Queensland, New South Wales and Victoria and gathered crucial evidence into how these jurisdictions provide support to victims of child abuse, particularly with regard to their respective children's advocates.

Reports Tabled

The Committee tabled three reports during the period 1 July 2015 to 30 June 2016:

Report No. 5 – *Joint Standing Committee on the Commissioner for Children and Young People 2014–2015 Annual Report* was tabled in the Legislative Assembly and the Legislative Council on 22 October 2015;

Report No. 6 – *LISTEN TO THIS. A review of Listen To Us: a report by the Commissioner for Children and Young People* was tabled in the Legislative Assembly and the Legislative Council on 26 November 2015; and

Report No. 7 – *Everybody's Business. An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse* was tabled in the Legislative Assembly on 16 June 2016 and the Legislative Council on 23 June 2016.

² Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*, Government of Western Australia, May 2013 (this report was tabled in Parliament on 20 August 2014).

Other Committee Activities

Review of the Commissioner for Children and Young People's reports

It is a function of the Committee to review Annual and other reports of the Commissioner. In accordance with this, the Committee examined a number of the Commissioner's reports tabled within the 1 July 2015 to 30 June 2016 period.

Commissioner's Annual Report 2014–15

The Commissioner's *Annual Report 2014–15*, tabled in both Houses on 26 August 2015, describes in detail the work of the Commissioner's office from July 2014 to June 2015. Under the Commissioner's Performance Management Framework the Commissioner has the following three strategic directions which influence the work completed by the office: promoting children and young people's participation; influencing policy, services, attitudes and outcomes; and, ensuring good governance and capacity.³ It is within the first two strategies the majority of the Commissioner's advocacy work is concentrated.

The Committee's view is that over this period the A/Commissioner Ms Jenni Perkins showed encouraging results with regard to these strategies. Efforts undertaken to meet the strategic direction of promoting young people's participation satisfies an important statutory obligation of the Commissioner that is to promote the participation of children and young people in the making of decisions that affect their lives.⁴ The Commissioner reported to have consulted or met with more than 2,900 children and young people throughout Perth and regional WA over the period.⁵ In the Committee's view this was a substantial effort.

Of the 2,900 children consulted, a project called Creating Child Safe Organisations consulted with 365 children and young people about their views of what makes an organisation child-safe. Another consultation with Aboriginal and Torres Strait Islander children and young people involved 1,271 children and young people across Western Australia having a say about what was important to them. The Aboriginal and Torres Strait Islander consultation was the largest single consultation undertaken by the Commissioner at the time,⁶ and the largest consultation of this type ever undertaken

3 Commissioner for Children and Young People, *Annual Report 2014–15*, Western Australia, August 2015, p13.

4 Section 19(b) *Commissioner for Children and Young People Act 2006* (WA).

5 Commissioner for Children and Young People, *Annual Report 2014–15*, Western Australia, August 2015, p5.

6 Commissioner for Children and Young People, *Annual Report 2014–15*, Western Australia, August 2015, p17.

with Aboriginal and Torres Strait Islander children.⁷ The Committee was pleased the Commissioner initiated this consultation as it resulted in the *Listen to Us* report that is discussed below.

The second strategic direction of the Commissioner's office is to influence policy, services, attitudes and outcomes. Within the *Annual Report 2014–15*, it was clear that the Commissioner's report into the Child Safe Organisations project was attempting to influence how services to children are provided, so that these services can better safeguard children. The delivery of child safe practice was a matter the Committee was interested in reviewing as it related to the Committee's own inquiry into the Commissioner's functions.⁸ The Committee's response to the Commissioner's Child Safe Organisations project was favourable. In order to effectively use the information to inform child safe policy development and service delivery, further analysis of the data was required. The Committee was keen to see the Commissioner expand the work in this way.

The Committee was satisfied that the *Annual Report 2014–15* reflected a body of work that was consistent with both the strategic directions of the Commissioner's office, and the role of the Commissioner as it is set out in the Act.

“Listen To Us”. Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery

As noted earlier, of the 2,900 children consulted by the Commissioner over the 2014–15 period, 1,271 Aboriginal and Torres Strait Islander children and young people contributed to a consultation that resulted in a publication called *“Listen To Us”. Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery*. It was tabled in Parliament on 4 August 2015 to coincide with the National Aboriginal and Torres Strait Islander Children's Day. The A/Commissioner organised a tabling event at Parliament House, attended by the Committee, which provided an opportunity to meet with children who participated in the consultation.

The Committee considers the report *Listen to Us* a sound example of how the Commissioner's advocacy work can give a voice to vulnerable children. The Committee felt that such a consultation was long overdue and decided to draw the attention of Parliament to the fact that the consultation was the largest ever undertaken with

7 Commissioner for Children and Young People WA, *“Listen To Us”: Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery*, Western Australia, August 2015, p5.

8 The Committee's *Inquiry into the exercise of the functions exercised by the Commissioner for Children and Young People* had particular reference to the recommendations contained in the *Review of the Commissioner for Children and Young People Act 2006* (the statutory review), including the proposed recommendation for the Children's Commissioner to perform a child abuse complaint support role.

Aboriginal children and young people in Western Australia. The Committee resolved to undertake a follow up report about the consultation, which it tabled in Parliament in November 2015.⁹

The Committee recommended that improving outcomes for Aboriginal children and young people must be seen as core business for all Government agencies; and as such, Government agencies should strive to develop appropriate and ongoing consultation mechanisms so that views of Aboriginal children and young people can always be taken into account about services and policies that impact them.¹⁰ The Committee also recommended that the Commissioner's office reinforce the work achieved via the consultation through developing firm recommendations to guide policy change and improve service delivery. It is critical that measureable improvements in the health and wellbeing of Aboriginal children and young people can be achieved.¹¹

Our Children Can't Wait – Review of the implementation of recommendations of the 2011 Report of the Inquiry into the mental health and wellbeing of children and young people in WA.

In December 2015 the Commissioner tabled a report called *Our Children Can't Wait – Review of the implementation of recommendations of the 2011 Report of the Inquiry into the mental health and wellbeing of children and young people in WA*. The Committee was pleased to note the publication of this report as it had previously recommended the Commissioner develop a mechanism to assess the impact of all former findings it made to the Government.¹²

Our Children Can't Wait tracks the progress of all 54 of the original inquiry's recommendations since being published in 2011. The report outlines a number of significant developments that have occurred in the intervening time which have impacted on relevant policy. Importantly, the report highlights where significant policy or service gaps remain towards achieving improved mental health outcomes for children and young people in this State.

The Commissioner informed the Committee that he promotes the report widely.¹³ In August 2016 the Commissioner met the Minister for Mental Health to advocate for the progression of the report's recommendations. Further, the Commissioner stated that he will continue to meet with others like the Mental Health Commission to promote

9 Joint Standing Committee on the Commissioner for Children and Young People, *LISTEN TO THIS. A review of Listen To Us: a report by the Commissioner for Children and Young People*, Report No. 6, Legislative Assembly, Parliament of Western Australia, November 2015.

10 Ibid., p23.

11 Ibid., p27.

12 Joint Standing Committee on the Commissioner for Children and Young People, *Review of Selected Reports by the Commissioner for Children and Young People*, Report No. 2, Legislative Assembly, Parliament of Western Australia, April 2014, p20.

13 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 24 August 2016, p11.

the report because it is 'an outstanding piece of work' that clearly identifies 'everything that needs to continue.'¹⁴ The Committee's view is this is a valuable piece of reporting and it was pleased to learn the Commissioner was promoting the report as a priority. It is important these recommendations are implemented in a timely manner, so their relevance is maintained. The Committee is looking forward to the Commissioner using this evaluation as a template to report on the impact of his future projects and recommendations.

Children and Young People from Culturally and Linguistically Diverse Backgrounds Speak Out

In mid-2015 the A/Commissioner Ms Jenni Perkins announced a consultation with children and young people from culturally and linguistically diverse (CALD) backgrounds, in collaboration with the Youth Affairs Council of WA. The subsequent consultation, undertaken in the latter half of 2015, involved almost 300 children who were asked about what was important to them. The consultation's report, called *Children and Young People from Culturally and Linguistically Diverse Backgrounds Speak Out*, was published by Commissioner Mr Colin Pettit in February 2016. A follow up seminar was held in March 2016 where the findings of the consultation were presented to an audience of approximately 180 people.¹⁵

The report was designed to be an important resource for government agencies that have a role in supporting the health and wellbeing of CALD children and young people. The Commissioner's *Annual Report 2015–16* states that the feedback obtained from this seminar was positive and many respondents felt the report had relevance to their work.¹⁶ In the Committee's view there is value in the Commissioner conducting targeted research of this type. It can reveal what is important to particular groups of vulnerable children, raise the profile of these children to the notice of decision makers, and provide useful information to service providers and policy makers.

Child Safe Organisations WA

In April 2016 the Commissioner released the Child Safe Organisations WA online resources package together with a corresponding seminar program, designed to educate and support WA organisations in implementing child safe strategies to help safeguard children and young people.¹⁷ The resources developed by the Commissioner's office include guidelines, a self-assessment tool for organisations and a training manual. The project was an expansion of the Creating Child Safe Organisations project originally released in June 2015.¹⁸ As already noted, the Committee had been

14 Ibid., p12.

15 Commissioner for Children and Young People, *Annual Report 2015–16*, Western Australia, September 2016, p18.

16 Ibid.

17 Ibid., p28.

18 The 2015 *Creating Child Safe Organisations* project is outlined on pages 7–8 of this report.

maintaining a close watching brief on how the Commissioner developed this work, as it was in direct correlation to our Committee's inquiry into the exercise of the Commissioner's functions. The Committee felt the 2015 project should be enhanced so we were pleased to note that work on child safe organisations had been progressed by the Commissioner's office. To this end, the Committee was particularly pleased to learn the Commissioner made use of interstate expertise to help develop the child safe guidelines, through collaborating with the policy team of the Royal Commission¹⁹ and staff from the Office of the Children's Guardian in New South Wales.²⁰

The Commissioner describes Child Safe Organisations WA as a long term strategic approach and has now commenced the state wide seminar program to inform organisations and individuals about child safe practice.²¹ In August 2016, Mr Pettit informed the Committee that more than 200 organisations had attended the seminars and that the information had been well received.²² The Commissioner also conducted a strategic 'roundtable' with executives of government to ensure they were supportive of the strategies being promoted.²³

In the Committee's view, the strategic approach employed by the Commissioner to promote this work and influence how organisations adopt child safe practice is sound and directly reflects the Committee's previous suggestions to the Commissioner about how to develop his work in child safe practice. A cornerstone of the Committee's recommendations for the role of the Commissioner in its most recent report *Everybody's Business* is for the Commissioner to deliver information in a way that organisations can easily use to achieve improvements in their service delivery.²⁴ The Committee would like to see the Commissioner continuing to develop this approach for additional projects in the future.

Current oversight activities of the Committee

As previously stated, the Committee has an important role to review the annual and other reports of the Commissioner. The previous section examined the Commissioner's reports from 1 July 2015 to 30 June 2016. As this is the current Committee's final

19 Royal Commission into Institutional Responses to Child Sexual Abuse, established in 2013: for more information see <http://childabuseroyalcommission.gov.au/>.

20 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 19 February 2016, p6.

21 Commissioner for Children and Young People, Annual Report 2015–16, Western Australia, September 2016, p29.

22 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 24 August 2016, pp5–6.

23 Commissioner for Children and Young People, *Annual Report 2015–16*, Western Australia, September 2016, p29.

24 Joint Standing Committee on the Commissioner for Children and Young People, *Everybody's Business. An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse*, Report No.7, Legislative Assembly, Parliament of Western Australia, June 2016, Chapter 4.

report, we will take the opportunity to comment in this section on some current or proposed work of the Commissioner.

Commissioner's Annual Report 2015–16

The Commissioner tabled the *Annual Report 2015–16* on 11 October 2016. The Committee notes the new interactive format of the report which makes the information accessible and easy to understand. The report is once more organised around the three strategic directions of the Commissioner's office,²⁵ and provides information about the specific activities undertaken by the Commissioner's office from 1 July 2015 to 30 June 2016.²⁶

The Committee is pleased to note the Commissioner's increasing use of seminars and forums as a means to educate the community and the Government about what is important to children and young people. The Commissioner conducted 21 seminars and forums over this period, on a variety of issues such as bullying, hearing the voices of Aboriginal and Torres Strait Islander children and young people, and child safe organisations. These seminars raise awareness about these issues and they also provide an effective platform to promote the work of the Commissioner, as information researched and published by the Commissioner's office is presented at the seminars. The Committee encourages the Commissioner to continue to develop the depth of the seminar series into the future.

Another area that can promote the work of the Commissioner's office is the website and associated online presence. A key recommendation of the Committee's most recent inquiry is for the Commissioner to develop and promote substantial online resources about services, advice, emerging issues and best practice for responding to child abuse.²⁷ The Commissioner's *Annual Report 2015–16* notes improvements to the Commissioner's website, such as the *Spotlight* section, where profiles of WA children and young people who are contributing positively to their communities are featured.

25 As noted in the Committee's comments about the Commissioner's *Annual Report 2014–15* (see page 7 of this report) the Commissioner has three strategic directions which influence the work completed by the office. They are: promoting children and young people's participation; influencing policy, services, attitudes and outcomes; and, ensuring good governance and capacity.

26 Many of the achievements listed within the *Annual Report 2015–16*, such as the publications *Listen to Us*, *Our Children Can't Wait*, and *Children and Young People from Culturally and Linguistically Diverse Backgrounds Speak Out*, and the project Child Safe Organisations WA, were examined in the previous section of this report as they were released prior to 30 June 2016.

27 Joint Standing Committee on the Commissioner for Children and Young People, *Everybody's Business. An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse*, Report No. 7, Legislative Assembly, Parliament of Western Australia, June 2016, p82.

The Commissioner told the Committee that feedback about the website has been positive,²⁸ and that his office continues to assess ways in which the online resources of his office can be expanded.²⁹ It is crucial the Commissioner commits to the continuing improvement of his online presence and pursues the funding necessary to achieve this outcome.

The impact social media has on the potential safety of children and young people is noted as a significant issue for the Commissioner in the *Annual Report 2015–16*. The *Thinker in Residence* program for 2016–17 will focus on strengthening children and young people’s mental health and wellbeing through better understanding and management of technology and social media. The Commissioner is working closely with government and non-government partners who will benefit from the information the expert *Thinker in Residence* is providing. A new model has been devised to allow for the Commissioner’s partners to seek specific information relevant to their individual requirements.³⁰ The Committee acknowledges this work as another example of employing innovative methods to raise the profile of the work of the office. Active collaboration with key government and non-government partners will maximise the effectiveness of the information being imparted.

In June 2016 the Commissioner released a five-year strategic plan called *Our approach and priorities 2016–2020*. The document, noted within the Commissioner’s *Annual Report 2015–16*, outlines three key focus areas for the office.³¹ This plan is evidence of the community being informed about the Commissioner’s priorities and introduces a more innovative way for the public to be made aware of—and participate in—this work.

The Commissioner’s *Annual Report 2015–16* is an accurate reflection of the work completed by the office, and that the work completed was in accordance with the functions afforded the Commissioner under the Act. The Annual Report presented a trend towards greater collaboration with government and non-government partners. This approach will produce more relevant and immediate policy improvements.

Speaking Out About Raising Concerns in Care

On the 18 October 2016 the Commissioner launched the report *Speaking Out About Raising Concerns in Care*, based on the results of a consultation with 96 children and

28 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 19 October 2016, p9.

29 *Ibid.*, p6.

30 *Ibid.*, pp9–10.

31 The three key areas of work for the Commissioner’s office over this period are: promoting the rights, voices and contributions of children and young people; monitoring and advocacy to strengthen the wellbeing of all WA children and young people; and, prioritising the needs of disadvantaged and vulnerable children and young people.

young people in the out-of-home care (OOHC) system in Western Australia.³² An outcome of the report was to use the findings to help improve the OOHC reforms currently being implemented in WA.³³ The consultation was undertaken by the Commissioner's office in partnership with the Department for Child Protection and Family Support (DCPFS) and the CREATE Foundation.

By partnering with the DCPFS from the outset of the consultation, the Commissioner has facilitated a firm commitment from DCPFS that it will be guided by the results of the consultation.³⁴ The Committee recognises the benefits of this partnership including a flexible and more direct influence on policy reform and practice.

The number of children in care is increasing, with more than 4,500 young people now in care arrangements.³⁵ There is a need to ensure effective systems are in place to support and protect the welfare of this vulnerable group of children. The Committee congratulates the Commissioner for the work.

Juvenile Justice

As with the children in care consultation, almost 100 children were interviewed to better understand their pathway into the juvenile justice system. Early analysis has revealed how important family is as a determinant of a young person's involvement with the justice system.³⁶

The Commissioner has once more engaged a collaborative model by partnering with the appropriate government department, in this case the Department of Corrective Services.

The Committee encourages the Commissioner to reinforce the work achieved via this consultation by developing firm recommendations to guide policy change and improve service delivery and urges the Commissioner's office to seek a commitment from any relevant department about applying these recommendations.

32 The OOHC refers to the provision of care arrangements for children outside of the family home, enacted under the *Children and Community Services Act 2004*, administered by the Department for Child Protection and Family Support (DCPFS), where children are in the care of the CEO of the DCPFS.

33 Since April 2016 the Department for Child Protection and Family Support has implemented reforms to its provision of out-of-home care through a process called *Building a Better Future: Out-of-Home Care Reform in Western Australia*. Further information can be found here: <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20a%20Better%20Future.pdf>. Accessed 10 October 2016.

34 Commissioner for Children and Young People, *Speaking Out About Raising Concerns in Care*, Western Australia, October 2016, p5.

35 *Ibid.*, p13.

36 Ms Patricia Heath, A/Director of Policy and Research, Commissioner for Children and Young People, *Transcript of Evidence*, 19 October 2016, p8.

Engagement in Education Project

On the 25 July 2016 the Commissioner commenced a consultation involving about 2,000 children (Year 3 to Year 12) in Government, Catholic and Independent schools. The consultation is about what helps and what prevents children from staying in school. The *Annual Report 2015–16* stated the project would ‘provide quantitative and qualitative data to influence policy and program development and a benchmark for future monitoring.’³⁷

The Commissioner stated that this is one of the biggest projects the office has undertaken.³⁸ It is currently due for publication in April 2017.³⁹ The Committee is encouraged the Commissioner is undertaking a project of this scale. It is also pleased the Commissioner has designed a project with a specific outcome of providing data for use by agencies wishing to improve educational outcomes for children and young people in WA. The Committee encourages the Commissioner to continue to seek to influence and impact government policy through the generation of data.

The Commissioner’s Work Plan 2016–2018

In August 2016 the Commissioner provided the Committee with a work plan which outlines a number of projects to be commenced in the near future. The Commissioner intends to work on the following issues: family reunification; children and young people in the legal process; homelessness in young people under the age of 16; and, vulnerable children and young people.⁴⁰

The work on vulnerable children and young people is of particular interest to the Committee. The Commissioner noted that since the inception of the Commissioner’s office, the work completed has covered a range of topics that impact on a child’s vulnerability, yet, there has not been a report about vulnerable children and young people in Western Australia. The Commissioner observed that, in his view, this will be a significant piece of work with recommendations to hand back to the Government and the community by the end of next year.⁴¹ The Committee agrees that a report on the state of vulnerable children is an important undertaking and must be informed by results from research already completed by the Commissioner’s office. Given vulnerable youth are impacted by a multitude of factors that sit within numerous policy areas, the Committee encourages the Commissioner to pursue this work in a

37 Commissioner for Children and Young People, *Annual Report 2015–16*, Western Australia, September 2016, p38.

38 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 24 August 2016, p14.

39 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 19 October 2016, p9.

40 Commissioner for Children and Young People, *Work Plan 2016–2018*, Western Australia, June 2016, pp3–4.

41 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 24 August 2016, p15.

collaborative way. The Commissioner should also develop an approach that provokes a commitment from the Government to implement recommendations.

The role of the Commissioner in the future

After working so carefully over the last two years with the Commissioner's office, key government agencies and expert witnesses in Western Australia, interstate and internationally, the Committee is confident that the recommendations outlined in its report *Everybody's Business. An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse* must be implemented as a priority.

The recommendations made in the report are crucial for the ongoing protection and safeguarding of victims of child abuse and their importance cannot be overstated. The recommendations provide a way for the Commissioner's advice to become a trusted source of information and guidance for individuals, Government and the community.

In meeting with the Committee, the Commissioner indicated his agreement with the Committee's recommendations and stated that he had communicated this concurrence to the Attorney General.⁴² The Government has not provided its response to the Committee's report, having deferred tabling once and stating that it was still under consideration.⁴³

Until the Government response is received, the Commissioner is limited on how many recommendations he can feasibly action. Some have a modest cost implication and the Commissioner indicated he will need additional resources to develop them.⁴⁴

It has been over two years since the report on the statutory review of the Commissioner's Act was tabled in Parliament⁴⁵ and it has been five months since the Committee tabled *Everybody's Business* proposing minor amendments to the Commissioner's Act. It is apparent in these closing days of the 39th Parliament that neither the Committee's recommendations nor amendments to the Commissioner's Act will be implemented. The Committee urges the next parliamentary committee to follow up with the Government if there is no action on these crucial matters.

42 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 24 August 2016, p1.

43 Mrs Liza Harvey, MLA, Deputy Premier, WA, Legislative Assembly, *Parliamentary Debates* (Hansard), 13 September 2016, p5820.

44 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 19 October 2016, p7.

45 Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*, Western Australian Government, May 2013.

Chapter 2

Financial Statement

The Committee does not have its own formal budget and is funded out of the budget of the Legislative Assembly. Approval for major expenditures is required on a case-by-case basis and is entirely at the discretion of the Speaker.

The Committee' expenditure for the financial year 1 July 2015–30 June 2016 (in accordance with Standing Order 276) is detailed below (Table 2.1).

Table 2.1: Expenditure items of the Committee 1 July 2015–30 June 2016

Expenditure Item	\$
Couriers	59
Printing	1305
Staff amenities	1223
Travel	46176
TOTAL	48763

Notes:

- i. Salaries of committee staff are not included.
- ii. Costs of shared administrative expenses, including lease costs for committee accommodation are not included.



MS L.L. BAKER, MLA
CHAIR

Appendix One

Committee's functions and powers

Joint Standing Committee on the Commissioner for Children and Young People

Terms of Reference

(As agreed by both Houses and correct as at 26 November 2008)

On 22 May 2013, the Joint Standing Committee on the Commissioner for Children and Young People of the 39th Parliament was established pursuant to section 51 of the Act.

- 1) Pursuant to section 51 of the Commissioner for Children and Young People Act 2006, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Assembly and the Legislative Council.
- 2) The Joint Standing Committee shall comprise 2 members appointed by the Legislative Assembly and 2 members appointed by the Legislative Council.
- 3) It is the function of the Joint Standing Committee to -
 - monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
 - to examine Annual and other Reports of the Commissioner; and
 - to consult regularly with the Commissioner.
- 4) A report of the Joint Standing Committee will be presented to the Legislative Assembly and the Legislative Council by members of the Joint Standing Committee nominated by it for that purpose.
- 5) The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.