



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  
November 2015

Parliament of Western Australia

## Committee Members

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Chair	Ms L.L. Baker, MLA Member for Maylands
Deputy Chair	Hon R.M. McSweeney, MLC Member for South West Region
Members	Ms E. Evangel, MLA Member for Perth  Hon S.E. Talbot, MLC Member for South West Region

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Report 6)

328.365



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and Young People**

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**Listen To This**

**A review of the Commissioner's consultation  
report *Listen To Us***

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Report No. 6

Presented by

**Ms L.L. Baker, MLA and Hon R.M. McSweeney, MLC**

Laid on the Table of the Legislative Assembly and the Legislative Council on  
26 November 2015



## Chair's Foreword

The Children Commissioner's report "*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 Parliament on the 4 August 2015. The report has a clear message. Listen. Listen and hear the voices and the views of Aboriginal children and young people in this state about what is important to them. When designing services, ask Aboriginal children and young people about what services they would like and need. Expand the conversation by talking to their families and communities then design programs based on these discussions. It is an approach clearly put forward in the Children's Commissioner's report and it is the approach the Joint Standing Committee on the Commissioner for Children and Young People's report *Listen To This*, is reaffirming here.

*Listen To Us* is the largest consultation ever undertaken with Aboriginal children and young people. The outcome was a synthesis of the views of over 1200 Aboriginal children and young people, expressing what is most important to them and their hopes for the future.<sup>1</sup> The children and young people who had a say identified many positive aspects about their lives and communities. This is a significant insight into what is important to these children and in the Committee's view, it is long overdue. This realisation helped form the Committee's view that *Listen To Us* must be promoted so that the voices of these children, not heard in the past, continue to speak out in the future.

This report is the 6th report tabled in this Parliament by the Committee, in accordance with its oversight function of the Children's Commissioner. A number of findings have been made to the Children's Commissioner to strengthen the outcomes of the *Listen To Us* consultation and the role of the Commissioner. The report makes a number of whole of government recommendations to the Western Australian government to ensure that the voices of these children are heard.

Seeking the views of children and young people for whom policies and services are being designed is, in the Committee's view, a logical approach to policy design. It is underpinned by Article 12 of the United Nation Convention of the Rights of the Child,<sup>2</sup> and is a legislated responsibility of both the Commissioner and the Committee.<sup>3</sup> This

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1 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*, Commissioner for Children and Young People WA, Perth, August 2015, pv.

2 *Convention on the Rights of the Child*, Article 12, Office of the High Commissioner for Human Rights. Available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>. Accessed on 13 November 2015.

3 Section 4, *Commissioner for Children and Young People Act 2006* (WA).

position has informed the Committee's findings and recommendations contained in this report.

The Committee finds that the Commissioner's office should be available to provide specific advice to agencies wishing to develop a program of direct consultation with children and young people. It also finds that the office of the Children's Commissioner should develop and maintain a network of locally run Aboriginal organisations that could assist agencies in this endeavour. The Commissioner's office could become a conduit via which agencies and these local groups are brought together. The Committee is currently examining the ability of the Commissioner's office to develop and maintain 'referral networks' to assist agencies and the community negotiate matters impacting on children and young people. The Committee's findings here may therefore be developed in its wider review into the Commissioner's functions.

The Committee also found that the Commissioner's office should back up the work achieved via the consultation by developing firm recommendations to the Government. These recommendations should guide policy change to improve service delivery so that there are measureable improvements in the outcomes of the health and wellbeing of Aboriginal children and young people. In accordance with the consultation's key approaches, the Committee found that these recommendations should include measures that can be evaluated so that the Commissioner is in a position to establish whether agencies have implemented these recommendations.

At the time of writing this report, the announcement of a new permanent Commissioner was made. Mr Colin Pettit has taken up the position since the 16 November 2015 and the Committee is encouraging him to continue the work started in this consultation. A cornerstone of the Commissioner's legislation is that priority must be given to the interests and needs of Aboriginal and Torres Strait Islander children and young people. The consultation is a sound demonstration of the Commissioner's work in this area and the Committee would like to this type of work continue.

In the Committee's views a consistent focus on the positive reporting of Aboriginal children and young people will have a positive impact on the overall wellbeing of these individuals. It is essential for positive health and wellbeing outcomes of all children and young people in this state for the Children's Commissioner to be able to make favourable change happen. The Committee wishes Mr Pettit well in his future efforts to achieve this.

The Committee has also made three recommendations to the Government in this report. The first, reiterating a key approach highlighted in the Commissioner's consultation, is to recommend that improving outcomes for Aboriginal children and young people must be seen as core business for all agencies in this state.



Secondly, that the Government of Western Australia, through the Premier, commits to a whole-of-government priority for agencies to develop guidelines specifically tailored for direct consultation with Aboriginal children and young people; and thirdly, that there is a whole of government commitment made to consult with Aboriginal children and young people so that their views can be taken into account in policy development and service delivery.

The Committee urges the government to take up these recommendations. The significance that improving the wellbeing of Aboriginal children and young people will have on the strength and resilience of Aboriginal communities in this state cannot be overstated. It must be a priority of everyone. The reason is simple. As stated by former acting Commissioner Ms Jenni Perkins, under whose leadership the consultation was undertaken:

*These young people are our future leaders. I call upon everyone to take inspiration from their voices and work together to further shape policies, programs and services that respond to the needs of Aboriginal children and young people and promote a strong Aboriginal culture across Western Australia.*<sup>4</sup>

On behalf of the Committee, I would like to recognise the work of the former acting Commissioner Ms Jenni Perkins and thank her for her commitment to developing the role, a task often difficult in an acting capacity. Specifically, I would like to thank her for having the insight to initiate and carry out this important consultation called *Listen To Us*.

I acknowledge the work of my committee members who remain committed to our work and to the role of the Commissioner for Children and Young People: Hon Robyn McSweeney MLC (Deputy Chair), Hon Dr Sally Talbot MLC, and Ms Eleni Evangel MLA. Finally I commend our Principal Research Officer, Ms Renee Gould and our Research Officer, Ms Vanessa Beckingham, who provide valuable advice and support to the Committee.



MS L.L. BAKER, MLA  
CHAIR

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4 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*, Commissioner for Children and Young People WA, Perth, August 2015, pv.



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## **Ministerial Response**

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Joint Standing Committee on the Commissioner for Children and Young People directs that the Premier report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.



# Findings and Recommendations

## **Finding 1**

**Page 5**

Reporting the voices of Aboriginal children and young people about matters that are important to them in a sensitive and culturally appropriate way will have a positive impact on the overall wellbeing of these individuals.

## **Finding 2**

**Page 5**

The report *“Listen To Us”: Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery* and preceding consultation with Aboriginal Children and Young People was a sound undertaking by the Commissioner’s office.

## **Finding 3**

**Page 24**

Agencies must seek the views and opinions of those children and young people for whom policies and services are being designed.

## **Finding 4**

**Page 24**

Consultation mechanisms designed to engage the views of those being impacted by policy decisions need to be appropriate to the age and maturity of the participants.

## **Finding 5**

**Page 24**

The office of the Commissioner for Children and Young People has developed guidelines to assist agencies in developing and increasing their participation with all children and young people. Agencies should make themselves aware of the guidelines and, if required, seek the assistance of the office in developing participation strategies.

## **Finding 6**

**Page 24**

Relevant agencies should develop guidelines specifically tailored to direct consultation with Aboriginal children and young people. These should be informed by an understanding and respect for the diversity of Aboriginal children and young people and their communities, their language, their culture and their histories.

## **Finding 7**

**Page 24**

The Commissioner for Children and Young People should develop and maintain a network of locally run Aboriginal organisations across the State. Agencies seeking the participation of Aboriginal children and young people could be introduced to these individuals on a local level, facilitated by the Commissioner’s office.

**Recommendation 1****Page 24**

That improving the Aboriginal children and young people, and their families, must be seen as core business for all agencies.

**Recommendation 2****Page 24**

In accordance with Recommendation 1, that the Government of Western Australia, through the Premier, commits to a whole-of-government priority for agencies to develop guidelines specifically tailored for direct consultation with Aboriginal children and young people. These should be informed by an understanding and respect for the diversity of Aboriginal children and young people and their communities, their language, their culture and their histories.

**Recommendation 3****Page 25**

In accordance with Recommendation 1, that the Government of Western Australia, through the Premier, commits to a whole-of-government priority for agencies to develop consultation mechanisms so that views of Aboriginal children and young people can always be taken into account in policy development and service delivery.

**Finding 8****Page 27**

The Committee values the *Listen To Us* consultation, and looks forward to the Commissioner's continued work in this area.

**Finding 9****Page 27**

The Commissioner should develop firm recommendations to government that are informed by the key approaches and key strategies developed in the *Listen To Us* consultation. These recommendations should consider changes that can be made to policy and service delivery in order to improve the health and wellbeing of Aboriginal children and young people.

**Finding 10****Page 27**

In accordance with the approach in *Listen To Us*, recommendations arising from the Commissioner's office should include measures that can be evaluated, so that the Commissioner is able to establish over time whether agencies have implemented the recommendations, and how effective these have been.



# Chapter 1

## Backdrop to the Committee's review

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The decision to table a separate report to Parliament on the Commissioner for Children and Young People's 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 made by this Committee because it believes that the voices of Aboriginal children and young people should be heard and promoted wherever possible.

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### Why the Committee is reporting to Parliament on *Listen To Us*

- 1.1 *Listen To Us* was tabled in the WA Parliament in August 2015 by the A/Commissioner for Children and Young People WA.<sup>5</sup> It reflects the views of 1,271 Aboriginal children and young people<sup>6</sup> on matters important to their wellbeing. Contributions were received from children and young people across the state through face to face consultations and via an online survey.
- 1.2 The face to face consultations were run by 17 community organisations, using mixed methodologies such as art, sport and music. The views of 789 children and young people captured in this manner, and a further 482 were consulted using the online survey.
- 1.3 A Reference Group was set up to inform the Commissioner's office as the project proceeded. It was established in July 2014 'to guide the development of the project and its implementation'.<sup>7</sup> It provided oversight on the consultation process to 'ensure that the consultations were conducted in a safe and culturally appropriate way'.<sup>8</sup>

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5 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*, Commissioner for Children and Young People WA, Perth, August 2015.

6 In accordance with the *Listen To Us* consultation, the term 'Aboriginal' in this report encompasses Western Australia's diverse language groups and also recognises those of Torres Strait Islander descent. Ibid. p.ii.

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*, Commissioner for Children and Young People WA, Perth, August 2015, p30.

8 Ibid. p31.

## Chapter 1

- 1.4 The Reference Group ‘included representatives from the government, community, education and research sectors, as well as Aboriginal young people’.<sup>9</sup>
- 1.5 The total figure represents the largest single consultation to be completed by the Commissioner’s office—and it may be ‘arguably the biggest consultation ever undertaken with Aboriginal children and young people in WA’.<sup>10</sup>
- 1.6 The A/Commissioner conducted the consultation between October 2014 and March 2015.<sup>11</sup> The Joint Standing Committee on the Commissioner for Children and Young People (the Committee) was made aware of the undertaking during a hearing with the A/Commissioner in November 2014<sup>12</sup> and has been following the progress of the report.<sup>13</sup>
- 1.7 Immediately following the tabling of the report, the A/Commissioner invited the Committee to meet with a number of the young people whose views were captured in it. The A/Commissioner was then invited to address the Committee about the outcomes of the report. A public hearing was convened for this purpose on the 16 September 2015.<sup>14</sup>
- 1.8 The Committee also met with two key members of the Reference Group mentioned at 1.3 and 1.4 above. Associate Professors’ Dr Cheryl Kickett-Tucker and Ted Wilkes met with the Committee in separate hearings and spoke about undertaking the consultation.<sup>15</sup> Several other witnesses who appeared before the Committee on more general matters were also asked about their knowledge of, and views on, the consultation.
- 1.9 The focus of the Committee’s examinations was driven by its oversight function to review the work of the Commissioner’s office. In particular, the Committee was interested to learn what outcomes the consultation could have on the wellbeing of Aboriginal children and young people in WA. The Committee had some initial reservations about the ability of the report to influence policy making in this state. These concerns are detailed in Chapter 3.

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9 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*, Commissioner for Children and Young People WA, Perth, August 2015, p30.

10 Ibid. pv.

11 Commissioner for Children and Young People, *Annual Report 2014-15*, Subiaco WA, 26 August 2015, p17.

12 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 26 November 2014, p2.

13 Section 51 *Commissioner for Children and Young People Act 2006* (WA).

14 The transcript of this hearing can be found on the Committee’s website at: [http://www.parliament.wa.gov.au/Parliament/commit.nsf/\(ProceedingsOnly\)/CAEB6947A289D9F248257C2B002A0372?opendocument](http://www.parliament.wa.gov.au/Parliament/commit.nsf/(ProceedingsOnly)/CAEB6947A289D9F248257C2B002A0372?opendocument)

15 These hearings were held on the 16 October and the 23 October 2015 respectively.

- 1.10 The Committee heard how important it is to give Aboriginal children and young people the opportunity to voice what is important to them. The A/Children's Commissioner, Ms Jenni Perkins, stated her strong belief that this consultation filled a void not previously occupied by any other work 'in terms of actually understanding the young people's point of view.'<sup>16</sup>
- 1.11 Ms Perkins said the consultation provides an opportunity to highlight to the broader community examples where 'Aboriginal kids are actually doing well and that they are playing very important roles in their communities'.<sup>17</sup> She adds that this 'is a story that is not often told.'<sup>18</sup>
- 1.12 The A/Commissioner stated that an important outcome of the consultation was to learn that young Aboriginal people wanted mentors and role models. This awareness led to the publication of a companion report called *This Is Me: Aboriginal young people's stories*,<sup>19</sup> which details the stories of 12 Aboriginal children and young people. These stories are told in their own voices about their lives and hopes for the future. They are deliberately framed 'as a way of helping profile everyday young people ... not necessarily the award winners but just everyday young people'.<sup>20</sup> The A/Commissioner states in *This is Me* that the report 'highlights just a small handful of [stories] which I hope will inspire other Aboriginal children and young people to keep working towards their goals and realise the remarkable potential they have.'<sup>21</sup>
- 1.13 Dr Cheryl Kickett-Tucker reiterates the importance of promoting positive stories about Aboriginal children and young people, their families and their communities. She states that the people should 'look at the strengths of our community and our families'.<sup>22</sup> She uses the term 'deficit modelling' and warns against 'looking at the worst-case scenarios or the data or stats, which do not tell you everything'.<sup>23</sup>

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16 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p10.

17 Ibid. p4.

18 Ibid.

19 Commissioner for Children and Young People, *This Is Me: Aboriginal young people's stories*, Subiaco WA, August 2015. The A/Commissioner released a second companion publication called *Aboriginal and Torres Strait Islander Children and Young People Speak Out*. This forms part of the Commissioner's Speak Out series of reports that are written for the community. This one focuses on the views of the children who took part in the consultation and is available on the Commissioner's website at: <http://www.cryp.wa.gov.au/content.aspx?cid=1149>

20 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p10.

21 Commissioner for Children and Young People, *This Is Me: Aboriginal young people's stories*, Subiaco WA, August 2015, p3.

22 Associate Professor Cheryl Kickett-Tucker, Director, Pindi Pindi National Research Centre for Aboriginal Children, Families & Community, *Transcript of Evidence*, 16 October 2015, p4.

23 Ibid.

## Chapter 1

- 1.14 The Committee recognises that having access to positive role modelling, a sense of belonging, strong support networks and strong connections to culture has a positive impact on the health and wellbeing of Aboriginal children and young people.<sup>24</sup> The Committee also is aware that research has consequences and may impact on people in a manner that does not contribute to their recovery from trauma.<sup>25</sup> Dr Kickett-Tucker indicated to the Committee that it is helpful to refrain from reporting that which reinforces this trauma.<sup>26 27</sup>
- 1.15 The Committee is mindful of the impact that the reporting of the voices of Aboriginal children and young people will have. Reporting about matters important to them (in a positive and sensitive way) with a concerted effort to the sustained promotion of their voices will have an accordingly positive impact on their overall wellbeing.
- 1.16 The Committee therefore holds the view that the *Listen To Us* consultation was a sound undertaking by the Commissioner's office. It resolved to lend further strength to this consultation by reporting on it to the Parliament.

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24 The Committee is aware substantial research is available about the positive impacts protective factors like a strong cultural identity have on the health and wellbeing of Aboriginal children and young people, but it is not tenable to provide a catalogue of this research here. A good summary document about the importance of these factors can be found in: Commonwealth Government 2013, *National Aboriginal and Torres Strait Islander Health Plan 2013-2023*, Commonwealth Government, p34.

25 This understanding is informed by ethics guidelines promoted by the Aboriginal Health Council of WA (AHCWA). The AHCWA ethics Committee, called the Western Australian Aboriginal Health Ethics Committee (WAAHEC), endorses the National Health & Medical Research Council, *Values and Ethics: Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research*, Commonwealth of Australia, 2003. More information can be found at <http://www.ahcwa.org.au/#!ethics/c6gg>. Accessed on 11 November 2015.

26 Dr Cheryl Kickett-Tucker, Director, Pindi Pindi National Research Centre for Aboriginal Children, Families & Community, *Transcript of Evidence*, 16 October 2015, p3.

27 The use of the word 'trauma' in this report is accepted by the Committee to have the following definition: Trauma affects a person's physical or emotional safety and is often caused by a psychologically stressful event or series of events. The person may respond to this event/s with feelings of intense fear, helplessness or horror. These traumas can occur at a personal level or at a collective level (war, natural disasters, or genocide). Trauma can affect a person for many decades and in many different ways. If people have not had the opportunity to heal, then they may act out their pain in negative ways including physical or emotional violence, abuse or addiction. (see Healing Foundation, *Glossary of Healing Terms*. Available at: <http://healingfoundation.org.au/our-publications/> Accessed on 18 November 2015)

**Finding 1**

Reporting the voices of Aboriginal children and young people about matters that are important to them in a sensitive and culturally appropriate way will have a positive impact on the overall wellbeing of these individuals.

**Finding 2**

The report *“Listen To Us”: Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery* and preceding consultation with Aboriginal Children and Young People was a sound undertaking by the Commissioner’s office.



## Chapter 2

### Review of *Listen To Us*

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Arguably the largest consultation of Aboriginal children and young people ever conducted in the state, the A/Commissioner's review provides an insight into the factors that influence the lives of these people. It includes their views on family and community, education, culture, recreation and sport, and racism and reconciliation.

It was an aim of the report for these voices to help agencies make practical changes to the way in which they support and promote the health and wellbeing of Aboriginal children and young people.

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#### Summary of the Commissioner's Consultation *Listen To Us*

##### Scope and methodology of consultation

- 2.1 As stated in Chapter 1, the Commissioner's report *Listen To Us* is 'arguably the biggest consultation ever undertaken with Aboriginal children and young people in WA'.<sup>28</sup> More than 1,200 children and young people from across the state were consulted.<sup>29</sup> Staff from the Commissioner's office visited the following regional communities to promote the survey: Broome, Carnarvon, Djarindjin Community, Kalgoorlie, Kookynie, Laverton, Leonora, Lombadina Community, Menzies, Mount Margaret, Northam, One Arm Point, Port Hedland, Warburton and Wiluna.
- 2.2 Almost 790 children and young people had a say through 17 face-to-face consultations, and a further 482 were consulted using an online survey. In excess of 40 language groups were recognised.<sup>30</sup> There were 910 participants from regional and remote areas, including the Kimberley and Goldfields and 27 Aboriginal and remote communities. A further 361 participants were from the metropolitan area. A map showing the exact locations has been reproduced from *Listen To Us* at Appendix 1.

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28 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, Commissioner for Children and Young People WA, Perth, August 2015, p5.

29 Ibid. pp31-32.

30 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p4.

## Chapter 2

- 2.3 Further information provided to the Committee indicates that there was an even gender split within the samples. Almost a third of the children were under 10, half were in the 10-15 age group and 16-17 year olds comprised the smallest cohort.<sup>31</sup>
- 2.4 As mentioned in Chapter 1, the A/Commissioner established a Reference Group to assist on the consulting project. The group helped with the development of the consultation questions and the final implementation of the project.<sup>32</sup> The questions were designed to inquire 'into what was most important to children and young people, and their views about their community, culture and aspirations for the future.'<sup>33</sup>

### **Aims of report**

- 2.5 The A/Commissioner's stated aims of the report are to:
- 'bring the voices of Western Australia's Aboriginal children and young people directly to Parliament and the wider WA community';<sup>34</sup> and to
  - 'challenge the status quo that is struggling to significantly improve Aboriginal children and young people's wellbeing.'<sup>35</sup>
- 2.6 To do this, the report outlines four approaches and eight strategies, and submits that the Commissioner's ongoing advocacy work will focus on the 'need for a collective commitment to four approaches to service delivery, and the need for more focused investment across eight key strategies.'<sup>36</sup> The report identifies five key themes, around which the report chapters are based. Within each chapter the relevant current research and principles of good practice are summarised.
- 2.7 The A/Commissioner has drawn upon previous research completed by the office— notably *The State of Western Australia's Children and Young People – Edition Two*.<sup>37</sup> This is a report within which areas of concern were raised in relation to the health and wellbeing of Aboriginal children and young people. The A/Commissioner references many of these concerns in *Listen To Us*. They include: infant mortality, birth weight, births to teenage mothers, early childhood education, child abuse and neglect, injury, self-harm and suicide, interpersonal violence, family violence, educational attainment, housing and contact with the justice system.

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31 Ms Trish Heath, Acting Manager, Policy and Research, Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p7.

32 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*, Commissioner for Children and Young People WA, Perth, August 2015, p30.

33 *Ibid.* p31.

34 *Ibid.* p5.

35 *Ibid.*

36 *Ibid.* p33.

37 Commissioner for Children and Young People WA, *The State of Western Australia's Children and Young People – Edition Two*, Commissioner for Children and Young People WA, 2014.



- 2.8 The report notes that the views expressed by children and young people in the report ‘align with what many stakeholders have identified as important in addressing the significant and ongoing disadvantage experienced by some Aboriginal people and communities, and what needs to be done to address the complex causes of this disadvantage.’<sup>38</sup>
- 2.9 There were many positive aspects that the children and young people identified about their lives and communities, such as a respect for their culture and strong pride in their heritage. Many said they benefit from strong family connections and value education as a way of achieving their goals.
- 2.10 However, some children expressed concerns about health and safety worries for themselves and their families and friends. They also spoke about the need for more cohesive communities.

### Health and wellbeing

*‘It is important to understand what children and young people value about wellbeing to inform work to improve their wellbeing.’<sup>39</sup>*

- 2.11 The report notes that, while there is no one standard definition of wellbeing, it is defined in Part 5 of the Commissioner’s Act to include the care, development, education, health and safety of children and young people.
- 2.12 Presumably with this definition in mind, the report highlights that the major determinants of children and young people’s wellbeing include their social, physical and economic environments. For Aboriginal children and young people, cultural determinants of wellbeing are very important protective factors<sup>40</sup> which require a holistic understanding of the importance of connection to land, culture, spirituality, ancestry, family and community. Aboriginal people’s wellbeing is also affected by historical experiences, intergenerational trauma, disadvantage and marginalisation.<sup>41</sup>

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38 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*, Commissioner for Children and Young People WA, Perth, August 2015, p28.

39 Ibid. p25.

40 Protective and risk factors refer to a broad, general understanding of the factors that may place children at risk of harm (risk factors), the factors that can protect them from harm (protective factors), and the ways in which these risk and protective factors tend to interact. Assessing risk and protective factors have a particular significance when looking at issues of child abuse and neglect and will be looked at further in the Committee’s review of the Commissioner’s functions. See Note 48 for further information about the Committee’s ongoing review. Further information about protective factors can be found at: <https://aifs.gov.au/cfca/publications/risk-and-protective-factors-child-abuse-and-neglect>. Accessed 15 September 2015.

41 *Listen To Us* proposes that comments received during the consultation about what Aboriginal Children and Young People believe to be most important to their wellbeing is consistent with a 2010 study undertaken by the Commissioner’s office into children and young people’s views on wellbeing. A loving and supportive family, good friends, fun and activity, being safe, a good

## Chapter 2

### Demographic information

- 2.13 The report notes the linguistic and cultural diversity that exists within the Aboriginal population and includes the following 2011 Census data for WA:
- there are 36,000 Aboriginal children and young people, who represent 6.7 per cent of all WA children and young people under 18 years;
  - children and young people make up 41.5 per cent of the Aboriginal population, which is almost double the proportion of children and young people in the non-Aboriginal population (22.4%);
  - around 60 per cent of Aboriginal children and young people aged 0 to 19 years live outside the Perth metropolitan area, compared with 22 per cent of non-Aboriginal children and young people; and
  - the largest single concentration of Aboriginal children and young people in WA is in the Perth metropolitan area.<sup>42</sup>

### Key Themes

- 2.14 The report states that the views expressed by the Aboriginal children and young people centred around five key themes of:
- family and community;
  - culture;
  - education and aspirations for the future;
  - racism and reconciliation; and
  - taking action.
- 2.15 For each theme, the report has identified principles of good practice to underpin services and programs and a comment on how or where the evidence base needs further work.

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education, material basics, acknowledgement, and freedom and independence were identified as being the most important. Aboriginal children also stated that their extended family and elders, Aboriginal culture and traditional values and practices were important to their wellbeing. See: Commissioner for Children and Young People WA, *Children and Young People's Views on Wellbeing* (Wellbeing Research Project), by Nexus Strategic Solutions for the Commissioner for Children and Young People WA, Perth, June 2010. Available at: <http://www.ccyw.gov.au/files/Wellbeing%20research%20report%202010/Full%20report%20-%20Wellbeing%20Research%20Report.PDF>. Accessed on 18 November 2015.

42 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*, Commissioner for Children and Young People WA, Perth, August 2015, pp26-27.

**Theme 1: Family and community**

*“My family is the most important thing in my life.” 12 year-old girl (Great Southern).<sup>43</sup>*

*“I love the community because everybody basically knows one another. I have a lot of family and friends that live in the community ... and I love that.” 15 year-old Whadjuk / Yuat / Ballardong / Tjupan young person (Perth).<sup>44</sup>*

- 2.16 Family and community emerged as being very important to the children consulted. Feeling safe and secure was a prominent feature,<sup>45</sup> with many children stating that they valued living in communities where they felt safe. Some children raised concerns about safety and, on a small number of occasions, mentioned issues that suggest they are living in environments in which they are highly vulnerable.
- 2.17 In the introduction to the report the A/Commissioner noted that there was a ‘small but significant number’ of children and young people raising these concerns; and that the problems highlighted included ‘crime, violence, antisocial behaviour, alcohol, drugs, inadequate housing and disadvantage.’<sup>46</sup> The Committee queried the A/Commissioner about this and learnt that, of all the children consulted, one child in the online survey and two from the face to face consultation had expressed these concerns.
- 2.18 The Committee queried what actions were taken from the staff who received these concerns and were informed that, while it was not actually staff from the Commissioner’s office, the office was confident that the relevant local authorities were informed. The Committee was also told that subsequent to the consultation, the Commissioner’s office contacted the Department for Child Protection and asked what else they can do in the future, should such an event happen again.<sup>47</sup> The Committee was satisfied that the office showed due regard to these concerns; nonetheless it is considering this response in the context of its larger review into the exercise of the Commissioner’s functions.<sup>48</sup>

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43 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*, Commissioner for Children and Young People WA, Perth, August 2015, p34.

44 Ibid. p35.

45 Ibid. p37.

46 Ibid. p13.

47 Ms Trish Heath, Acting Manager, Policy and Research, Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p8.

48 The Committee resolved on 14 October 2014 to undertake a review of the functions exercised by the Commissioner for Children and Young People, with particular reference to the recommendations contained in the recent *Review of the Commissioner for Children and Young People Act 2006*. The Review contained a number of recommendations that will impact on the functions of the Commissioner. The Committee has agreed to primarily examine the manner in

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### Principles of good practice<sup>49</sup>

- 2.19 The report outlined the following principles of good practice that should be used to guide policies and services targeted at promoting strong families and communities:
- parents, families and communities have the primary role in safeguarding and promoting the wellbeing of their children and young people and should be supported in carrying out their role;
  - the participation of children and young people should be encouraged in the making of decisions that affect them;
  - the strengths and significance of extended family and kinship structures must be respected and acknowledged;
  - all families and communities should have access to appropriate, universal support services, with more intensive interventions available to families and communities that need them;
  - strength-based approaches should be encouraged, which will promote prevention and early intervention where children and young people are at risk;
  - an integrated approach to resolving family and community problems is essential as (often) multiple factors combine to create environments where children and young people are at risk. Collaboration between service providers and the integration of services promote better use of resources and more effective interventions;
  - policies and services must be culturally respectful and appropriate, and developed in partnership with families and communities to help build trust and enable customised solutions to address local need;
  - services need to be sustainable, which requires long-term funding and an adequate, skilled workforce; and
  - services must be accountable for achieving outcomes for children, young people, families and communities and data collection and evaluation should be built into policy and service development.

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which the Commissioner's proposed child abuse complaints support function should operate, as intended by Recommendation 2 of the Inquiry into St Andrew's Hostel (the Blaxell Inquiry); and the impact the proposed child abuse complaints support function may have on the Commissioner's existing functions. For more information about the progress of this inquiry see: [http://www.parliament.wa.gov.au/Parliament/commit.nsf/\(EvidenceOnly\)/5160EBD836B832D548257D7E00172BCD?opendocument](http://www.parliament.wa.gov.au/Parliament/commit.nsf/(EvidenceOnly)/5160EBD836B832D548257D7E00172BCD?opendocument).

49 These principles of good practice are taken directly from "Listen To Us", ibid. p42.

- 2.20 The report notes that this is essential to developing an evidence base that will be able to support more effective interventions and use of resources.

### Theme 2: Culture

*“My culture is who I am, it is a part of everything I do. It connects me to my family and makes me unique...” 17 year-old Jabirr Jabirr girl (Kimberley).<sup>50</sup>*

- 2.21 Children and young people in the consultations identified their culture as one of the most important features of their lives. *Listen To Us* details how culture plays a key role in the development of identity and sense of belonging for Aboriginal children and young people.<sup>51</sup> Many children in the consultation expressed a strong sense of culture, while some said they wanted to know more.<sup>52</sup> The report notes that a loss of culture has been associated with poor social and emotional wellbeing.

### Principles of good practice<sup>53</sup>

- 2.22 The report outlined the following principles of good practice that acknowledge the importance of Aboriginal culture and should be used to guide policies and services for Aboriginal children and young people:
- culture is fundamental to the lives of Aboriginal children and young people and central to their wellbeing;
  - all children have the right to practice their own culture, language and religion;
  - children and young people should be encouraged and supported to connect with and practice their traditional culture, while recognising and respecting contemporary influences on their cultural identity;
  - the Aboriginal population is culturally diverse and this diversity should be acknowledged, valued and respected;
  - policies and services for Aboriginal people must be culturally appropriate, secure and safe, and developed in partnership with Aboriginal communities; and

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50 Commissioner for Children and Young People WA August 2015, *“Listen To Us”*: Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery, Commissioner for Children and Young People WA, Perth, p47.

51 Ibid. Article 30 of the United Nations Convention on the Rights of the Child (for which it is a prescribed function for the Commissioner to have regard for (s.20 (ii) (b))), states that all children have the right to practice their culture.

52 Ibid. p49.

53 These principles of good practice are taken directly from *“Listen To Us”*, ibid. p52.

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- the development of policies and services to improve Aboriginal children and young people’s connection to culture must involve their participation, as well as that of their families and communities.

2.23 More robust evidence needs to be gathered specifically on the benefits of cultural identity and cultural practice to Aboriginal children and young people.

### **Theme 3: Education and aspirations for the future**

*“Go to school, get a good education, get a good job and then you’ll be free.” 10 year-old boy (Kimberley).<sup>54</sup>*

2.24 Many children consulted valued their education and expressed a clear understanding of the connection between a good education and quality of life and valued their school as one of the positive things about their community. The main factors identified as important to their education were family support, financial resources, academic achievement, regular attendance, staying at school and the integration of culture in the curriculum.<sup>55</sup>

2.25 Children expressed a desire to stay in their community and have opportunities for the future there, and many noted the importance of family support in education. For some children the cost of education was seen as a barrier and for others the difficulty of doing well at school was seen as a challenge, something to strive for, rather than something that would happen automatically.<sup>56</sup>

2.26 Greater integration of Aboriginal culture and ways of learning was seen as important, and an important aspect to address Aboriginal children and young people attending and staying at school, which, the report notes, is a point of concern.<sup>57</sup>

2.27 The A/Commissioner stated that *Listen To Us* was beneficial in highlighting the importance that Aboriginal children place on education and that they want to have more Aboriginal culture provided as part of the learning experience.<sup>58</sup>

2.28 Almost all the children and young people expressed clear aspirations for the future. Some did identify a lack of opportunity and expressed concerns for the future. The report notes Mission Australia’s study<sup>59</sup> that indicates where Aboriginal young people

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54 Commissioner for Children and Young People WA August 2015, *“Listen To Us”: Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery*, Commissioner for Children and Young People WA, Perth, p14 & p56.

55 Ibid. p14.

56 Ibid. p58.

57 Ibid. p62.

58 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, pp3-4.

59 Mission Australia, *Indigenous aspirations – Employment & educational opportunities for Aboriginal & Torres Strait Islander youth*, Mission Australia, 2014. Available at:

are aware of opportunities to transition from school to further study or employment, they are more likely to have higher aspirations and make positive plans for the future.<sup>60</sup>

- 2.29 Many emphasised recreational activities as important to them, with sport mentioned often. The report notes that data on the participation of Aboriginal young people in recreational activities is very limited and that more robust data collection is required. Nonetheless, it is quite likely ‘many children and young people may be missing out, particularly if they are living in disadvantaged families or communities.’<sup>61</sup>

### **Principles of good practice**<sup>62</sup>

- 2.30 The report outlined the following principles of good practice that are associated with positive educational outcomes for Aboriginal children and young people:

- having high expectations of students and staff;
- promoting positive Aboriginal identity;
- active collaboration with parents and communities;
- a ‘whole of institution’ approach;
- well-trained and supported, high quality teachers;
- the inclusion of Aboriginal culture and knowledge in the curriculum; and
- a learning environment that is student-focused and responsive to individual needs, including mentoring and intensive case management where required.

- 2.31 The report highlights the general lack of data across educational measures for Aboriginal children and young people which is compounded by the difficulty of sourcing information that accurately reflects the diversity of Aboriginal populations. In a recent *Closing the Gap* initiative<sup>63</sup> nationally comparable student attendance data is now being collected, which, the report notes, will improve the evidence base in this area.<sup>64</sup>

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<https://www.missionaustralia.com.au/publications/research/young-people>. Accessed on 12 November 2015.

60 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*, Commissioner for Children and Young People WA, Perth, 2015, p64.

61 Ibid. p15.

62 These principles of good practice are taken directly from *“Listen To Us”*, ibid. p65.

63 Commonwealth Government 2015, *Closing the Gap: Prime Minister’s Report 2015*, Commonwealth Government, available at <http://www.dpmc.gov.au/pmc-indigenous-affairs/publication/closing-gap-prime-ministers-report-2015>. Accessed on 12 November 2015.

64 Commissioner for Children and Young People WA, August 2015, *“Listen To Us”: Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery*, Commissioner for Children and Young People WA, Perth, p65.

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### Theme 4: Racism and reconciliation

*"I would make it so that everyone is treated the same and people don't judge us Aboriginals 'cause we have different coloured skin." 14 year-old Ngadju boy (Perth).<sup>65</sup>*

*"I would like to change the way we treat each other because it's on us to do what we've got to do to survive, so treat everyone with fairness and equality." 17 year-old Koori young person (Perth).<sup>66</sup>*

- 2.32 The report notes that racial discrimination is recognised as a key determinant of health and wellbeing and that, 'while there is insufficient research specifically investigating the impact of racism on the health and wellbeing of children and young people, existing studies show that children and young people are particularly vulnerable to harm from racism.'<sup>67</sup>
- 2.33 In *Listen To Us* it was observed that Aboriginal children and young people experience multiple forms of racism. This can include intentional and unintentional behaviours and biases and incorporate a range of actions from jokes, offensive or hurtful comments and name calling to outright verbal abuse, harassment and even physical abuse or violence.<sup>68</sup>
- 2.34 Both the report and comments made to the Committee reflect that, while the consultation did not ask specific questions about racism, the topic was frequently raised by children themselves.<sup>69</sup> During the hearing with the Committee Ms Heath stated 'we did not ask them about racism at all, and that became a theme that just generated itself.'<sup>70</sup> The A/Commissioner expressed concern over this, noting 'I think most disturbing for me was also their comments around their experience of racism'.<sup>71</sup>
- 2.35 During the consultation, reconciliation was also raised frequently, with many children and young people speaking about the relationship between respect and equality and people's knowledge about Aboriginal history and culture. Some stated they wanted more non-Aboriginal people to be educated and exposed to Aboriginal culture to help

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65 Commissioner for Children and Young People WA, August 2015, *"Listen To Us": Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery*, Commissioner for Children and Young People WA, Perth, p78.

66 Ibid.

67 Ibid. p77.

68 Ibid.

69 Ibid. p78.

70 Ms Trish Heath, Acting Manager, Policy and Research, Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p7.

71 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p4.



bring about reconciliation. Public celebrations and events were identified as important to promoting understanding and providing opportunities for reconciliation.<sup>72</sup>

### **Principles of good practice**<sup>73</sup>

2.36 The report states that combatting all forms of racism requires carefully considered, evidence-based solutions that are implemented at individual, institutional, and cultural levels, in particular racism experienced by children and young people. It also notes that there is only limited Australian evidence on the most effective ways to address racism. The report notes that factors to reduce racism should:

- include sustained multifaceted interventions;
- include universal as well as targeted strategies across different settings;
- be consultative and developed in accordance with the specific and local circumstances of the community for which it is intended;
- use both ‘top-down’ strategies (for example, advertising campaigns) as well as ‘bottom-up’ strategies (e.g. addressing specific racist behaviours); and
- be evidence-based, monitored and regularly evaluated.

2.37 Successful strategies must:

- target specific negative and false beliefs;
- provide accurate information about Aboriginal culture and the impact of racism;
- focus on specific areas of discrimination (such as employment);
- invoke empathy to help break down barriers;
- highlight shared community-wide values;
- involve Aboriginal communities in their design, development and delivery; and
- increase personal and organisational accountability.

2.38 The report notes that these factors and strategies are based mainly on successful interventions targeting adults. Additional research, evaluation and monitoring (including longitudinal studies) are required to build the evidence base about the

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72 Commissioner for Children and Young People WA August, *“Listen To Us”: Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery*, Commissioner for Children and Young People WA, Perth, 2015, p80.

73 These principles of good practice are taken directly from *“Listen To Us”*, ibid. p81.

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experiences and outcomes of racism and discrimination for Aboriginal children and young people. This will aid the development of successful programs targeting Aboriginal children and young people and ultimately improve outcomes for them.<sup>74</sup>

### **Theme 5: Listening and taking action**

- 2.39 The A/Commissioner utilises this theme in the report as a final call to action and outlines four key approaches where the Commissioner's office is advocating for a collective commitment from all agencies. Also outlined are eight key strategies where the A/Commissioner is calling for targeted and specific investment.

*An enormous amount of work and research has been undertaken, even more so in recent years, to determine how to strengthen the wellbeing of Aboriginal people and communities. Despite this, it continues to be of concern that across so many indicators such little progress has occurred...the purpose of undertaking these consultations with Aboriginal children and young people (is to) bring children and young people's voices to prominence and provide opportunities for the organisations and the broad community to respond to their views in a meaningful and practical way.<sup>75</sup>*

### **Key Approaches<sup>76</sup>**

- 2.40 The report states that there needs to be a collective commitment to the following four approaches:

1. Improving outcomes for Aboriginal children and young people, and their families, must be seen as *core business* for all agencies. There is an imperative to achieve truly integrated planning, funding and delivery of programs and services.
2. Programs and services need to be flexible and understand and respect the diversity of Aboriginal children and young people and their communities, their language, their culture and their histories. This requires approaches that are local, cooperative and, ultimately, community-led and controlled.
3. Programs and services must recognise the importance of, and build on the strengths of, Aboriginal family and kinship.

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74 Commissioner for Children and Young People WA August, *"Listen To Us": Using the views of WA Aboriginal and Torres Strait Islander children and young people to improve policy and service delivery*, Commissioner for Children and Young People WA, Perth, 2015, p81.

75 Ibid. p85.

76 These are taken directly from *"Listen To Us"*, ibid. p86.

4. Services and programs to support the safety and wellbeing of Aboriginal children and young people must be evidence-based and outcomes focussed and be prepared to relinquish what does not work, and focus on what does.

### **Key Strategies<sup>77</sup>**

2.41 In response to the comments received during this consultation, the report notes that more focussed investment is required in the following eight strategies:

1. As a priority, parents must be supported by investing in culturally appropriate early childhood services – including pre-natal support, universal and targeted parenting programs, child health and allied health services jointly delivered and co-located on or near school sites.
2. Aboriginal children and young people must be supported to learn and practice their culture, and communities must be supported to restore, strengthen and celebrate their culture.
3. Greater effort is needed to address racism and support reconciliation with schools being an important setting for this work.
4. Multiple strategies are needed across agencies to support engagement and participation in education, which include strong partnerships between schools, families and communities, and work to better identify and remove the barriers to school engagement.
5. Better access to mentoring, role modelling and support programs is required to provide long-term support and advice regarding education and pathways to post-school education, training and employment options.
6. Aboriginal culture, knowledge and identity need to be integrated more widely into educational programs and philosophies.
7. Neighbourhoods and physical spaces need to be designed with and for children and young people to support their development, encourage community cohesion and positive interaction.
8. All children and young people need to have access to a diverse range of age-appropriate, low-cost recreation, sport and cultural activities to support their active engagement and social participation.

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<sup>77</sup> These are taken directly from “Listen To Us”, *ibid.* pp86-87.



## Chapter 3

### Committee's Observations

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It was an aim of *Listen To Us* for the voices of the Aboriginal children and young people who were consulted to be heard. And further, for these voices to help guide agencies to make practical changes to the way they support the healthy development and wellbeing of these children. It is too early for the impacts of the report on policy development to be evaluated, yet the outcomes of the report may already be having a positive effect.

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#### The importance of hearing the views of Aboriginal children and young people

- 3.1 From the outset, the Committee was pleased with the consultative approach of the report and was encouraged by the direction the Commissioner's office is taking to actively bring the voices of Aboriginal children and young people to Parliament, Government and the broader community. The Committee concurs with the A/Commissioner's statement that 'the voices of Aboriginal children and young people were all too often absent in any of the discussions around some of the issues that were confronting their communities'.<sup>78</sup>
- 3.2 The Committee draws the attention of Parliament to the fact that the consultation was one of the largest (if not the largest) ever undertaken with Aboriginal children and young people in WA.<sup>79</sup> Such a consultation is long overdue and the Committee would like all agencies to 'get kids to the table to talk'.<sup>80</sup> This concern helped form the Committee's view that *Listen To Us* must be promoted as much as possible, so that the voices of these children, not heard in the past, continue to speak out in the future.

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78 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p2.

79 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*, Commissioner for Children and Young People WA, Perth, August 2015, pv.

80 Ms Lisa Baker MLA, Chair, Joint Standing Committee on the Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p3.

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- 3.3 Noted in Chapter 2<sup>81</sup> is the considerable effort, time and resources that were invested by the Commissioner's office to promote the consultation and to achieve the resulting uptake. Other evidence received reinforced how large an undertaking the consultation project was. The Committee also heard the A/Commissioner should be commended for the effort<sup>82</sup> and agrees with this view.
- 3.4 In promoting the report, the Committee heard that the A/Commissioner convened a roundtable discussion with heads of all relevant state agencies and the Department of the Prime Minister and Cabinet. Accompanied by Dr Kickett-Tucker and Professor Colleen Hayward (both members of the Reference Group), Ms Perkins provided an overview of the consultation and asked agencies to look at what they could do in response. This included impressing upon the agencies the need for them to have direct conversations with the Aboriginal children and young people for whom they are developing programs and services.<sup>83</sup>
- 3.5 Ms Perkins clearly saw the *Listen To Us* report as a starting point—an opening statement—for an ongoing discussion between agencies and Aboriginal children and young people.<sup>84</sup> The Commissioner's office has an interest in promoting the active participation of children and young people in decisions that affect them and has developed guidelines available to all agencies interested in developing mechanisms to consult directly in this way.<sup>85</sup>
- 3.6 Such active participation is underpinned by Article 12 of the United Nation Convention of the Rights of the Child.<sup>86</sup> Like the Commissioner, the Committee has a responsibility to ensure the views of children and young people are given serious consideration when it comes to matters affecting them, and that their contributions are recognised.<sup>87</sup> A logical view, in the Committee's opinion, is that it is sensible to seek the views and opinions of those people for whom policies and services are being designed. The fact that children and young people may be impacted should not discount the validity of

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81 Paragraphs 2.1-2.4.

82 Ms Andrea Smith, Policy and Compliance Coordinator, Aboriginal Family Law Service, *Transcript of Evidence*, 10 August 2015, p5.

83 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, pp3-4.

84 *Ibid.* p4.

85 Promoting the participation of children and young people in the making of decisions that affect their lives and to encourage agencies to seek direct participation of children and young people is a core function of the Commissioner, prescribed in sections 19 (b) and 20(c) & (d), *Commissioner for Children and Young People Act 2006* (WA). The Commissioner's participation guidelines can be found at: <http://www.cyp.wa.gov.au/files/Participation%20Guidelines.pdf>

86 *Convention on the Rights of the Child*, Article 12, Office of the High Commissioner for Human Rights. Available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>. Accessed on 13 November 2015.

87 Section 4, *Commissioner for Children and Young People Act 2006* (WA).

their views on policy outcomes. It simply means the consultation mechanisms need to be appropriate to their age and maturity.<sup>88</sup>

- 3.7 It is the Committee's view that the Commissioner's office should be available to provide specific advice to agencies wishing to develop or expand a program of direct consultation with children and young people. Given the key approaches outlined in the *Listen To Us* report, agencies should develop guidelines specifically tailored for direct consultation with Aboriginal children and young people. These should be informed by understanding and respect for the diversity of Aboriginal children and young people and their communities, their language, their culture and their histories.
- 3.8 It is accepted that a tailored approach is required to develop a program of participation with Aboriginal children in different communities. Therefore, local, cooperative and community-led and controlled approaches should be adopted wherever possible. To assist agencies in doing this, it is the Committee's view that the office of the Children's Commissioner should develop and maintain a network of locally run Aboriginal controlled organisations that could assist in this endeavour. The office could then be the conduit via which agencies and these local groups are brought together.
- 3.9 The Committee is currently examining the ability of the Commissioner's office to develop and maintain 'referral networks' to assist agencies and the community negotiate matters impacting on children and young people. This is being done as a part of its wider review into the Commissioner's functions. As such, the Committee may develop further views on this matter in the near future.
- 3.10 Legislative requirements and a common sense approach to consulting with children and young people leads the Committee to recommend that improving outcomes for Aboriginal children and young people must be seen as core business for all agencies. As such, agencies should make every effort to continue to hear the voices of these children. Agencies must also strive to develop a consultation mechanism that is both ongoing and feasible, so that views of Aboriginal children and young people can always be taken into account about services and policies that impact them.

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88 Once more this is underpinned by the Commissioner's legislation in section 20(c) & (d), *Commissioner for Children and Young People Act 2006* (WA); and by Article 12 of the *Convention on the Rights of the Child*, available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>. Accessed 13 November 2015.

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### **Finding 3**

Agencies must seek the views and opinions of those children and young people for whom policies and services are being designed.

### **Finding 4**

Consultation mechanisms designed to engage the views of those being impacted by policy decisions need to be appropriate to the age and maturity of the participants.

### **Finding 5**

The office of the Commissioner for Children and Young People has developed guidelines to assist agencies in developing and increasing their participation with all children and young people. Agencies should make themselves aware of the guidelines and, if required, seek the assistance of the office in developing participation strategies.

### **Finding 6**

Relevant agencies should develop guidelines specifically tailored to direct consultation with Aboriginal children and young people. These should be informed by an understanding and respect for the diversity of Aboriginal children and young people and their communities, their language, their culture and their histories.

### **Finding 7**

The Commissioner for Children and Young People should develop and maintain a network of locally run Aboriginal organisations across the State. Agencies seeking the participation of Aboriginal children and young people could be introduced to these individuals on a local level, facilitated by the Commissioner's office.

### **Recommendation 1**

That improving the Aboriginal children and young people, and their families, must be seen as core business for all agencies.

### **Recommendation 2**

In accordance with Recommendation 1, that the Government of Western Australia, through the Premier, commits to a whole-of-government priority for agencies to develop guidelines specifically tailored for direct consultation with Aboriginal children and young people. These should be informed by an understanding and respect for the diversity of Aboriginal children and young people and their communities, their language, their culture and their histories.



### Recommendation 3

In accordance with Recommendation 1, that the Government of Western Australia, through the Premier, commits to a whole-of-government priority for agencies to develop consultation mechanisms so that views of Aboriginal children and young people can always be taken into account in policy development and service delivery.

### Relevance to the Act

- 3.11 The Commissioner notes that the *Listen To Us* consultation was undertaken in accordance with the *Commissioner for Children and Young People Act 2006* (WA) (the Act).<sup>89</sup> The Committee considers that the consultation could have been more effective if it applied section 19(g) to provide some detail on the existing laws, policies, practices and services affecting the children who were consulted.<sup>90</sup>
- 3.12 The Committee also queried whether the A/Commissioner had, on her own initiative, advised the Attorney General (as the responsible Minister) on any concern or theme that arose relating to the wellbeing of the children involved in this project, in accordance with section 19(k) of the Act.<sup>91</sup> The Committee heard that the no such action had been taken,<sup>92</sup> other than by providing the Minister with a draft copy of the report, pursuant to section 48(1) of the Act.<sup>93</sup>
- 3.13 Whether the Commissioner could have used learning from the consultation to more strongly perform some of the functions prescribed under the Act is picked up in the next section. However, for the purposes of this review, the Committee is satisfied that the consultation and subsequent report are in accordance with the Commissioner's Act.

### Outcomes

- 3.14 The Committee notes that the report did not contain any recommendations to the Government, which seems a missed opportunity as it may limit the application of any outcomes from the consultation in informing policy. The Committee also felt that the organisation of the report into five key themes to discuss four approaches and eight

89 Relevant sections include sections 4, 19, 20(1)(a) and 20(1)(b).

90 Section 19(g) *Commissioner for Children and Young People Act 2006* (WA).

91 Under section 19(k) of the *Commissioner for Children and Young People Act 2006* (WA) a function of the Commissioner is to, either on the Commissioner's own initiative or at the request of the Minister or the Standing Committee, advise the Minister on any matter relating to the wellbeing of children and young people.

92 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p11.

93 The A/Commissioner sent the Minister, and every other current member of State Parliament, a final copy of the report, *ibid*.

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strategies is complex and may have obscured the important message the report is addressing.

- 3.15 Nothing in the Commissioner's Act precludes the making of recommendations. Also, the Commissioner's office making recommendations is not without precedent. The previous Commissioner's *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*<sup>94</sup> made 54 recommendations. A recent report by the Victorian Commissioner for Children and Young People, entitled *...as a good parent would...*, made a number of detailed findings and recommendations to the Victorian Government.<sup>95</sup>
- 3.16 In response to these concerns, the A/Commissioner made it clear that it was a deliberate choice to not make recommendations during the initial reporting stages as the report was 'very much driven by a way to get the voices of young people front and centre'.<sup>96</sup> Explaining in more detail, the Commissioner said that, all too often, Aboriginal children and young people are hidden behind a plethora of wellbeing indicators and statistics. She noted that it is then difficult to see the children who sit 'behind those statistics' and better understand the important role that they are playing in their families and their communities. Also then lost is a sense of 'what their hopes and dreams [are] for the future and what supports they thought [are] needed along the way'.<sup>97</sup>
- 3.17 The Committee put to the A/Commissioner the view that the report could achieve more with firm recommendations to Government.<sup>98</sup> In response, she stated that the key approaches and strategies developed as part of the consultation would ultimately inform the future policy work of the office 'that will inevitably, no doubt, translate into more concrete recommendations'.<sup>99</sup> As an acting Commissioner, Ms Perkins was aware that a permanent Commissioner may take a different direction but was of the view that the consultation would still be able to 'inform the work longer term for anyone who sits in that role permanently'.<sup>100</sup>

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94 A copy of this report can be found on the Commissioner for Children and Young People's webpage at: <http://www.ccpv.wa.gov.au/content.aspx?cid=1149>

95 Commission for Children and Young People, August 2015, "*...as a good parent would...*" *Inquiry into the adequacy of the provision of residential care services to Victorian children and young people who have been subject to sexual abuse or sexual exploitation whilst residing in residential care* Melbourne, Victoria.

96 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p5.

97 Ibid. p2.

98 Ms Lisa Baker MLA, Chair, Joint Standing Committee on the Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p5.

99 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p5.

100 Ibid. p10.

- 3.18 The appointment of the new (permanent) Commissioner Mr Colin Pettit was announced on 11 November 2015,<sup>101</sup> and Commissioner Pettit took up his post on Monday 16 November 2015. At the time of writing the Committee is yet to meet with the new Commissioner to discuss his plans and vision for the future of the Commissioner's office. The Committee is nonetheless of the view that the key approaches and strategies developed in the *Listen To Us* consultation could make a valuable contribution to the policy underpinning service delivery for Aboriginal children and young people.
- 3.19 The Committee is of the view that it is an imperative of the Commissioner's office to back up the work achieved via the consultation by developing firm recommendations to the Government. These recommendations should guide policy change to improve service delivery so that there are measureable improvements in outcomes of the health and wellbeing of Aboriginal children and young people. In accordance with the consultation's key approaches, the recommendations should include measures that can be evaluated so that the Commissioner is in a position to establish whether agencies have implemented these recommendations.

#### **Finding 8**

The Committee values the *Listen To Us* consultation, and looks forward to the Commissioner's continued work in this area.

#### **Finding 9**

The Commissioner should develop firm recommendations to government that are informed by the key approaches and key strategies developed in the *Listen To Us* consultation. These recommendations should consider changes that can be made to policy and service delivery in order to improve the health and wellbeing of Aboriginal children and young people.

#### **Finding 10**

In accordance with the approach in *Listen To Us*, recommendations arising from the Commissioner's office should include measures that can be evaluated, so that the Commissioner is able to establish over time whether agencies have implemented the recommendations, and how effective these have been.

- 3.20 In conclusion, the Committee is of the opinion that the *Listen To Us* consultation was a sound undertaking and it congratulates the approach taken by the A/Commissioner in its development. The Committee was pleased to hear Ms Perkins state 'my interest is to make sure that it is not a report that sits on the shelf. I think it is sort of jumping off,

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101 Hon Michael Mischin MLC, (Attorney General; Minister for Commerce), *New Commissioner for Children and Young People*, Media Statement, Government of Western Australia, 11 November 2015.

### Chapter 3

really; it has got too much energy in it to be shelved in that respect.<sup>102</sup> A continued focus on promoting this consultation, and an ongoing effort to bring the voices of all children and young people to the ears of policy makers should be a priority for everyone concerned with the health and wellbeing of children in this State. For its part, the Committee considers it a priority to bring this report to the attention of the Parliament and will continue to promote the young voices contained therein.

A handwritten signature in blue ink, appearing to read 'L.L. Baker', written in a cursive style.

MS L.L. BAKER, MLA  
CHAIR

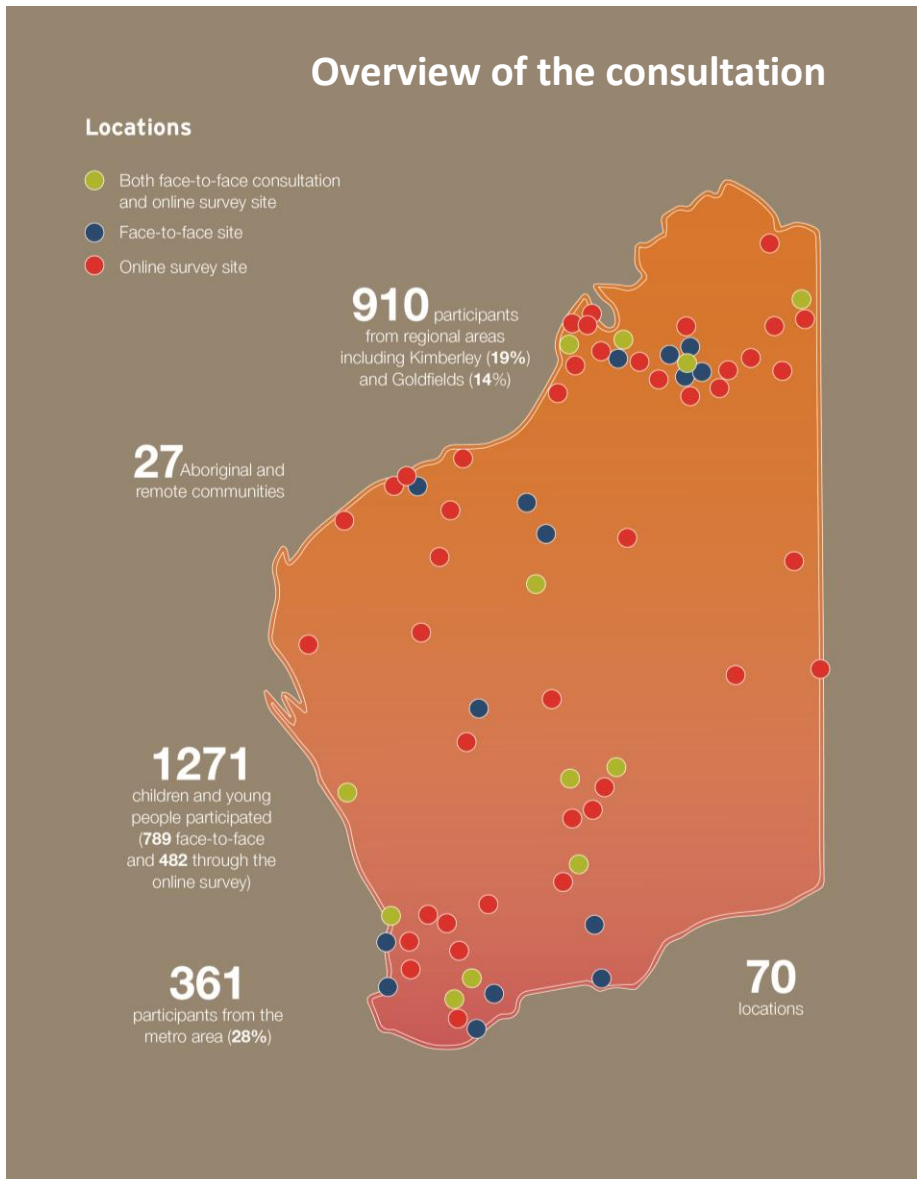
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102 Ms Jenni Perkins, A/Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2015, p10.

# Appendix One

## Scope of *Listen To Us*: Map

(Reproduced with the permission of the Commissioner for Children and Young People)





## Appendix Two

### Committee's functions and powers

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That for the present Parliament –

(a) 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.

(b) The Joint Standing Committee shall comprise 2 members appointed by the Legislative Assembly and 2 members appointed by the Legislative Council.

(c) It is the function of the Joint Standing Committee to –

(i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;

(ii) to examine Annual and other Reports of the Commissioner; and

(iii) to consult regularly with the Commissioner.

(d) 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.

(e) The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.





## Appendix Three

### Hearings

Date	Name	Position	Organisation
10 August 2015	Ms Mariette Cowley	Chief Executive Officer	Aboriginal Family Law Services
10 August 2015	Ms Andrea Smith	Policy and Compliance Coordinator	Aboriginal Family Law Services
16 September 2015	Ms Jenni Perkins	A/Commissioner for Children and Young People	Commissioner for Children and Young People WA
16 September 2015	Ms Trish Heath	A/Manager, Policy and Research	Commissioner for Children and Young People WA
16 October 2015	Dr Cheryl Kickett-Tucker	Director	Pindi Pindi National Research Centre for Aboriginal Children, Families & Community
23 October 2015	Associate Professor Edward (Ted) Wilkes	Public Health Researcher and Advocate	National Drug Research Institute, Curtin University