


CENTRE CARE
"People Making Time for People"

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 Joint Standing Committee of the Commissioner for Children and Young People
 Parliament House
 4 Harvest Tce
 WEST PERTH WA 6005

Transmitted via email jsccyp@parliament.wa.gov.au

Dear Committee Members

WRITTEN SUBMISSION: INQUIRY INTO THE MONITORING AND ENFORCING OF CHILD SAFE STANDARDS

Centrecare supports the Joint Standing Committee on the Commissioner for Children and Young People's inquiry into improving the monitoring and enforcing of child safe standards across government and non-government organisations that work with or alongside children and young people across WA. Centrecare strongly believes that protecting children is everyone's business and responsibility, and increased oversight mechanisms can play a role in ensuring children and young people are safe in the community.

RECOMMENDATIONS MADE BY THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Centrecare does support the recommendations made by the Commissioner for Children and Young People in the report 'Oversight of services for children and young people in Western Australia' as the children and young people highlighted in this report are particularly vulnerable due to engaging in government systems. Further to this, we believe it is important that ALL children and young people have access to a comprehensive system of independent oversight no matter what government or non-government organisation they are exposed to. All children in Western Australia can be exposed to harm, neglect or abuse when accessing mainstream systems including schools and hospitals, whilst those children accessing tertiary systems such as out-of-home care, juvenile justice and mental health facilities are at an increased risk of exposure to harm.

Children and young people will often engage in multiple systems throughout their young life, especially vulnerable children and young people who may have multiple contacts with the out-of-home care system, police and juvenile justice and mental health facilities, so the oversight system needs to be able to respond to the diverse needs of children and young people in one entity, instead of requiring children and young people to access multiple oversight bodies based on the area of concern, i.e. – accessing the Child Advocate for children in Out of Home Care, community visitors schemes in mental health facilities, etc.


 Quality
 ISO 9001

SAI GLOBAL

The oversight body also needs to be able to support young people after they turn 18 as research shows that young people will often not disclose abuse, especially sexual abuse, until years after they have experienced the abuse. There should also be multiple ways for children and young people to access this oversight body through their own disclosures to this body and reports made on behalf of young people within systems. This will ensure vulnerable children and young people will have a voice and have a no-wrong-door experience.

This oversight body also needs to carry three roles – oversight of facilities, systemic advocacy and individual advocacy for children and young people. These three roles need to be appropriately resourced and legislated to ensure they remain consistent through changes in key personnel within the body, as each area has specific purposes and responsibilities. The oversight body needs to be well resourced and have reporting lines direct to Parliament to ensure government institutions remain accountable for children and young people accessing their institution or organisations funded by their institution.

This oversight function, systemic advocacy and individual advocacy does compliment the current work of the WA Commissioner for Children and Young People, but it is imperative that this does not become the sole responsibility of the Commissioner's office. Other states across Australia have attempted to utilise the Commissioner's office to take on this role, without separately resourcing the existing work of this office, which has resulted in the focus of the Commissioner to remain solely on oversight and complaints management. The WA Commissioner's Office has been so influential in other key aspects of legislation through the reports, recommendations and trainings that have been established, this core component should remain, and be appropriately resourced, whilst also supporting the increased responsibility of oversight and advocacy.

Funding arrangements for the oversight office, if this is to be under the umbrella of the Commissioner for Children and Young People, will be crucial if the proposed additional and current functions of the Commissioner's office are to be protected both singly and conjointly. Too often in such situations statutory, monitoring function dominate and subsume the developmental and policy ones. This is largely due to the perceived obligations associated the former and the "optional" less urgent nature of the latter. Unless funding for the very important policy and developmental functions currently undertaken by the Commissioner are somehow safeguarded, then there is a very real danger that the office of the Commissioner for Children and Young People will ultimately be reduced to providing oversight/monitoring functions. This would be a great loss to the State and a retrograde step in furthering the wellbeing of West Australian children.

THE RECOMMENDATIONS FROM THE 'ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE' RELATING TO AN INDEPENDENT OVERSIGHT BODY RESPONSIBLE FOR MONITORING AND ENFORCING CHILD SAFE STANDARDS

Centrecare does support the recommendations from the 'Royal Commission into Institutional Responses to Child Sexual Abuse' in relation to an independent oversight body responsible for enforcing child safe standards. Currently this type of body does not exist within WA, and often children and young people need to raise complaints within the government departments they are involved with, which creates an inherent imbalance of power. Similar to the above, this function should remain independent from government, with reporting lines directly to Parliament, to remain neutral and act with the best interest of children and young people at all times. However, in order to be effective, the body will need to take on a monitoring and enforcement role, as well as an individual and systemic advocacy role – and it needs to be appropriately resourced in all of these functions.

If appropriately resourced, the Commissioner for Children and Young People's Office is well placed to take on these roles, but the current function of the office should remain.

OTHER CONSIDERATIONS

After the recent release of the Financial Services Royal Commission report, the government is identifying multi-million dollar oversight mechanisms and negotiating potential compensation packages for victims of banking misconduct, even during tight fiscal environments. However, after the release of the extensive Royal Commission into Institutional Responses to Child Sexual Abuse, the same funds have not been as forthcoming, however the short and long term impact on individual human lives, as well as society, can be so much greater. Children and young people need to be viewed as citizens in their own right, and the harm and abuse they experience need to be acknowledge, compensated and protected in the same way as adults engaging in the banking and financial sectors.

In order for this oversight mechanism to be effective, there needs to be significant expertise within the oversight body in matters related to child development, child protection, youth justice and mental health concerns. The oversight body also needs to embrace a trauma-informed approach to ensure children and young people do not experience additional trauma from engaging with this system that has been established to support them. Because of the need for this, the Commissioner for Children and Young People's office is well placed to take on these additional responsibilities, but only if it is appropriately resourced to take on these additional functions.

Finally, given the over-representation of Aboriginal children and young people in the out-of-home care system, juvenile justice, and mental health facilities and involved with the police, consideration should be given into how this oversight mechanism is culturally appropriate and accessible to vulnerable Aboriginal children and young people. An Aboriginal specific Commissioner for Children and Young People could help ensure access for Aboriginal children and young people, but this separate office may create a disconnect in the Office's ability to provide systemic advocacy for all children and young people across the state. An alternate to this could be legislated senior position within the current Commissioner's office could be a way to ensure this is in place, whilst also allowing one office to be the oversight body instead of two.

Centrecare is certainly in support of increased oversight, monitoring and advocacy avenues to support vulnerable children and young people in the community. We can also be contacted to provide additional information during the inquiry if required.

Yours sincerely

Tony Pietropiccolo AM
Director
Centrecare Inc.