

**SELECT COMMITTEE ON ADVOCACY FOR CHILDREN  
(APPOINTMENT OF A COMMISSIONER FOR CHILDREN)**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
ON MONDAY, 1 DECEMBER 2003**

**Members**

**Hon Barbara Scott (Chairman)  
Hon Jon Ford  
Hon Giz Watson**

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**The committee commenced at 1.05 pm****BRAZIER, MS JANE****Director General, Department for Community Development,  
examined:****VICARY, DR DAVID****Executive Director, Office for Children and Youth,  
examined:**

**The CHAIRMAN:** I welcome you here this afternoon. Thank you very much for coming. Select committee hearings are formal hearings of Parliament. These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist Hansard, please speak into the microphones. Even though this is a private hearing, you should note that the committee may make some or all of your evidence public when it reports to the Legislative Council. If the committee decides to make your evidence public, we will endeavour to inform you of that decision. The Legislative Council may also authorise publication. Please note that you should not publish or disclose any part of this private evidence to any other person at any time unless the committee or the Legislative Council has already publicly released the evidence. I advise you that premature publication of the private evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

You will have signed the "Information for Witnesses" forms. Have you read and understood them?

**The Witnesses:** Yes.

**The CHAIRMAN:** Would you like to make an introductory statement on the issues covering a children's commissioner?

**Ms Brazier:** Thank you. We appreciate the opportunity to meet with you and your committee member this afternoon.

At the outset, we prepared a submission for you which you would have had an opportunity to look at. We are very happy to speak to any of the material that has been included in that written submission or any other matters that the committee may choose to discuss with us this afternoon.

Over the past two and a half years, the Department for Community Development has been going through fairly significant reform that was initiated by the Machinery of Government Taskforce report that Cabinet signed off on. I was given a brief to work to establish a new department that brought together the responsibilities of the previous Family and Children's Services department together with the responsibilities of the then Office of Youth Affairs, the Office for Women's Policy, which originally included the domestic violence unit, and the Office for Seniors Interests.

[1.10 pm]

The instructions I was given as a result of the Machinery of Government Taskforce report were very clear. We were not about tacking bits of previous organisations together and continuing as usual. We were expected to create a new organisation with a new culture and a new way of working. As part of that process, the Office for Children and Youth was created and, more recently, Dr Vicary was appointed to the position of executive director. Any significant change agenda does not deliver overnight; we are talking here about at least a five-year program. Having restructured the organisation and developed a range of new strategies for the department, the full executive has now

been appointed and is in place, and a significant amount of work is being done on the governance of the organisation, not the least of which has to do with ensuring that the critical areas of social policy advice involving women, seniors, children, young people and volunteers not only have a direct policy reference to the minister, but are working together to ensure that some of those important intergenerational perspectives are brought to bear. We have a significant organisational cultural change program over five years. We have built a new information system and management platform, which we are hopeful of being able to proceed with over the next three or four years. We have just finalised, after 15 years of development, the Children and Community Development Bill, which we are very hopeful will get support from the Cabinet to proceed.

That is a very quick snapshot of some of the significant initiatives being undertaken in the reform of the department. I would like to tie some of that together in determining where children fit into all of that. From where I sit, children are essential to our core business, but we need to conceptualise that core business in terms of the importance of extended and immediate families, and to conceptualise children in the context of the communities in which they live. I have no doubt that children need to be centre stage in the policy-making processes of government, and in the thinking applying to the non-government sector; more so in our areas of business. There are big challenges in achieving that kind of focus on the importance of children. I am sure we will discuss specific initiatives to achieve that. The other dimension I would like to touch on is where very vulnerable children fit into all of that. Vulnerable children from disadvantaged families who come into contact with the department either because of concerns about their families' need for support, or about the needs of the children for protection and care, are children we need to respond to with the greatest care and sensitivity, and in a way that is open, accountable and able to be challenged. Our submission alludes to a range of things determined to achieve that kind of focus, sensitivity and accountability. I have not gone into detail in this statement, but I hope we will have an opportunity to refer to some of the matters I have raised.

**Dr Vicary:** I would like to contextualise the Office for Children and Youth. I am in a uniquely fortunate position in the sense that the office is an amalgamation of two previous offices - the Office of Youth Affairs and the Family and Children's Policy Office. When it was established, it had a children's reference group and a youth working party that actually designed the functions of the office, how it would look and work, and some of the things that would go on within the office. The office has been developed as a result of that consultation. It is important that we have consulted not only with children, but also with in excess of 80 stakeholders working particularly with children and youth across the State. We have also had a number of workshops linking those two groups together. The end result of that has been a vision for children and youth - from the office - about leading the State in promoting and developing the ideas of young Western Australians. Our mission is to connect all young Western Australians with government and the community and to shape policy programs with insights and experiences of young Western Australians.

[1.20 pm]

Therefore, from our point of view, our core business is very much about hearing the voice of children and youth and about making sure that that is carried forward to government in terms of policy.

**The CHAIRMAN:** I will begin with a couple of questions about the level of staffing and the budget that you have in the Office for Children and Youth. Would that go to you, Dave?

**Dr Vicary:** Certainly. We have an allocation of 26 full-time equivalents. We have six regional positions, one each in Kununurra, Port Hedland, Geraldton, Albany, Esperance and Manjimup. All those regional positions have been identified as areas of need. The rest of the office obviously is based at Wellington Street, but with very much a rural focus. One matter I did not mention earlier is that the office is committed to engaging children who do not normally get engaged. By that I

mean indigenous children and young people, remote and rural kids with disabilities, and also our CALD children and youth. To that end, a lot of the office is focused on engaging those young children who are sometimes missed in our mainstream consultations. We have therefore 26 positions and approximately \$7 million in budget.

**The CHAIRMAN:** From where were the children drawn for the children's reference group that you said is directing your policy shift; how much consultation took place; were lower socioeconomic children involved; and what ages were they?

**Dr Vicary:** There was a young person's group that was mostly made up of older constituents from the late teens and 20s and there was a younger group made up of children between nine and 12 years of age.

**The CHAIRMAN:** How often did they meet and where were they drawn from?

**Dr Vicary:** They met fortnightly and were mostly drawn from the metropolitan area.

**The CHAIRMAN:** Is there any attempt to do that in regional areas?

**Dr Vicary:** We have a very clear vision. We would like to establish a sustainable, long-term advisory group of children and youth which we would like to see replicated in the regions. As I said, we have six regional offices and we would like to see those advisory mechanisms replicated in the regions as well.

**The CHAIRMAN:** Will the budget allow you to do that?

**Dr Vicary:** The budget I referred to has incorporated these positions along with operational money to ensure that we do that. We as an office recognise that we cannot do the work ourselves and that this agenda is much broader than just us. Part of our role and one of the functions of the office is to link other government departments into this agenda as well.

**The CHAIRMAN:** I have a simple question for Jane. The committee has made a commitment that children are children right through until they are 18 years of age. Does the Office for Children and Youth define children and young people at a certain break-off age?

**Ms Brazier:** I might refer that question to Dave.

**Dr Vicary:** We consider children as under 12 and young people as between 13 and 25.

**The CHAIRMAN:** In what context would you do that, when the legal age for children in Western Australia is up to 18? Has that been a policy decision?

**Ms Brazier:** In legal terms children clearly are children until they are 18. I am not sure that young people from the age of 13 upwards tend to refer to themselves as children.

**The CHAIRMAN:** No.

**Ms Brazier:** The office has responded to how children and young people see themselves. The Office of Youth Affairs clearly had a brief that went to the upper age of -

**The CHAIRMAN:** Twenty-four, I think, or 25.

**Ms Brazier:** Yes; so we were very keen not to compromise that age. At the end of the day, the coverage is from nought to 24 or 25.

**The CHAIRMAN:** So you separate children and youth from 12 to 18?

**Dr Vicary:** We have specialists who work with children and specialists who work with young people as well, but we are also conscious of the middle years. Quite an exchange needs to occur between both those groups of specialists to make sure that middle-year children are not forgotten and that they receive the best service.

**The CHAIRMAN:** Your Office for Children and Youth covers them from zero to 24 or 25?

**Dr Vicary:** Yes, 25.

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**Hon GIZ WATSON:** I understand the Office for Children and Youth has been going for 12 months; is that roughly its duration?

**Dr Vicary:** That is correct.

**Hon GIZ WATSON:** I was interested in your comment about consultation, because one issue we have raised with a number of witnesses is how you actually hear from young people. I am curious to know a bit more about that and whether there is any relationship with Youth Advisory Councils. It appears to me that there are a number of systems. Do they interface with different people or how do they work?

**Dr Vicary:** We are in a very fortunate position in that we have quite a large number of existing opportunities to have consultation. You may be aware of the youth media survey, which is one way of consulting with thousands of young Western Australians. Also we have consultations through our YACs and YCNs. We have approximately 6 500 cadets spread throughout 158 units across the State, which is also a mechanism for consultation. There is therefore quite a large number of opportunities. Our office also facilitated a children's summit earlier in the year.

**The CHAIRMAN:** How many children attended that?

**Dr Vicary:** Approximately 600, from metropolitan schools.

**Ms Brazier:** They were aged between nine and 12, and the summit was run at the Constitutional Centre. To pick up on Dave's comment about a small office needing to work through critical partners, in that instance schools were the critical partners. In consulting with children it is critically important that you work very much with those people with whom the children already have a relationship and with whom there is a level of trust and preparedness to have conversations on a range of issues. You can do that. I have done it very successfully with quite young children. Even in childcare situations, when we were consulting around a plan for families and children, we worked with a number of child-care centres. Quite clearly you do not put all the questions to them that you might put to somebody who is 24 years of age; however, you can put the critical questions that are important to those children. I remember there was one around the importance of fathers to them as quite little people, and we got some fantastically rich responses, even from children of that age. It does involve people in government bureaucracies thinking differently, working differently and finding creative ways of engaging children and young people across that significant portion of their life.

I go back to the earlier discussion about separate constituencies. I think it is critically important - we recognised this when we were structuring the department and talking about this office - that we are talking about separate but overlapping constituencies. There will be children in the middle years who do not fit into this or that age bracket; they might feel they are children or they might feel they are young people, and in responding to them on how they see themselves according to where they are at in their life is very important too.

**The CHAIRMAN:** Would you foresee an ongoing reference group in which you would train young people to give you feedback?

**Dr Vicary:** Most definitely. We aim to have up and running early next year a reference and advisory group of children and young people who will advise the office not only on policy but also on the types of activities we might be engaged in and to act as a guide to what we are doing.

**Ms Brazier:** A reference group is but one of a raft of mechanisms that you might need to have in place to ensure that children's voices are accessed and that they are listened to and heard in the public policy process.

[1.30 pm]

As you know, you get a different perspective when you hear what children have to say directly rather than having everything in their lives filtered by adults. The real challenge, apart from a

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reference group, is developing a raft of strategies relevant to children to enable their voices to be heard.

**The CHAIRMAN:** David, are the youth advisory councils and cadets funded from your office?

**Dr Vicary:** The cadets certainly are, and our YACs receive the ongoing support we can provide through our office.

**The CHAIRMAN:** How many cadet groups are there?

**Dr Vicary:** There are 158 cadet units across the State. There is always a demand in that area.

**Ms Brazier:** How many children are involved?

**Dr Vicary:** It involves 6 500 children and approximately 500 volunteers funded to the tune of \$2.5 million.

**The CHAIRMAN:** Is that from the \$7 million budget?

**Dr Vicary:** Correct.

**The CHAIRMAN:** Are the youth advisory councils funded through your office?

**Dr Vicary:** We fund them through our grants programs.

**The CHAIRMAN:** Is that through the local councils?

**Dr Vicary:** Yes. They are able to access our small grants program. Most YACs access that throughout the year.

To answer Giz's question a little more, we have made quite a large jump into the area of consulting groups that are not normally consulted. We recognise that a large number of ethnic children are not normally incorporated in the consultation process. Our office has a memorandum of understanding with the Office of Multicultural Interests to engage those young people. We are doing the same with the Aboriginal and Torres Strait Islander Commission so we can engage and work in partnership with ATSIC. It is difficult to access young Aboriginal people in rural and remote areas and also in the metropolitan area. Our partnership with ATSIC is about getting to those young people. We have worked closely with the Office for Seniors Interests and Volunteering and have recently conducted a consultation at AQWA with approximately 60 grandchildren who are cared for by grandparents to assess what it is like to be raised by grandparents. The feedback was overwhelming in the sense that grandparents were pleased that children were considered as part of this agenda as well. A further memorandum of understanding is with the Telethon Institute for Child Health Research to ensure that the latest research guides what we do in practice and policy.

**The CHAIRMAN:** Were you involved in the latest modelling for the North Metropolitan Health Service?

**Ms Brazier:** Certainly. David may not have been directly involved, but I watched that with interest. Some of my staff were directly connected with Brett Hart and Sally Brinkman. I was at the launch, as were you, the other day, of the report, and I was particularly interested in the material produced. For some time now, I have seen the potential for the EDI to be an element used to assess the impact of some of the work we are doing in the early years, in a raft of different ways.

**The CHAIRMAN:** Was your department satisfied that that was a sound -

**Ms Brazier:** Methodology?

**The CHAIRMAN:** Yes.

**Ms Brazier:** I would say at this time that it is a very useful beginning. We are still using, as far as I understand, a Canadian instrument, and I am keen to ensure that it is appropriately modified to fit the Australian environment, and to fit the Australian environment in the diversity alluded to by David. The other question mark in my mind is the extent to which the communities and the

families of those children who were assessed were engaged in the process. I had a slight worry that if you happen to live in a community the day after it was launched, you might end up feeling you were given a label that said something about how your children were faring that might be difficult to move forward from. It is an important instrument. We need to ensure it is modified to Australian situations. We need to look carefully at the way we engaged communities and families in the use of it and what comes out of it. I see it as telling us some information about what is happening to our children aged between four and six in the range of those five dimensions.

**The CHAIRMAN:** My next question considers a coordinating role across government. How much funding did you put in? I understand it used Department of Health funding, with other people working with that department.

**Ms Brazier:** We did not put money into that application, but we have made a commitment to look at where to go from here - that was before the report came out - and how we might support its usefulness in a broader sense.

**The CHAIRMAN:** From the perspective of the select committee looking at the establishment of a children's commissioner, one of the bottom line issues around the world with a children commission is to look at the whole child through the eyes of different agencies and to work towards some coordination. I do not see much coordination of the individual agencies in Western Australia at the moment. The report was done under one banner of Health, and the Department of Education and Training people were involved in doing the questioning. The funding I understand came from the Department of Health. Are there any moves, in the early years at least, anyhow, for you to see a coordinating role; that is, a real sense of working together? Can you describe some of those activities?

**Ms Brazier:** Absolutely. The Government made a commitment to an early years strategy that involves key government departments at directors general level working together to focus on the importance of children in those very early years of life. It is focusing on children aged nought to eight. That involves Community Development, Health, Education, Housing, Disability Services, the Department of the Premier and Cabinet, and Indigenous Affairs - I am not sure whether I have them all. Critically, it involves those organisations in the first instance. There was recently a launch of the second phase of the early years strategy at Midvale Primary School that involved the Minister for Community Development and the Minister for Education and Training. The initial target involved six communities, and we are about to roll that out with another six communities. My vision is for that to occur across the State in all the districts in which we work. You can set up a mechanism like the human service directors general group that reports to the Standing Committee on Social Policy. It is a standing committee initiative, effectively. Then one can have a steering group of seniors officers. For me, the essential coordination needs to occur on the ground in communities. It is there that the teacher needs to talk to my department's social worker, who needs to talk to the community health nurse, who needs to talk to the person responsible for public house etc.

**The CHAIRMAN:** Do you see that filtering down, and just being at the directors general meetings?

**Ms Brazier:** That definitely is the case in those communities in which we have focused our efforts and energy. The other critical aspect is to bring together families and non-government organisations and even the taxi drivers - whoever is interested in the agenda - to meet. In some instances, up to 60 interested people have attended. People like Trevor Parry have talked to some of the groups. We are using a range of strategies to engage people at the grass roots level in this important agenda. My sense is that we need a movement that focuses on children and sees people actually working together outside of those silos that we tend to get a bit stuck in sometimes.

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**The CHAIRMAN:** Yes. Page 3 of your report said that the Office of Youth and Children was aiming to become an expert point of reference for all agencies. Dr Vicary, is that able to happen with the Office of Youth and Children?

[1.40 pm]

In Western Australia one of the unfortunate quirks of history is that DCD has grown out of the welfare department. People are reluctant to go there, but we are trying to encompass all children from all ranges. If your aim is to be the expert point of reference for all government agencies, how do you see your role? How do you hope to get over that historical factor, especially with, say, indigenous people?

**Dr Vicary:** One of the things that we have been working very hard on is developing relationships with large research bodies, particularly the Institute for Child Health Research. One of the things that also links into the joined-up government approach is that, along with the Departments for Community Development, Health, Justice, and Education and Training, we were recently involved in a large ARC grant application, which, for the very first time, will allow us to look longitudinally at children and young people in this State and provide very real information about where we should be jumping in and what type of work we should be doing. It has the potential to provide a very rich vein of policy development. That is something we have done as a group. The office also has strong connections with universities, the child development centres at Curtin University and UWA, as well as internationally and nationally. We are trying to build this collective knowledge that we can then feed to our government colleagues. One of the very important things is to sit down with our government colleagues and see how they do their business to see whether we can provide some advocacy on their behalf. We have been talking to Moira Rayner, who has provided us with some insights on how we might more effectively advocate on children's behalf. Moira is coming to train members of our office in the coming years so that we can more effectively make the voices of children heard across government.

**The CHAIRMAN:** You referred to your government colleagues. Do you mean in the current Government?

**Dr Vicary:** In other departments. I am sorry; I should have been explicit.

**The CHAIRMAN:** In other government departments.

**Hon GIZ WATSON:** This is a generic question that would apply to any commission, no matter what the subject. With the model you are using, there is a question of the degree of independence from government or departmental direction. Where is the driver for setting the agenda for what the Office for Children and Youth will take on? I understand that you are consulting with children. Is that in order to get their input into the agenda? If that is the case, what types of questions do you ask them to elicit that? Has a set of objectives or issues to focus on already been identified by either the minister or the department? I am involved in a similar sort of assessment in relation to environmental health. What model do you have for providing expert, independent advice that is truly independent? I think there is a demand or an expectation for that degree of independence, or at least the opportunity to have input by the community into the agenda of such a body.

**The CHAIRMAN:** I will add to that. This may be difficult for you to answer. You are senior people in the Department for Community Development. The Government has a policy to establish a children's commissioner. It seems that your Office for Children and Youth is endeavouring to do the sorts of things that a commissioner would do. Have you been directed to come up with the Office for Children and Youth to take the role of a children's commissioner, or is it just within the areas of work that you feel are important?

**Ms Brazier:** I will make one general comment first. The office clearly has a whole-of-government policy coordination role, as has the Offices of Senior's Interest and Women's Policy, or, under the previous Government, the Family and Children's Policy Office. It is important that I underscore the



fact that the agenda for any of those offices is not driven from where I sit, although clearly that is an element of conversation that I might have with Dave or whoever happens to be the ED. When I was running the Family and Children's Policy Office, we were not a service arm of the department. We were a policy office that was intended to have the agenda informed by both the community and the constituency. I wanted to make that general comment, but all those offices have whole-of-government policy coordination. They have a direct relationship with the minister of the day, but they report administratively to me under the Public Sector Management Act.

**The CHAIRMAN:** There were more specific questions to answer.

**Dr Vicary:** In terms of our independence, as Jane has just pointed out, our office is attached to DCD administratively, but we have a direct line to the minister in terms of our policy. Earlier I touched on the fact that when the policy office was formed, young people and children were involved in setting the agenda. One of the primary initiatives that came out of that was to make sure that we - the bureaucrats - did not speak for the children themselves and that it was the real voice of young people and children that came through, and then we developed this policy. One of the things that we have tried very hard to do is ensure that the mechanisms in place are child friendly and developmentally appropriate to make sure that it is the voices of children and young people that are coming through. That is to drive the policy that ultimately goes to the minister.

**Hon GIZ WATSON:** Would it be more accurate to say that it is an Office for Children and Youth policy? I have heard that it is about advising the minister and the whole of government about policy direction. That is where it is aiming to make suggestions for change within government departments. Is that accurate? Rather than coming out with a recommendation that says that we need to do X, it would say that we think the policy should be adjusted to look more like this.

**Ms Brazier:** I hope it would do both.

**Dr Vicary:** The office delivers not just policy; it also delivers programs. The young people who are part of the advisory boards are very keen that those programs still be delivered. Originally, the office was called the children and young person's policy, but OCY is a much more child and youth friendly derivative that encapsulates what we do.

**Hon GIZ WATSON:** In terms of the input that children and young people have in setting the agenda, is that written in a way so that you can say that this is what was said and therefore this is what we are doing from here?

**Dr Vicary:** As a result of the consultation, a document was submitted to the minister and a copy of that document is on our web site.

**Ms Brazier:** A report of the children's summit and the youth survey.

**Dr Vicary:** They are all on the web site. There is a large range of documentation. Our first document, which looks at accessing children outside mainstream settings, also is on the web site. It is starting to bring in that expertise to start accessing those cohorts.

**Hon GIZ WATSON:** In terms of program delivery, what are the other programs?

**Dr Vicary:** As I touched on earlier, we have our small grants program and we also fund 23 not-for-profits across the State. Obviously there is our cadets program as well. We also have our youth spaces program, which is a government initiative that looks at developing youth spaces for young people in regional areas. There is a raft of programs.

**Hon GIZ WATSON:** What portion of the budget goes into that? That issue has been brought to our attention by a number of witnesses - the lack of places for young people to be other than in Northbridge.

**Dr Vicary:** It is a quarter of a million dollars annually, spread over four years.

[1.50 pm]

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**The CHAIRMAN:** To create spaces for children?

**Dr Vicary:** Yes. It is about not just creating new spaces but also enhancing existing spaces and making sure that some of the more tired places in the country have a greater youth or young people feel to them. The driver for the grants process is that there is youth participation before, during and after the project.

**The CHAIRMAN:** Do you think that, with your limited budget of \$7 million, the cadet program can grow with the same sort of services? People have informed us that there is no longer a uniform allowance or that sort of thing. Does your office have the ability to grow the cadet programs or will they be pulled back?

**Dr Vicary:** With our current rate of funding, we would like to see better value from our cadets program and its profile raised. We would like to use the cadets more actively as a policy mechanism. We are aiming to make sure that the cadets themselves are involved in that process. We are looking at holding a summit for the young people to design what they would like for our cadet programs. We would like to do what we can to enhance that program and increase public awareness of the large number of youth in this State who are doing fantastic things for the community, which sometimes go unrecognised.

**Hon GIZ WATSON:** When I hear “cadets”, I think of army cadets; hence my reaction.

**The CHAIRMAN:** It is first aid and all that.

**Hon GIZ WATSON:** What other activities do they get involved in?

**Dr Vicary:** There are some fantastic programs. One that catches a lot of imagination is the CALM bushrangers program. They do a lot of environmental work. There is also a surf-lifesaving cadet program. Believe it or not, there is a surf-lifesaving cadet unit in Burringurrah. There are Red Cross, SES and police cadets. There is a range of different options. Only three of the cadets programs are related to the Defence Force.

**Ms Brazier:** I come back to a question that you asked a little earlier about the functions of a children’s commissioner and whether they were all located in this office. This office might be responsible for a number of functions. From where I sit, I see that children’s commissioners in other places have a number of responsibilities for which I think leadership needs to be taken. One example is ensuring that children in care have access to some kind of consumer complaints mechanism. We should ensure that we review cases in which the department has had an involvement and a child has died, or that a family that has an issue about decisions that have been made about its children can take that issue to a review and, under the new legislation, to SAT. There is a range of things that I do not think should be the responsibility of this office. Those critical ingredients need to be embedded in the system. We have seen the situation with the children’s commissioner in Queensland. You would be very familiar with the stories that have emerged from that department. I believe that is because the system itself did not have constant scrutiny of the way it operated and was not able to respond to the issues as and when they arose. There are critical problems in that State around the area of children in foster care.

**The CHAIRMAN:** At least the commissioner in that State has a hot-line which children in any hostel or care situation can ring. I focus on the children in care issue. The new child welfare legislation has a focus on planning for children in care. We received a submission from the coordinators of Citizen Advocacy Perth West, which trains advocates for children with intellectual and physical disabilities. In that submission it commented that DCD refuses to acknowledge the weakness of many foster homes or the inadequacy of any residential service; that DCD is defensive against constructive suggestion or criticism; and that its strong resistance to what it sees as outside interference denies such children the very protection that an independent citizen advocate could provide. That statement has come to us through a submission. Would you like to comment on the issue Giz and I raised earlier of the independence of an office for the children’s commissioner

having the ability to sit outside the system? Would you also comment on this statement by Citizen Advocacy Perth West? Do you recognise, or would you acknowledge, that DCD refuses to acknowledge the weaknesses in many foster homes? Foster carers are under pressure at the moment. There is a shortage and all those sorts of things. Could you talk a little bit about your department's role in that area?

**Ms Brazier:** I would be very happy to. I do not resile at all from the fact that people external to the department have a view, and rightly hold a view, that complaints, issues or concerns are not always heard or responded to or that people even want to hear about those complaints. Having said that, there is not a complaint that comes to my desk in which I do not take a personal interest and to which I do not try to respond personally. I may not be able to respond immediately, but I will always ensure it is responded to, and I will meet with those individuals if necessary. There are views that our system has not been sufficiently open to criticism from others. I am not surprised to hear that you have received a submission that has highlighted that. It is a critical issue for an organisation like ours, which is involved in decision-making roles in people's lives, especially children. We need to be open and accountable and to respond to those people who have different opinions from those within the department. Having said that, there will be those who have a view that to place some kind of scrutiny at arm's length is a better way to go. Some mechanisms in the system enable that to happen. The Ombudsman is one of them. The consumer advocacy positions in my department report directly to my office. They are quite at arm's length from any of our field operatives. The case review board, which will become the case review panel under the new legislation, will definitely be at arm's length as prescribed by legislation. SAT will obviously be an additional review mechanism. Dave may wish to make some additional comments.

**The CHAIRMAN:** I want to pursue that one issue. In your opening statement, you said that you saw your challenge as taking DCD in a different direction; making some changes. Do you see that for foster care? Many current research papers suggest that foster care alternatives may need to be looked at. As the director general, do you see that, rather than a complaints-based mechanism to solve the problems in foster care, it is possible there might be an entirely different way to go?

**Ms Brazier:** Yes; it is probably broader than whether we need a particular office, but I am very happy to make some comments.

**The CHAIRMAN:** I think it is one of the issues about which an independent commissioner ought to be saying and doing things in government. We have huge problems with foster care. We have huge problems with custodial issues for our children. We have huge problems at the ground level for learning, obesity and that sort of thing. I am asking this in the sense that we want to hear from you, the department that delivers these services. The commissioner would sit outside all departments. He might say that, because we have all these problems, it is time to look at a different way of looking after children whose parents cannot look after them. There might be a way of doing it other than considering where children who are unhappy in these situations should go to complain.

**Ms Brazier:** I am very happy to make some comments about foster care and where it fits into the system of responding to individual children who need an out-of-home care response. As the director general of the department, I have a responsibility to constantly ask whether we have the right mix of responses.

[2.00 pm]

I must say at the outset that we have some absolutely wonderful foster carers, and full credit to them for the amazing work that they do. Having said that, I have a view that over a number of years, across Australia - it is not particular to Western Australia - the system has become overly dependent on foster care as being essentially the only option for children who need an out of home care response. My worry about that perspective is that if we take that view and a child goes into a foster home because the parents are unable to care for him or her and that foster home does not work, the child has a sense of failure and the foster carer has a sense of failure. I believe that we should start

with the child. The child should be central to our thinking, and the child's individual needs and wants, the child's connections with his or her family and the child's connections with the community should be what informs the best option for the child. That option may be foster care, but it may not be; it may be a form of residential cottage care, or a different option altogether. We need to take a continuum of care approach conceptually, and we need a range of different options. We do not need to fit options onto children. We need to look at what is the best option for the child. Having said that, we need to make sure that our foster carers get appropriate support and that our foster children get appropriate support, if that is the option that is best for the child. We are moving towards compulsory training for all foster carers, because that has not been in place in the past. We are making some very strong arguments for some additional resourcing that will enable better supports for foster children and foster carers. The legislation provides for the development of a charter for children in care. I am looking at a parallel process that is not in legislation but that involves, if you like, a contract or an agreement, which we are just reviewing, that relates to foster carers and the department. I have some concerns about the pressure that we place on that side of things. I do not think it is the only option for children who need out of home care placement.

**The CHAIRMAN:** Do you have the ability to make government aware of those concerns?

**Ms Brazier:** I think we do, but I think it is fair to say that the proof of that lies in other people's assessments.

**The CHAIRMAN:** Can you describe the new children's Bill that you referred to earlier?

**Ms Brazier:** Where do I start?

**The CHAIRMAN:** Just a synopsis will do. Is that your way of making the changes that you are talking about?

**Ms Brazier:** It certainly is one of the critical pieces. The Bill has a strong focus on children and their protection and care needs.

**The CHAIRMAN:** Only protection and care?

**Ms Brazier:** No, but I wanted to start there. It also involves children in employment, and children's services. There is obviously a set of principles that is consistent with the United Nations Convention on the Rights of the Child. The participation principle is an important addition to the legislation. The legislation provides for a different range of options for children who appear before the Children's Court. It ensures a much more rigorous approach to planning for children in care, and the regular review of care plans. It requires the participation of children and their parents in all of those processes. It enables the court to make a determination around independent legal representation for children of all ages.

**The CHAIRMAN:** Have children been involved in the development of the Bill?

**Ms Brazier:** Yes.

**The CHAIRMAN:** It is the children and development Bill, is it?

**Ms Brazier:** Children and community development. I hope that in the near future it will be possible to make a copy of that Bill available to your committee.

**The CHAIRMAN:** That would be very good. Is it in draft form now?

**Ms Brazier:** It is draft 12. Hopefully it will proceed through the cabinet process. The Bill has been in development for 15 years. I think I was on the original committee that delivered a laws for the people report. We were very keen to get the Bill to this point, and hopefully we will be able to proceed and we can make a copy available to the committee.

**Hon GIZ WATSON:** Did you say that the United Nations Convention on the Rights of the Child is contained in the principles of the Bill?

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**Ms Brazier:** The principles are consistent with that convention.

**Hon GIZ WATSON:** There is not a direct link?

**Ms Brazier:** No.

**Hon GIZ WATSON:** Was that considered?

**Ms Brazier:** Yes, but we thought this was the preferable way to go. You will be the judge of whether that is right when you see the principles of the Bill. Do you want more detail at this point?

**The CHAIRMAN:** No; that is fine. At page 5 of your report you talk about the stand-alone legislation for employment screening. Is that included in the Bill?

**Ms Brazier:** No. That is a separate piece of legislation. That has come onto the agenda a lot more recently, obviously. However, the minister is very keen to proceed with that, and I think it is fair to say that the drafting instructions are nearing completion for that. That is another important piece in the broad suite of things for children.

**The CHAIRMAN:** You would be aware that employment screening is a feature of both the Queensland and New South Wales Commissions for Children. If there were a commission for children in Western Australia, would you be supportive of the commission's having such a role, or do think the employment screening of people who work with children should be a role for DCD?

**Ms Brazier:** At this time I am not in a position to comment on where the recommendation for that responsibility might lie. I am very clear that it needs to be seen to be at arm's length from the major employers of those who work with children, so it should be a service quite apart from the Departments of Education, Health, and so on. Having said that, all of the government departments actually have some kind of employment screening practices in place, so how we incorporate those and ensure that their standards meet the standards of the legislation will be part of the challenge. Clearly it is intended to be much broader than government departments. At this stage obviously church groups, volunteer organisations, non-government organisations and so on are intended to be caught by the legislation.

**Hon GIZ WATSON:** Sporting organisations?

**Ms Brazier:** Yes - all people whose employment brings them into regular contact with children.

**The CHAIRMAN:** What is the view of DCD about the mandatory reporting of child physical and sexual abuse? Will that be part of the Bill?

**Ms Brazier:** The mandatory reporting of sexually transmitted infections in children under 13 is part of an amendment to the Health Act. It is not intended that mandatory reporting be a requirement in the new Bill.

[2.10 pm]

I imagine that you would be very familiar with the report done by a group of people at the University of Western Australia for the Child Protection Council. That was the report that Maria Harries undertook. We have certainly considered reports of a range of other inquiries and reviews that have taken place on the question of a comprehensive system to respond to children in need of protection. A subsequent proposal was successfully put by UWA and Murdoch University for the Child Protection Council to come back with a set of recommendations about a comprehensive child protection system in this State. I have some views about the effectiveness of a law that just requires a report without the comprehensive service response that needs to sit behind it. I have worked in New South Wales and have watched with interest the systems overload that has occurred in some of the other jurisdictions in Australia where many, many reports come in the door that are not eventually substantiated. I know that in a number of jurisdictions some reports are made because families really need a support service rather than a protective service for their children. It is a debate and discussion that I am sure we could do a lot more justice to than time will allow us here. That is where we are up to with that.

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**The CHAIRMAN:** Do you want to ask anything about mandatory reporting?

**Hon GIZ WATSON:** No. That is a lengthy debate for another day. It is not being pursued at this point as a policy.

**Ms Brazier:** Not at this point, other than the mandated reporting of sexually transmitted diseases in children under 13 as a result of the Gordon inquiry. There is an amendment to the Health Act. I do not quite know where that is up to.

**Hon GIZ WATSON:** This is at a bit of a tangent, but it is related to it, because I had an interest in promoting specific legislation on female genital mutilation. To enable that to be operative, we would need mandatory reporting.

**Ms Brazier:** I thought that was being covered under criminal law.

**Hon GIZ WATSON:** I am not sure how that is being catered for.

**Ms Brazier:** Maybe we could look at that in a different setting.

**Hon GIZ WATSON:** Yes.

**The CHAIRMAN:** In its submission to us, the National Association for the Prevention of Child Abuse and Neglect said that state government departments constantly walk a tightrope of balancing a child's interests with that of the family focus. In your submission you list 10 coordinating organisations and structures and imply that there may be more. That would be a rather cumbersome way for a family to find its way through to seek advice. The basic thing that NAPCAN is really saying is that departments walk this tightrope of balancing the child's interests and the family's interests.

**Ms Brazier:** That is correct. We do. As you well know, it is an area in which our focus must be on the child's best interests, but there will be a range of views both external to and within the department about what constitutes where you draw the line. Oftentimes where we come down will not be what everybody agrees is the position to adopt. At the end of the day, from where I sit, I have to be responsible for the decisions that we make that ensure the protection of children in those very difficult circumstances. People will sometimes have views that we have drawn the line too close to the child and not sufficiently in the family's interests. Of course, the flip side if we get it wrong and the child is harmed is that we do not have too many friends, as you would appreciate, and neither should we. It is a very difficult line. I believe that we should be prepared to have a conversation and a discussion when people disagree, and that we should not just pull down the shutters and say that we will not discuss it. That is what I am trying to build into a system that has sometimes been quite guarded about the decisions that it has made and on which it has not wanted to be challenged.

**The CHAIRMAN:** NAPCAN also commented that child protection agencies are well-intentioned but find it difficult to be self-scrutinising. Is that a fair comment?

**Ms Brazier:** When a decision is challenged and somebody at officer level does not want to hear that challenge, that is a view that could be formed. What I have just said is that I am trying to open up the system. If you are not able to have that disagreement at the local level with an officer, you can actually take it up through the organisation. If necessary, it can come to my desk and there can be a conversation or a meeting. If people do not get satisfaction from an officer, they can go to a team leader, a manager, a director, an executive director or the consumer advocate. There is no reason that they could not have a conversation with Dave, given his background. At the end of the day we need to listen and we need to hear when people do not agree. I understand how NAPCAN could have that view.

**The CHAIRMAN:** I guess NAPCAN was saying it in defence of the establishment of a children's commissioner. If you cannot have the agency being self-scrutinising, maybe someone outside it can better scrutinise the agency.

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**Ms Brazier:** From where I sit, I would be concerned if the essential solution lay in a structure. An organisation such as ours needs to be constantly working towards opening up the way we do our business. If that cultural change is dependent on having somebody who sits outside and tells us we ought to do that, I do not think we are doing our job as well as we need to. I guess what I am saying is that the responsibility of the system to open up and be scrutinised and hear different views is something that must happen every day of the week in my department. We have a long way to go, but that is the agenda we are working towards.

**The CHAIRMAN:** How do you see the role of the visitors in these areas - in children's care situations?

**Ms Brazier:** I have seen a very useful role played by the mental health visitors in visiting some of the facilities where I think quite disempowered people are not always given a voice. Recent publicity was given to their report, which I think was tabled in Parliament. Visitors can certainly play a useful role, provided they are able to make the connection with the children.

**The CHAIRMAN:** I guess that in a way they are an external scrutinising instrument for people.

**Ms Brazier:** Yes. We now fund the CREATE Foundation, which is an organisation which focuses on children in care. It is one I meet with on a regular basis, as I do with the Foster Care Association of Western Australia. It regularly brings issues to us which children in care may have taken to that organisation. The consumer advocacy service made a CD advertising its availability to children in care. Every child who goes into care gets one of those CDs and a little pamphlet that tells them who they can ring. Although we do not have a visitors scheme, we have put in place some mechanisms to make sure that the CREATE Foundation, which is outside of the organisation, has access to children who might not want to immediately come to us.

**Hon GIZ WATSON:** I will just hark back to the issue of consultation, because it seems from the feedback I get from constituents that there is generally a fairly cynical view of what consultation actually is.

[2.20 pm]

**Hon GIZ WATSON:** (continuing)

The 2003 youth media survey indicated that only 15 per cent out of 11 000 children who were surveyed thought that the Government took any notice of what they said. Does the standard model for consultation need some overhauling or are you confident that you have the breadth of input which is, as much as possible, directly transferred into the priorities of the office?

**Dr Vicary:** I take the point that in the past there may have been a cynical belief about how children and young people were consulted.

**Hon GIZ WATSON:** It is current and across the board.

**Dr Vicary:** One of the things our office wants to do is to make sure that we have an ongoing and sustainable relationship with those young people and that when we do consult with them and take away their information we go back to them and ask them to validate it. It is no good our merely taking it away. Young people, and certainly very young children, have often been consulted and a spin put on it which might not necessarily be the flavour of what was intended in the consultation in the first place. One of the things that our office is committed to is making sure that when we do undertake consultation - this is particularly important when we are working cross-culturally - we go back and validate the information with the people concerned and that they are engaged in an ongoing and sustainable way. My vision is very much to work with children and very young children and to do our work well enough and successfully enough to still be working with them in years down the track when they get to be youths and young persons, so that they are still engaged in that consultation process and with our office.

**Hon GIZ WATSON:** What is a validation process?

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**Dr Vicary:** If I could give one example, a very good example would be when we consult with indigenous young people or children. We sit down and take part in what some people call semi-structured yarning, which is to have a yarn with them, take away the information, collate it and then go back to the same group in a focus group-type situation and have that group review how we have interpreted that consultation, to make sure that what we have captured is the spirit of what they are talking about. That consultation can be ongoing. It has been proven to work quite effectively in other countries.

**Hon GIZ WATSON:** It is a sort of feedback mechanism, is it?

**Dr Vicary:** Yes, very much so; it is reciprocal and very much part of that ongoing relationship.

**Hon GIZ WATSON:** Is the consultation done by peers?

**Dr Vicary:** Preferably by peers who are trained to do that consultation. Members of our office may take notes, but our preference would be that young people are involved in that consultation. That is certainly what we did with the reference group and also with our youth awards. One of the things we have done is to review those youth awards and go to young people and say, "You tell us what that should look like." When we had done that consultation, we went back to them and said, "Is this basically what you said?" That has been quite beneficial to us, because it has been quite an eye opener about what young people are saying, such as "This is what we do like. This is how we want it to run."

**Hon GIZ WATSON:** To take a contemporary matter, the Northbridge curfew obviously caused mixed reactions, and some of them fairly negative. Does the office have role in airing such reactions, providing a conduit for feedback, responding and offering policy advice to government?

**Dr Vicary:** Our role is to listen to what our constituents are saying and feed that back.

**Hon GIZ WATSON:** Has that happened in this context?

**Dr Vicary:** I have only been in the office for three and a half months. I understand that there has been some input, which we have provided to the minister.

**Hon GIZ WATSON:** Referring to the general response from the Department for Community Development and the Office for Children and Youth, the committee has heard that it seems that they are not supportive of the establishment of a commissioner for children. Is that an accurate assessment? I realise that you have addressed this question to some extent in your submission. Is the reaction because it is not needed or because it would be duplicating what your office is undertaking to do? There is usually a policy or in-principle decision and then a decision on how money is allocated to X, Y or Z. Is there an in-principle opposition to the establishment of the commissioner?

**Ms Brazier:** I have to say that I do not think it is my responsibility to have a position, in-principle or otherwise, at this time. Whichever Government is in power, if the policy direction is X, my responsibility is to implement it. I think that where my responsibility lies is to make sure of all the functions that need to be in a system to ensure an adequate response to children and their health and wellbeing are on the agenda and that we have mechanisms in place to coordinate a whole of government response to complaints and issues. It is all that raft of things you presented in proposing this committee, and my responsibility within the government parameters of the day is to make sure that the system is comprehensive and responsive.

**Hon GIZ WATSON:** Would you be comfortable that that is the case? I guess you could always argue that there is more you could do.

**Ms Brazier:** In the human services arena I do not think we ever reach a point where we think we have done all that needs to be done. I am comfortable with some things; I still think a lot of work is to be done with some things. I guess that is the nature of the commitment. We also want to hear when we do not get it right. I want to keep coming back to that because it is critically important for



me that we respond to those who have views about whether we are getting it right or wrong. I am obviously very interested to see the outcome of this committee.

**The CHAIRMAN:** Just along those lines, could you tell us about the work of the cabinet standing committee on social policy? Is it part of your brief and do you feed into it?

**Ms Brazier:** The cabinet standing committee on social policy is obviously chaired by the Minister for Community Development. A range of other ministers also sit on it. It is supported by the social policy unit in the Department of the Premier and Cabinet, but obviously a range of areas of interest to that committee involve all the directors general whose ministers are represented around that table. The homelessness task force and its implementation, the early years strategy, the Gordon inquiry and its implementation and a range of issues are on the agenda for that group. There are also justice issues relating to children. The directors general provide advice upwards and obviously get briefs downwards via the social policy unit. The directors general group has come together as a human services directors general group and now meets on a regular basis.

[2.30 pm]

Therefore, issues about children's health and wellbeing of concern to any one of us can be channelled through that process. I can also take that directly to my minister and she can bring it forward in her role as chair.

**The CHAIRMAN:** Thank you for that.

**Hon GIZ WATSON:** Does the office report only to the minister or are those reports made public? In other words, are the recommendations available as they are presented to the minister so that independent assessment can be made of them? You could say that you made recommendations to the minister or to the Department of Premier and Cabinet and you want them addressed. That would allow an independent assessment of whether the Government is listening to the advice.

**Ms Brazier:** I do not vet what goes from Dave's office to the minister. That goes directly.

**Hon GIZ WATSON:** Is that available publicly?

**Ms Brazier:** Some of it is on the web site.

**Dr Vicary:** That is right. It depends on the sensitive nature of the topic. We try to put as much as we can on the web site to make it accessible to people. We are working hard to make the web site not only for grown-ups but also child focused and friendly so that young people can access the information.

**The CHAIRMAN:** You have explained the role of visitors. Apparently a recent report was done on the findings of the role of the visitor. Can we have a copy of that?

**Ms Brazier:** I am not aware of a report of that nature. Can you give us more information?

**The CHAIRMAN:** Section 8 of the Child Welfare Act states that the minister from time to time may appoint so many fit and proper persons that he thinks necessary to be visitors of the departmental facilities. You explained the role of residential visitors and their most recent findings. Based on your submission, we wondered whether there was a report and, if so, whether the committee could have a copy.

**Ms Brazier:** I will certainly look into it. I am not aware of that report.

**The CHAIRMAN:** In your submission, Dr Vicary, you talked about developing a children's strategy and a youth policy. I talked about the age differential earlier. Does the children's policy go up to age 18? Why will there be a separate youth policy? There is no need to go into details. You talked about why you are focusing on little children and older children.

**Dr Vicary:** It is about being developmentally appropriate. The mechanisms we may use to consult a young person will not have the same kind of consultative technique as we might engage for a

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three or four-year-old child. There is a vast difference between working with very young children as opposed to children of mid-years. It is a matter of trying to incorporate many developmental differences between the two groups.

**The CHAIRMAN:** I am not talking about the children involved and the different ways you work with age appropriateness. I am referring to whether a children's strategy as a policy document would include all children up to 18 and then a youth document or policy would be separate?

**Dr Vicary:** We were going to break it down to 0 to 12 years, 13 to 18 years and 18 to 25 years.

**The CHAIRMAN:** I could ask why but I think you have probably given us that information.

**Ms Brazier:** Do you want more comment about that age break-up?

**The CHAIRMAN:** When I read in your submission about a children's strategy and a youth document, I wondered why there would be two.

**Dr Vicary:** Many of our stakeholders say that youth are very different from children and many of them in the children's area say children are very different and they need to be separately considered and represented in that forum. In that breakdown we are responding to feedback we have from not only our stakeholders but also young people.

**Ms Brazier:** Would you see a youth policy and children's strategy having some overlap?

**Dr Vicary:** Absolutely. That would be unavoidable. I do not think there is a delineated cut-off. They must be able to work and blend in together.

**The CHAIRMAN:** Most of the children's commissioners around the world pick up children and young people. I imagine those Governments develop strategies for children and young people. We have taken a lot of your time and very much appreciate it. Thank you for coming and being generous with your time. I am sure your input will add to our deliberations.

**Ms Brazier:** Thank you very much and for the opportunity of meeting with you.

**Committee adjourned at 2.35 pm**