

STANDING COMMITTEE ON LEGISLATION

PARENTAL SUPPORT AND RESPONSIBILITY BILL 2005

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 28 JUNE 2006**

Members
Hon Graham Giffard (Chair)
Hon Giz Watson (Deputy Chairman)
Hon Ken Baston
Hon Peter Collier
Hon Sally Talbot

Hearing commenced at 10.30 am

LIGHTOWLERS, MR JOHN

General Counsel, Public Sector Management Division, examined:

THORN, MR MICHAEL

Adviser, Crime and Justice,

Department of the Premier and Cabinet, examined:

MacWILLIAM, MRS HILARY

Manager, Responsible Parenting Initiative,

Office of Crime Prevention, Department of the Premier and Cabinet, examined:

ROBINSON, MS FRANCESCA

Senior Clinical Adviser to the Responsible Parenting Initiative,

Office of Crime Prevention, Department of the Premier and Cabinet, examined:

CHAIR: Good morning and thank you for bearing with us. We took the opportunity to go through your document. It was a most efficient use of time and we will focus on the subsequent issues that arise rather than go through the painstaking process of addressing each question.

On behalf of the committee, welcome to our meeting. Thank you for attending to assist the committee with its inquiries. I will deal with the formalities before we commence our discussions. You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

The Witnesses: Yes.

CHAIR: Today's discussions are public. They are being recorded and a copy of the transcript will be provided to you. Please note that until such time as the transcript of your public evidence is finalised, the transcript should not be made public. I advise you that premature publication of the transcript or inaccurate disclosure of public evidence may constitute contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. If you wish to make a confidential statement, you can ask that the committee consider taking your statement in private. If the committee agrees, the public will be asked to leave the room before we continue. Normally I would ask you to make an opening statement; however, I remember how much time that took last time. As I indicated, we will go straight to the questions and the committee will ask subsequent questions to get some clarity on the answers that have been given. That is the best way to proceed. Thank you very much for providing us with the documentation. It is most helpful. We will deal procedurally with this document and its attachments. Are you tabling that for the committee today?

Mr Thorn: Yes, we are tabling that documentation.

CHAIR: Thank you and the committee receives that documentation as a tabled document.

First, we will take you to question 5. Will you please tell us a little bit more about how the government arrived at the decision to put the Responsible Parenting Initiative within the Department for Community Development?

Mr Thorn: It was a government decision to move the Office of Crime Prevention out of the Department of the Premier and Cabinet. In consideration of where the OCP should go - it was to be

hooked up to the police department - a second decision was made that the Responsible Parenting Initiative would not go to police; therefore, community development is the place that government has determined it should sit.

CHAIR: Does that mean it was envisaged that it would have stayed within the OCP within the Department of the Premier and Cabinet?

Mr Thorn: If the OCP had not been shifted out of the DPC, it would still be there. We have indicated in previous hearings that we never envisaged the Responsible Parenting Initiative staying indefinitely within the Office of Crime Prevention. Another agency needed to be found to take care of the program.

CHAIR: Do you anticipate that there are any difficulties in putting it within the DCD?

Mr Thorn: At this stage there is no evidence that there will be any difficulties. The Premier has indicated to the minister that he wants the integrity of the program preserved. There is a small issue of a conflict between the Department for Community Development function and this function, as the Responsible Parenting Initiative can become a more authoritative program when it considers issuing orders. That is the reason that we previously said we saw it sitting more in the justice-type quarter rather than in the community services quarter. That is the government's decision and it is our job is to seek to implement that.

Mrs MacWilliam: I would like the committee to understand that it goes across as a separate service output to the DCD, that the integrity of the program is maintained and that only certain officers within DCD are authorised to make application for orders. They are not the people who are working in the Responsible Parenting Initiative; they are people working in district offices of DCD. Therefore, they are separately located. The ParentSupport service is still able to work with and in between agencies. We can see our way around any concerns of conflict; they can be negotiated and settled.

Hon GIZ WATSON: Was consideration given to it going to justice rather than DCD?

Mr Thorn: I do not know whether government gave any consideration to that. As I indicated, prior to the decision about restructuring DPC, we had been thinking about where it may fit within the Department of Justice. Practically at the same time, the Department of Justice was split and that made it a little more problematic.

Hon GIZ WATSON: Following on from your comments about the potential conflict between service provision and enforcement, you would be aware that the Aboriginal Legal Service had concerns along the lines of the past history of welfare; that is, welfare being the people who take kids away. Do you anticipate that being a problem in that it will raise that issue again and, of course, the perception that the DCD is moving back to the bad old days by combining those two roles?

Mrs MacWilliam: We are negotiating for ParentSupport to retain that separateness and also separate badging. Certainly, it is a different service and there are other parts of DCD that provide the parent help lines. These services currently exist and are provided by the DCD, but they have a different profile. There is no reason that the ParentSupport initiative cannot continue along that vein; that is, having a separate profile to the welfare tag that other sections of DCD labour under.

Mr Thorn: There is no question that we are very cognisant of that. It is an issue and it needs to be managed. From ParentSupport's point of view and the RPI's point of view, the way to deal with it is to try to maintain that separate identity and have the program badged up appropriately. One of the protections is to have it established as a separate service within the department. In most other respects it will be up to the Department for Community Development to make its decisions and ensure that the cultural change it brings to that agency will address some of those issues that go back to native welfare days and that it continues the sort of reform process that has been under way for many years. Depending on where one sits, that was successful or not so successful.

Hon GIZ WATSON: Obviously this is a change that has happened post the bill being drafted. When the bill was drafted it was not envisaged that the line management would come from DCD - it would not sit under DCD. Do you anticipate any need to amend the bill to make those separations clear? How will that be addressed?

Mrs MacWilliam: It is managed within the bill. I cannot remember the exact clause. However, the chief executive officers of the key agencies - the Department of Corrective Services, the Department of Education and Training and the Department for Community Development - authorise certain officers to apply, through the legislation, for a responsible parenting order. That actually makes it very easy to separate those authorised officers from ParentSupport. That is how it is managed within the bill. We have always referred to the department that has responsibility for the day-to-day administration of the bill. That has been the title. We anticipated that there would be a move; it was just to where. The generic label is how it is managed.

Mr Lightowlers: That is in clause 34.

CHAIR: We now come to question 6 and Hon Giz Watson has a question.

[10.45 am]

Hon GIZ WATSON: I thank you for your answers on the services that are specific to the ParentSupport initiative. I was also hoping for information regarding other services. For example, I asked some questions in the house regarding parenting services statewide in general - obviously, it is not just the ones provided under your scheme. If, for example, a parenting service in the south west was available for parents to access, would that not impact on the capacity of the bill to be rolled out there. Do you see what I mean? It does not depend just on services provided directly under your initiative. That was my question. I do not know whether you can answer that. However, it seems to me that in order to understand where this bill, if it were enacted, could be rolled out, we have to understand parenting services coming from DCD and from the NGO sector as well.

Mr Thorn: You are absolutely right, and there is already a plethora of parenting and parent-like services across the state, some of which are state run, some of which are commonwealth funded and some of which are state and commonwealth funded and operated by non-government organisations. There is the usual array of organisations such as Mission Australia, Centacare and those sorts of organisations. I might ask Hilary whether she can recall some of that. We mapped all the services in the south east corridor before we started the ParentSupport program. The reason for doing that was to get an idea of where the gaps might be and how we might start to shape up the ParentSupport service and what was required.

Mrs MacWilliam: This is something that we are revisiting right now, and we are also performing the same sort of consultation throughout the east metro, meeting with all the key players in the area to find out what is available, what they actually use, what they find to be a good service and where they see the gaps. For example, in the east metro, heads of agencies are reported back to us difficulties with mental health, indigenous issues and also parents on their own. There are no surprises there really, but it is nice to actually have a very targeted approach to these things. We are revisiting that with the south east metro again just to make sure that we are still on track. However, it is about how we integrate into a new community and how we provide a response to the issues that are presenting in that community. Albeit there are services out there, there are still those families who are either underneath the radar for service or unable to access or resistant to accessing services. That is part of where ParentSupport fits. That is specifically where it fits into it.

Hon GIZ WATSON: I am interested in that mapping process. It sounds as though it is a very useful component. For the one that you have done in the south east region, is it possible to supply us - not now - with the information that that mapping provided? It seems to me that it is a question of not only the location of the services, but also their capacity and whether they have a waiting list.

There is a whole range of questions: do you think the services are adequate to meet demand? The next question, of course, is: are there parents who are reluctant to use them, even though they are there? That seems to be the underlying question.

Mrs MacWilliam: The south east report that we have done is probably a bit long in the tooth, but for the east metro one, the process will be completed in the next month and a report will be provided for us to consider internally and also for regional managers who work in the east metro. That is a report that I think would clearly indicate how -

Hon GIZ WATSON: Was there a similar report for the south east before you -

Mr Thorn: Yes. I think Hilary is saying that it is now probably 18 months old. However, can we take that on notice, as it were, and we will -

CHAIR: Yes.

Mr Thorn: There may well be other documents around audits of various services that are available. We will probably have to check with the Department for Community Development to see what it might have available.

Mrs MacWilliam: In an earlier follow-up on testimony that had been given, we provided a copy of our consultation document as to how we proceeded.

Hon SALLY TALBOT: We also draw your attention to an answer to a question without notice that was given about six weeks ago in the Council. The Parliamentary Secretary to the Minister for Community Development tabled a list of services by region, which was a spin-off from this line of questioning to you.

Hon GIZ WATSON: You mentioned that services are provided by the commonwealth and NGOs, and some by DCD, and that the commonwealth is in the process of also rolling out parenting centres. How will that interact with this program? It seems to me that there is potentially a significant duplication happening there. Are you aware of it, and how will that interact with your -

Mr Thorn: I am not aware of the commonwealth initiative, but I think probably the thing to say is that there is clearly a continuum of parenting and parent-like services that are provided by all those organisations, be they government or non-government. Some of them are your classic universal services. I was just talking this morning, for instance, about the program under which all parents with a newborn receive a visit from a community health nurse. That is one of the universal services that are at one end of the continuum. Obviously, the ParentSupport program is right down the other end of the continuum, when you are talking about families who have difficulties with their parenting arrangements. In between, there is a whole plethora of other types of services that all go to trying to foster childhood development. I include in that things like playgroups, kindergartens, preschools, preprimaries and all that suite of things. Then there are some quite specific initiatives that are run by organisations, including triple P programs, Best Beginnings and the health department's New Vision program. There is an enormous array of things, and I have probably touched on only a few of them. That is probably one of the things that we need to come back to you on. We can gather up all that information and try to put some sort of tiering into that continuum.

The objectives of those things are different, too. Clearly, as I said, some of the programs are your classic universal programs that come in without any assumptions about what the need might be in a family or a household through to very highly targeted, very specific programs, which ParentSupport is, when you have a manifestation of a problem that you are trying to address.

Mrs MacWilliam: It is early days for the parenting centres. However, just to reiterate some of what Michael has referred to, we are actually performing a more specified service. The parent centres are there for people to access, and so there is that level of self-starting and preparedness to address an issue etc. Therefore, the parent centres are dealing with a very different cohort in the

community and are quite likely, I suggest, to become a service to the educated, well-off and middle-class parents who do not necessarily require a service desperately, but they are interested.

Hon GIZ WATSON: Can I ask why you think it might appeal to them? I would have thought that they were doing all right, thanks very much, and would not need any.

Mrs MacWilliam: There is that interest.

Mr Thorn: I think that parents are hungry for information, and the experience is that the educated and informed do lap up the services when they are made available. They are the ones who go to the child health nurses, the infant health clinics and those sorts of things, because they know that they need to go. As I said in earlier evidence, the services and the program that are envisaged here and are offered under ParentSupport are part of that mosaic of services that we are trying to build up. It all goes back to the rationale or the *raison d'être* that we have that raising the child properly is absolutely fundamental for his wellbeing. The evidence is almost undisputed these days about the importance of the early years, and governments around the world, including here, are increasingly recognising the importance of that. The provision of services, of course, is perhaps not meeting the ideal, but even COAG has now got it on its agenda, and the whole early years thing is there. Our interest, as we have said, was really around some of the negative outcomes from poor parenting and the difficulties which some children might experience in early childhood and which manifest themselves in crime. Learning from the research and the available evidence, we are trying to address these problems in order to prevent people getting into risk-taking behaviour, antisocial behaviour and ultimately offending. I see this as just another part of that - another tile in the mosaic. There is certainly a lot more that can be done and should be done, and I think that it is becoming evident that people are starting to get a better handle on how to organise the provision of those services in the early years that go to equipping a young person, a child, with the skills that he needs to lead a fruitful life.

CHAIR: I will finish off this question and ask perhaps Hilary to answer. I think what we are lacking in the answer to that question is that aspect that Giz raised about the relationship that you had with the commonwealth regarding the introduction of its own parenting programs and its consultation with you, and whether the placement of those services was informed in any way by what you are doing and what others are doing.

[11.00 am]

Mrs MacWilliam: The short answer is that the Responsible Parenting Initiative is not being consulted in any way, shape or form. However, I suspect that the Department for Community Development has been consulted.

Mr Thorn: If I am any judge, the commonwealth government would have done it in its own inimitable fashion and just dropped it in.

Hon SALLY TALBOT: On a small point of clarification, and for the record, is it the case that a responsible parenting agreement or a responsible parenting order can be effected only when a parent support team offers parents support services?

Mr Thorn: That is correct.

CHAIR: We will move on to question 7.

Hon GIZ WATSON: This question was about Professor Sven Silburn's comments regarding services. The answer provided to the committee referred to clause 7 of the bill. However, it seems that this answer addresses only the issue of information sharing and corporation. As I understand it - correct me if I am wrong - there is nothing in the bill that requires the government to provide services. As Hon Sally Talbot just said, an order cannot be sought if the services are not available. At least, that must be considered by the court when making a decision. As I understand it, despite what was said in the second reading speech, nothing in this bill compels, obliges or requires the

mutual obligation that the government will provide those services. It simply is a block to the provision that a court must consider when granting an order. It is like a negative check rather than a positive obligation.

Mrs MacWilliam: The other aspect is the evaluation. That will be a public document and will be reported to Parliament. It will indicate also the level of interagency collaboration. Agencies are well aware of the evaluation being performed. The agencies that are not coming on board or assisting will be identified. Similarly, those agencies that are working wholeheartedly for parents, families and children will be recognised in that report. That is one way of ensuring and promoting an interagency approach and of ensuring that agencies pick up and provide services, particularly for children, while the parent supporter is working with the parent. It will also bring to bear a number of other services to benefit parents, such as skilling and addressing personal issues etc.

Mr Thorn: Clause 18 does as much as can possibly be done because it says that the court will take into account whether the necessary facilities etc will be available for the parent to comply with the orders. That is coming from one end of the argument. It does not actually state that the agencies will provide those services. However, that is probably implicit in the first instance in that ParentSupport exists and is funded and operates. The agencies have responsibilities either under the Young Offenders Act or the Children and Community Services Act. Those acts provide the responsibilities of agencies, directors general and officers to families and children. I am struggling to see what else could be done to ensure that agencies or departments do their job in the end. That is a perennial problem that many of us face in ensuring that the job that Parliament, government and cabinet expects to happen actually happens. We have probably done as much as we can to protect people from being ordered to do something for which there is no capacity to rectify their behaviour.

CHAIR: Hon Giz Watson's proposition is a bit simpler than the answer you are giving. Essentially, Hon Giz Watson is saying that there is no express commitment in the bill for the government to provide this suite of services. In that sense, if a future government was persuaded that it did not like the bill or the Responsible Parenting Initiative, it would simply defund the services, which would render the bill ineffective. That is the effect of what Hon Giz Watson is saying, and I understand that you basically agree with that, Mr Thorn. If people want to access provisions of the bill, the services must be provided, but there is no express commitment in the bill that the government will provide the services. That is a fairly simple proposition.

Mr Thorn: There are other administrative ways of achieving the same effect. For example, a directive could be issued that no applications for orders will be made. That could be a graded thing. The orders may not be taken away; support may continue to be provided to a ParentSupport service but it may be used only to the level of agreements. That is probably a fair observation. The bill has not been constructed on an -

Hon GIZ WATSON: It could be constructed in a way that it was almost a positive statement, such as "unless these services are provided, do not even think about it," rather than it being -

Mr Thorn: It could be done in another way: the legislation could provide that all bad parents will receive those services, too, although I do not know how an assessment would be made of who are deficient parents. The legislation could be drafted in that fashion.

Hon GIZ WATSON: I was thinking more along the lines of drafting legislation to require the government to provide the services.

CHAIR: I would like to see a template for that!

Hon GIZ WATSON: The second reading speech implies that that is what the legislation does.

Mrs MacWilliam: Perhaps question 8 is another opportunity to introduce this concept into the bill.

CHAIR: The committee did not have any further queries on question 8. We are fairly clear on the answer to that matter.

We will now address question 12. We plead mea culpa on the wording of this question. The committee is really asking about what is envisaged. The committee understands the answer given regarding parents who might appeal a decision. However, the committee is concerned about those parents who would not appeal a decision, potentially for financial reasons, but there might be other reasons involved. What can be said about the proposition that people from poorer socioeconomic backgrounds might be prevented from exercising their full rights by lodging an appeal because they cannot afford to do it? That is what the committee was getting at.

Mr Thorn: That is a perennial problem and is no different from any legislation that may result in legal proceedings of some kind. I hesitate to offer a solution, frankly.

CHAIR: The committee understands that that is a problem. However, this bill is distinguished from other bills because it deals with civil matters of parenting rather than with criminal matters. That makes it an unusual piece of legislation in that sense, which is why the committee raised that question, knowing that it is a question that is asked many times. In this context it takes on greater significance.

Mr Thorn: I am not sure that I can offer anything else other than what I have already said. It is indeed a challenge.

CHAIR: I refer to question 14. The committee is concerned about the dynamics that will occur for children given the significance of the legislation. The committee is not sure how the Children's Court will behave regarding the protection of children being cross-examined by an angry parent, for example. Are you in a position to explain to the committee how the Children's Court operates? We note in the answer provided to the committee that reference is made to the special rules and the Evidence Act. Committee members are not familiar with that legislation at this point. Can the committee be given a reassurance about the extent to which children and witnesses will be protected during these proceedings?

Mr Thorn: I will ask John to address the technical matters.

Mr Lightowlers: I draw attention to the Evidence Act, which has provisions that apply to any proceedings that allow children to give evidence, other than under oath, that allow a child to receive support when giving evidence and allow for assistance to be given to a child. Those provisions apply to not only the more serious types of proceedings in schedule 7 of the Evidence Act, but also any proceedings. I am referring to sections 106B, 106C and 106E of the Evidence Act, which refer to support and assistance for children. As I understand it, that regime applies equally in the Children's Court in civil proceedings and criminal proceedings. Provisions in the Children's Court of Western Australia Act make direct reference to evidence given by children.

CHAIR: Is that also related to any proceedings?

Mr Lightowlers: Yes. It relates to any proceedings; that is, not only criminal proceedings, but also civil proceedings. Part 4 of the Children's Court of Western Australia Act is the provision that allows the court to establish its own procedures. However, I would have to refer to the procedures of the Children's Court to check its rules before providing the committee with further details about how it operates with regard to children giving evidence.

[11.15 am]

CHAIR: Why is clause 32 of the bill necessary? What is the point and effect of that clause? You talk about it not being a departure from it. Can you explain why it is in the bill if, indeed, we have the Evidence Act and the Children's Court of Western Australia Act? Why is there an express provision in the bill in relation to the evidence of children?

Mr Lightowlers: It parallels section 150 of the Children and Community Services Act, which sets out evidential procedures in relation to care and protection applications. It says the same thing; that is, in protection proceedings - that is, civil proceedings - they may be compelled to give evidence or

be cross-examined only with the leave of the court. It then sets out the special criteria. It follows exactly the same pattern.

CHAIR: It is just a parallel provision.

Mr Thorn: I recall that we gave this matter a fair bit of consideration; in fact, there were discussions with the Children's Court about it. In the end, it was probably a fairness argument that prevailed. Of course, the Children and Community Services Act was a bill at the time that our bill was being drafted. The argument was put to us that it should parallel that bill also. However, at one stage it was considered that children could not be cross-examined at all. I cannot think of an example now.

Mrs MacWilliam: I think it was to do with older children who were perhaps turning 12, 13, 14 or 15 years of age who would want to speak.

Mr Thorn: One of the issues was whether a child had the right to speak either on behalf of or against his or her parent in a sense. You touched on one of the issues that would be a challenge; that is, children being used by parents one way or another in these proceedings. As I have said, it has been settled so that it is consistent with the Children and Community Services Act, and that will give the court the whip hand in deciding how a child may give evidence.

Mrs MacWilliam: It is also an additional protection so that it does not just go on. If the court sees that a child is being upset or it is a difficult situation or is becoming increasingly difficult, it is withdrawn. Also, all child witnesses are considered special witnesses in these instances. They can give evidence through a range of different mediums, whether it be in a different room, by video or through an intermediary.

Mr Thorn: In terms of where the policy line was drawn, at one end of the spectrum the child has an unfettered right to give evidence and potentially be used through what is in the bill and, at the other end, children do not participate at all in proceedings. The middle position has been taken and the protections are in the hands of the court to oversee how a child's evidence might be given to a court.

Hon GIZ WATSON: Mr Lightowlers referred to procedural documentation. I would be interested in getting a copy of that to see what the next level down is for the Children's Court.

Mr Lightowlers: It should not be a problem to approach Judge Reynolds. I think its rules will be readily accessible.

Hon GIZ WATSON: Is that the rules of the Children's Court?

Mr Lightowlers: Yes.

Hon GIZ WATSON: You said that this approach is taken in civil matters as well as in criminal matters, and you mentioned child protection. Are you aware of any other areas in which this approach is taken whereby children can give evidence?

Mr Lightowlers: My understanding is that children can give evidence on oath and be cross-examined, just like any other witness.

Hon GIZ WATSON: In any matter?

Mr Lightowlers: Yes. What I am referring to in clause 32 and section 150 of the Children and Community Services Act are actual constraints on the court in allowing a child to be examined and cross-examined. It is an additional check on children being exposed to the full rigours of the court.

Hon GIZ WATSON: Are there any other examples in which those checks are in place?

Mr Lightowlers: I do not know. I would have to do some work to find out.

Hon GIZ WATSON: Can I ask you that question on notice?

CHAIR: I am not sure of the point of the question. If the answer is that it applies in any civil or criminal proceedings, what other proceedings are there?

Hon GIZ WATSON: These special checks do not apply in all civil proceedings.

CHAIR: Yes, they do in relation to children. Was that not the answer?

Mr Lightowlers: The provisions of section 106 of the Evidence Act do, but I would have to look at provisions similar to clause 32 and section 150 to see whether those are replicated in any other statute.

CHAIR: I see.

We note that in the RPOs and RPAs, reference is made to whom those instruments might apply. We note on the supplementary notice paper that you are proposing to essentially protect the identity of persons under 18 years of age. Why do your amendments on the supplementary notice paper not include reference to “particular persons” and “specified persons” in the RPOs, RPAs, the criteria and what may be contained in them, given that particular persons and specified persons may also be under 18 years of age? Do you have a view on that? For example, if it is agreed in an agreement or an order that a child will not associate with another child who is 14 or 15 years old, why would the identity of that specified person not be protected in the same way that the identity of the child is protected? Are you in a position to comment on that?

Mr Thorn: I think it is would be best if we reflect on that and give you a written answer.

CHAIR: We are interested in your comments in response to question 15. The question relates to whether the decision to determine the identity of a person should reside with the executive, the CEO, or with the judiciary - the court. What is the reasoning for allowing the executive rather than the court to decide that matter?

Mrs MacWilliam: Again, this mirrors section 237 of the Children and Community Services Act and takes account of the fact that the requirement for the release of information would not necessarily occur only in a judicial setting and that provision needs to be made for restriction on the publication of certain information in administrative settings. It is about people who have a function under the bill. It is about journalists, the media, broadcasters and the print media. It is about protecting identity. Equally, it puts in place a process that must be gone through to seek leave to publish information in exceptional circumstances. I can think of a couple of examples in recent times in which one might expect that that had occurred; for example, a child is missing and the public's assistance is sought. If the child is a particular case on record, the CEO should be the one who permits the release of information. That is in the best interests of the child. There are two aspects. The first is the protection of people's identity from the broader media and also the protection of inappropriate use of information by practitioners in the field or people operating under the auspices of the bill, which one would definitely want to deter. The second aspect is the best interests of the child in exceptional circumstances.

CHAIR: I understand the example you have given. I can understand that if a child is missing, his or her identity would need to be revealed. However, I am not sure whether that simple act would offend the provisions of the bill. I presume that it would offend the bill only if the details of an RPA or RPO were particularised. In any event, the question that the committee is asking is: why would that power be reserved in the hands of the chief executive officer rather than the court?

Mrs MacWilliam: It may not be a court matter. It may be about a responsible parenting agreement that the parents have voluntarily engaged in. The safeguard is that papers are not permitted to publish information about people without the leave of the CEO. Of course, the CEO is unlikely to give that permission. Indeed, there has been an instance in the past 12 months in which a child's details were published by the print media and broadcast on television and the Department for Community Development successfully sued *The West Australian* for printing the child's information. That was not a matter before the court.

Mr Lightowlers: As well as following the process in the Children and Community Services Act, which gives this function to the CEO, it would also need to weigh up whether the CEO should have this discretion for operational purposes or whether it should be given to the court, which could then draw in contempt proceedings of the court, which is, I suggest, another level of complexity. Leaving it at the level of the executive and the CEO allows for a more responsive approach to be taken and avoids that additional overlay of contempt proceedings.

CHAIR: I want to make one final point on clause 36. Will an amendment be put forward about the ministerial approval that can be granted under clause 36(1)(e)?

Mr Thorn: We are suggesting that clause 36 and proposed new clause 37 be brought into line. There should not be any inconsistency between the two.

[11.30 am]

CHAIR: There will be an amendment to clause 36.

Mr Thorn: That can be done.

CHAIR: There will be a chief executive officer there as well?

Mr Thorn: Yes. Of course, the amendment will be put forward by the government. It is over to the committee to handle that.

CHAIR: We may comment on that in our report, but we will operate on the understanding that we will anticipate a government amendment. Thank you very much for coming in today and for your undertaking to provide that further information to us. In the usual way, you will be provided with a draft of *Hansard* and asked to make corrections.

Mr Thorn: We need to get back three things. The first is the rules on the Children's Court. The second is some additional written advice on the protection of people under the age of 18 years, who are not a party.

CHAIR: Yes, it is those who might be named. You refer to them in the bill as particular or specified persons.

Mr Thorn: Yes. The third is that we will endeavour to gather up some sensible reporting of parenting and parenting rights services that are available across the state.

Hon SALLY TALBOT: And the sort of mapping you talked about.

Mr Thorn: Yes.

CHAIR: That concludes the evidence. Thank you very much for your time.

Hearing concluded at 11.31 am
