

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

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH,
ON MONDAY, 10 NOVEMBER 2003**

SESSION 1

Members

Hon Barbara Scott (Chairman)

Hon Jon Ford

Hon Giz Watson

Committee met at 2.20 pm

POWELL, MS PATRICIA
Electorate Officer,
Hon Murray Criddle, MLC,
examined:

The CHAIRMAN: On behalf of the committee I welcome you to the meeting. You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

Ms Powell: Yes.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of the hearing for the record. Please be aware of the microphones and speak into them and do not cover them with papers. 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 does decide to make your evidence public, we will endeavour to first inform you of this decision. The Legislative Council may also authorise publication.

Ms Powell: Understood.

The CHAIRMAN: Please note that you should not publish or disclose any private evidence to any other person at any time unless the committee or the Legislative Council has already publicly released the evidence.

Ms Powell: Understood.

The CHAIRMAN: I advise you that premature publication of private evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Ms Powell: Also understood.

The CHAIRMAN: To begin with, would you like to make a short statement or comment?

Ms Powell: I read with interest the likely questions that would be asked today. Yesterday I sat down and examined the questions and I have written down my replies to those questions, which I think you have before you now. I do not have a prepared statement.

The CHAIRMAN: That is fine. Patricia, you might like to make a comment whether you are in favour of a commissioner.

Ms Powell: I am very much in favour of the establishment of a commissioner for the office for the advocacy of children. I believe it should be driven across all States, including the federal Government. I have press releases from Larry Anthony and I have just re-read the most recent of those. Even at a federal government level they are very concerned with what is happening to our children. We have a serious problem in three major areas. The first one is that some - not all - parents have lost the parenting skills they need, starting from conception through to, dare I say it, the age of 30. That is a long haul. We need to assist and help young parents with parenting skills. Parents need to be aware that children need to be happy, healthy and guided. From there we need to

look at our education system. Because of the evolution of the curricula of the education system in the past 15 years - it has changed from when I went through my state school education, and which, by the way, I thoroughly enjoyed - the curricula that the children from primary school through to high school now receive is very complex. I am not sure that it does not need to be revisited and made more simplistic for children to understand. We need to go back to the three Rs - writing, reading and arithmetic. Literacy skills seem to be overlooked because the curricula are too complicated. This increases the stress level of teachers. I am not sure that reading skills for primary school children are emphasised now, because, unfortunately, the computer seems to have taken over. Maybe we need to make the maths area more simplistic at a primary school level. A lot of children no longer get formal writing lessons. As a consequence, we need to revisit our curricula, particularly in primary schools.

The CHAIRMAN: Do you see that as a role of the commissioner for children - to be an outside watchdog on the education department?

Ms Powell: I do, indeed.

The CHAIRMAN: To comment on something you said about Larry Anthony, who is the federal Minister for Children and Youth Affairs, I understand his policy direction is to have a commissioner for children in each State rather than a federal commissioner. He sees it as a state responsibility. Do you see a children's commissioner in each State being sufficient, or are you suggesting that you would like to see a federal children's commissioner as well?

Ms Powell: I think so. Because Australia is such a vast area of landmass, and Western Australia is way over the other side, we definitely need a state commissioner. However, I also think it needs to be linked in federally so that we are not an isolated entity. Part of the breakdown in communication is the fact that you tend to be an agency and you do not communicate with the next agency and so on. Bipartisan and interrelated coordination -

The CHAIRMAN: That is important. I will move to the second question because you have answered the first question. You say that you have written answers to these questions.

[2.30 pm]

Ms Powell: Yes, I have.

The CHAIRMAN: Do you want to read your answers or do you just want to comment on them?

Ms Powell: As you all have a copy -

The CHAIRMAN: Okay, we will just explore question No 2 on the establishment of a children's commissioner or an independent office. As I see it, a commissioner for children can operate only if it is an independent office. Do you have any views on or concept plan of an independent office for children? Do you see it within a structure? Are you a person who looks at structures within government? Can you see it sitting outside the agencies? You were telling me that you think we should have more interagency cooperation.

Ms Powell: Yes. The commissioner needs to be given the authority to move with independence, but the commissioner needs to have an open door into the first level of Parliament and the second level of government agencies. That person needs to be a people's person who has the communication skills to talk at the grassroots level too. In other words, maybe such a person needs to be on the right hand of God. What else can I say?

The CHAIRMAN: Perhaps you could talk about the situation at Mullewa and how you perhaps see a children's commissioner who is based in Perth being able to influence or have a bearing on the people in towns like Mullewa in rural Western Australia.

Ms Powell: Mullewa provides an example of a problem that exists in all our small country towns. That is a sweeping statement. Let me start again - towns that have a fairly large ratio of indigenous populations. While I do not want to discriminate between indigenous and white people, our

problems seem to be coming primarily from the indigenous sector of our populations. I can go to Mullewa, Meekatharra, Mt Magnet, Carnarvon, Port Hedland - the list goes on - down to Esperance, Mt Barker and possibly Albany. It does not have to be just the northern part.

The CHAIRMAN: No. What I was asking was how you would perceive a children's commissioner being able to help in those rural and regional areas.

Ms Powell: To have the facility, ability and time to go out and look and talk with the people. To begin with, I think that is vitally important.

The CHAIRMAN: The Department for Community Development has offices in most of those areas.

Ms Powell: It does indeed.

The CHAIRMAN: Do you see that there are areas that could be improved in the current agencies and the provision of their services?

Ms Powell: Yes, I do indeed. I refer to question No 6 on the strengths and weaknesses of the Office for Children and Youth within the Department for Community Development. I would suggest, without actually checking my facts, that the regional offices are underfunded. Some of the personnel - I will talk about hypothetical situations here - are underqualified employees. They attempt to facilitate a position that requires fully trained and qualified people. Again, we have a lack of liaison between departments. Officers have either too great a workload to do a satisfactory job with families who are at risk, or they do not care. The ideal situation would be for fully qualified counsellors to be working with a limited number of families and dealing with all their difficulties, such as parenting, health, finance and education - they would take on the whole gamut of problems of the family at risk. I might suggest here that there are white families as well as indigenous families who are at risk.

The CHAIRMAN: Are there any questions from the other members at this point?

Hon JON FORD: Ms Powell, I am interested in exploring some of the things you have had to say. From a practical perspective, how can you envisage a commissioner working? If, for instance, it was obvious that officers had too great a workload to do their job, how would you see the commissioner assisting with that? What outcomes would the commissioner or commissioners be able to help with?

Ms Powell: I do not know how this can be achieved, but the commissioner, whoever the appointee is, needs to be a very qualified person in areas such as education. That person must have knowledge of the justice system and great knowledge of the health systems as they are now so that, with the independence given to the commissioner, he or she could go to the regional offices of DCD and at least be able to coordinate, liaise with and advise the officers in those offices. That person could say to them, "All right, I will do what I can. I know where I can source that. I will give you the best response that I am capable of to help you with your counselling of and advice to these families at risk." It is a big ask for one person to be able to do, but I still think that there needs to be just one person. If you go back to my first notes that I provided with my first submission, I thought that there could perhaps be a committee of four - the commissioner and three others. One of the three would be a person who has worked within the justice system for a long time, particularly with children and young offenders; the second would be someone who has worked within the education system for a long time; and the third would be a health provider. Those three people would at least have tertiary qualifications, but also grassroots experience. They would not be academics and intellectuals but would be practical people. The commissioner plus these other three should, with their knowledge, maturity and experience, be able to assist the Department for Community Development in its regional offices so that the best result is achieved.

The CHAIRMAN: So you see the role of the commissioner as being very much hands-on in the delivery of that sort of thing, and not as an office. The other States have an office with quite a large

staff who sit outside and assess the Department of Justice or the care for children in hostels or the justice or education systems. They are taking the initiative to check those sorts of agencies. The commissioner in Queensland, who was the deputy director of education, would not have time to have hands-on involvement like that. I am just interested in the model you are seeking.

Ms Powell: I cannot get past the thought of being in an office and staying in this one office when people's lives are at stake out there. I really do think that the commissioner needs to be free to go out, look and consider, and to have his or her assistants back here working under his or her guidance. Even if the journey is taken by the commissioner only two or three times a year, at least that person would have come down.

The CHAIRMAN: Out there and in touch. John, do you want to pursue that line of questioning?

Hon JON FORD: No, that is fine. I have another question. You have talked about the situation in Mullewa. In relation to the role of the commissioner, you talked about justice. Sometimes we have regulations and laws that have an unintended consequence when applied to young people, especially in remote areas. General government policy - everything that we do - might seem good for people in Perth or Geraldton but may not be so good for people in Kununurra. Specifically, we are focused on children. You hit the nail on the head when you spoke about the Mullewa kids and that the reason they are out roaming the streets is that it is safer out on the streets than it is at home. How could the commissioner have an impact on policies that affect children in remote areas?

[2.45 pm]

Ms Powell: I see where the member is coming from. It is difficult to take children from Kununurra, for example, and rehouse them as far away as Geraldton. The root cause of the problem is not the child; it is the parent. Poor parenting practices cause children to appear before magistrates. I am basing my comments only on the magistrates and first-time offenders in Geraldton. An offender under 11 years of age cannot be charged. The child is given back to the parents and the result of that can be determined. Offenders older than 11 years of age who have committed an act that requires police intervention will appear before the court in Geraldton. The magistrate in Geraldton believes in a softly, softly approach. Quite often the children are given back to the parents and are told to do community work. The parents make sure that the children do the community work. We have a problem with the parents. I am not sure what happens in the metropolitan area, but in country areas the parents must take responsibility for their children. They become families at risk. This is when a counsellor is needed to at least intervene on behalf of the children and to try to turn around the attitude of the parents. The parents must become more conscious of their responsibilities for looking after their children.

Hon JON FORD: Should the office of the commissioner for children have a role in advocating on behalf of the children and should government agencies supply support services?

Ms Powell: Yes.

Hon GIZ WATSON: You raised the issue of indigenous children. Generally, what types of issues affect youth in areas with which you are familiar, particularly in Geraldton? Are they similar to issues that affect non-indigenous people, or is there a different level of interest? At the last hearing, the committee heard from some young people who were from the remote part of the metropolitan area. They said they felt quite isolated and that during the evening they found it hard to access the activities they wanted to participate in. They also said that transport was an issue for them. What could a commissioner for children do for young people around Geraldton? Could the commissioner be an advocate for services that the young people need?

Ms Powell: We have a very good police and citizens youth centre in Geraldton. I have seen some of the young people who go to the PCYC and I know what types of activities are conducted there.

The CHAIRMAN: Does the PCYC serve the needs of the young people? Hon Giz Watson is asking whether you are aware of any other issues that young people might wish to raise with an

advocate. For example, they might want to participate in non-mainstream activities such as tennis and golf, which are provided for in the community. Do any other issues come to your mind? The children who spoke with this committee at the last hearing said they have problems catching public transport at night in the suburbs in which they live. They are not old enough to have a drivers licence but they have difficulty with the public bus service that is provided. What issues do young people living in country communities face that an advocate for children could raise or support?

Ms Powell: Training and apprentice systems could be provided for the young people - whether they are black or white - who have opted out of the education system at an earlier age than one would hope, so that they can become fully employed in several different areas in Geraldton. Such schemes exist now, but this issue must be addressed. A vacuum is created for school leavers who cannot come to Perth or who are not educated and do not have the confidence to go to a local TAFE. Gradually, in four or five years they may become absorbed into the workforce or they may drift away. Geraldton and the surrounding areas need training systems, schemes and apprenticeships.

The CHAIRMAN: I note in your presentation to the committee and in your answers that it is your view that the commissioner for children ought to deal with children aged between 0 to 25. Legally, young people between the ages of 0 to 18 are considered children. You have presented some reasons for your view. As a parent of four children who are older than 25 years of age, I know that they never go away; I still have them. We are considering establishing an office for a children's commissioner. We must recommend to the Parliament an age for children for which a commissioner ought to be responsible. The national definition of a child is that he or she is aged between 0 to 18. The definition of a child under the United Nations Convention of the Rights of the Child is based on that age group. Do you have a firm view that a children's commissioner should consider dealing with people who are older than 18? I accept that you are concerned about older people.

Ms Powell: The task of the commissioner should be to focus on children from conception through to the age of 18. The word "wedge" is becoming an in word. An office could be established to administer people aged between 18 and 25. Those young people are allowed to drink and drive but their brains are not fully developed until they are aged 30. Consequences arise when 18-year-olds are suddenly given adult privileges. The mature, stable, healthy and young 18-year-olds will probably survive and reach the age of 30. However, others will stumble along the way.

The CHAIRMAN: Do you mean an Office of Youth Affairs or something like that which already exists?

Ms Powell: The commissioner should not deal with older people to the same intense degree that it should deal with children aged between 0 and 18. Let us face it, our children of today are our leaders of tomorrow.

The CHAIRMAN: Exactly.

Ms Powell: We must have some there.

The CHAIRMAN: Absolutely. I could not agree more. I want to raise the matter of child impact statements. You said that you have not read the legislation. We do not have any legislation at the moment.

Hon Giz Watson: We have not read it either!

The CHAIRMAN: There is no legislation, so you can relax about that. An issue that has been raised here and in other jurisdictions is that when a piece of legislation comes before the Parliament, a small addendum to the legislation could include a child impact statement, which all members of Parliament would need to read. As I understand it - my colleagues here can probably confirm this - in some countries, particularly in Scandinavia, a child impact statement and an environmental impact statement are required when a piece of legislation goes through the Parliament. The

Government must pay for that. For example, when a major development or workplace labour relations Bill passes the Parliament and it applies to either children or the environment, an impact statement must be attached to the Bill. If legislation were introduced into the Western Australian Parliament that related to children, a child impact statement would accompany the Bill. That would be one of the roles of the office of the commissioner for children. Six months before Parliament discussed a piece of legislation, a child impact statement would need to be prepared. Parliamentarians would have to take a long-term view of the effect the legislation would have on children. That is what is meant by a child impact statement. My colleagues might be able to cite off the top of their heads some legislation that they think would benefit by the inclusion of a child impact statement or an environmental impact statement.

Hon GIZ WATSON: I can think of one that is suitably controversial - the three strikes provision for home burglaries.

The CHAIRMAN: That is a good example.

Hon JON FORD: Some decisions that the Parliament makes that relate to the justice system can adversely affect children because the children are not considered at all. The Road Traffic Act is a classic example. A recent case involved a family who shared a motor vehicle. The family live in Derby and the motor vehicle was somewhere in the Kimberley. The person who has the car registered in his name has been presented with a notice to return the numberplates. If he does not return the numberplates, he will be fined \$100 and given an enforcement notice to return the numberplates. If he does not comply with that, he will end up in court. Although that might be a practical provision in the metropolitan area, it is not practical in that situation.

The CHAIRMAN: The children have no way of getting around it if the car is being used.

Hon JON FORD: A regulation states that people from Kununurra who want to sit their drivers licence must go to Broome. Other licensing provisions concern logbooks. How can people who live in the desert in Munster learn how to drive on the wet roads when there are none? There are not even any roads!

Ms Powell: They would probably do better than some on their tests.

Hon JON FORD: Impact statements would be useful when drafting that type of legislation.

The CHAIRMAN: When considering altering the requirements to get a drivers licence, for example, under the Road Traffic Act, we must be careful that we do not legislate for only the middle class Anglo-Saxon Australian. We should not assume that every child has another adult in the family who can supervise them when driving. Legislators who think it is a good idea for children should not to be able to drive at night or for six months unless somebody else is in the car make those types of assumptions. A poor family may not have a car, let alone a licensed adult.