

JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

**INQUIRY INTO THE MONITORING AND ENFORCING
OF CHILD SAFE STANDARDS**



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 17 APRIL 2019**

SESSION TWO

Members

**Hon Dr Sally Talbot, MLC (Chair)
Mr K.M. O'Donnell, MLA (Deputy Chair)
Hon Donna Faragher, MLC
Mrs J.M.C. Stojkovski, MLA**

Hearing commenced at 11.12 am**Mr CHRIS DAWSON****Commissioner of Police, Western Australia Police Force, examined:****Ms SUSAN YOUNG****Acting Assistant Commissioner, Western Australia Police Force, examined:****Mr HAMISH McKENZIE****Detective Inspector, Sex Crime Division, Western Australia Police Force, examined:**

The CHAIR: On behalf of the committee, I would like to thank you for agreeing to appear today to provide evidence in relation to the Joint Standing Committee on the Commissioner for Children and Young People's inquiry into the monitoring and enforcing of child safe standards. My name is Sally Talbot. I am the member for South West and the Chair of this committee. I will ask my colleagues to introduce themselves.

Hon DONNA FARAGHER: I am Hon Donna Faragher, member for East Metro Region.

Mr K.M. O'DONNELL: I am Kyran O'Donnell, member for Kalgoorlie. I would like to put on the record that I have had a working relationship with Detective Inspector Hamish McKenzie over the years.

The CHAIR: That is noted; thank you, Kyran.

Mrs J.M.C. STOJKOVSKI: I am Jessica Stojkovski, member for Kingsley.

The CHAIR: It is important that you understand that any deliberate misleading of this committee may be regarded as a contempt of Parliament. Your evidence is protected by parliamentary privilege. However, this privilege does not apply to anything you might say outside of today's proceedings.

Before we jump into our questions, do you have any queries about your attendance here today?

The WITNESSES: No.

The CHAIR: Would you like to start with an opening statement of any kind?

Mr Dawson: Thank you, Chair. I would like to just make a couple of comments. I thank the committee for the opportunity for us to talk to you in person. WA police, together with many other both government and non-government agencies, obviously have a lot to do with children across our very large state. I intentionally want that interaction to be positive in its initial engagement. In fact, Acting Assistant Commissioner Sue Young, amongst others, will be heading up an area where we will be creating a youth policing division to work alongside police in what we would characterise as frontline policing duties. That is intended to work alongside bodies such as PCYC and other providers, including the Department of Communities et cetera, so that when children do interact with police, it is not at a point of trauma or at a point of some hostile situation in which we are responding to a call for help. That, I think, is the premise in which I want to commence. But the sad reality of it is that often our interaction with children and their parents and/or carers is one that is characterised by trauma. My colleague to my left is in one of those such divisions where children are living under privations where they are abused, where, if it not be from sexual abuse, there will be other forms of abuse, be they neglect, or be they social determinants about housing and poor conditions affecting their education and their general wellbeing.

In the approach that we take, it is our position that we do not want to keep children in our detention any longer than is both lawfully and reasonably necessary, but often this is constrained by our broad geography. It is constrained by the available services, particularly in our remote and regional areas. It is not quite the case in Perth or the regional cities, because other services are much more readily available. But that fact does remain and it remains today, and I would expect that that will remain for the immediate future.

Probably the most concerning situation that I am faced with when I take briefings from my staff, particularly across regional Western Australia, is that they tell me of instances where police have had to apprehend children where we cannot find a responsible adult or a carer to take the children back to localities. The Kimberley is probably the worst regional locality where that occurs. It is not exclusively there. Across the Pilbara, down in the great southern and out in the goldfields, it is also the case and, indeed, even in the metropolitan area. I recently visited the Perth police district. One of the questions I asked of our juvenile aid group area is: how do you respond when you have to apprehend a child? If it is not for an offence, it might be just for their broader welfare, because they are young of age and they are on the streets at night and no responsible person is present. It is often the case that we cannot find a carer or a responsible adult to take them under their wing.

A lot of the provision of services is such that bodies that are contracted to assist police and other agencies will not take children if they are affected by substances or they are violent, so then it falls within us to find a suitable place for them. The approach broadly is that we do not arrest children and take them to the Perth watch house. We have a strict policy that that is for adults. We would then take them to another secure facility if they cannot get bailed. The broader approach—we are actively working towards this—is that we do not want to take them unnecessarily into detention and we would prefer to divert them away from the judicial system as much as possible, so there is an active body of work going on about that. There are other elements, of course, where we have children within police stations and police facilities because they are also victims of crime. We obviously work very closely with carers and other services, such as education, mental health and others, where we try to provide the best possible support for children who are giving their testimony to us and we are eliciting evidence from them to investigate matters of abuse. The increasing demand on police is that there is a broad public expectation that if a person is at risk, the police will respond and attend.

[11.20 pm]

That does not just rest with children. There are many people who have effects from mental illness or substance abuse, so we are increasingly being called to check on the welfare of people. In the last calendar year, Western Australia police responded to 76 000 welfare checks. That demand is increasing exponentially year by year. Ultimately, what I am putting to the committee is that we will have to triage and respond as best as we possibly can, but our primary focus is that we provide the best possible policing service to the people of Western Australia. In the case of children, where they are found to have committed breaches of law, the need is to deal with them as carefully as we can when on our premises. I do not want them in police lock-ups if they are arrested, but the reality is that tonight there will be children in police lock-ups, because, at times, we have no means by which to remove them. I know that officers in charge do not want to do that, but that is the present fact. We will work as carefully as we can to try to ensure that that is not a proper place for a child to be detained. With that, I know that the committee will have many other matters you will want to ask us about, including child safety standards and others, so we are willing and ready to respond.

The CHAIR: Thank you very much. I wonder if I could just clarify one point of your opening statement. Obviously there are two recommendations in which the police would be interested in

the commissioner's oversight report from 2017—that is, recommendation 4, about police custody, and recommendation 5, about the youth justice system. You have covered both of those in your submission. Are you indicating that when we talk about children detained in police lock-ups, that some of those children would be victims of crime rather than suspected perpetrators of crime?

Mr Dawson: It is often the case that a child that is in our detention because they have been arrested are themselves also victims of crime. That is a very common occurrence.

The CHAIR: You talked about children who are affected by alcohol or other substances. Perhaps their behaviour is very erratic or violent. They might not have committed a crime but they turn up under your care.

Mr Dawson: Yes.

The CHAIR: You are saying that services are often not resourced to accommodate them. What do you do with those children?

Mr Dawson: I was the superintendent in the Perth central metropolitan area some 25 years ago. When I visited that police centre only one week ago, I asked the same questions that I was confronted with when I was superintending that district. The same reality that I was facing 25 years ago is the same today; that is, when bodies of well-meaning people are contracted to provide critical care and some response and respite, they have guidelines and strictures around who they can take in, because they are not necessarily contracted or equipped to deal with children who are violent. The same applies, in fact, to some facilities operated by the Department of Justice, particularly in the country, where they may be either bailed and/or remanded for matters or they are taken into care and they abscond. There are situations where, for instance, I have got some statistics around absconders from those facilities. In fact, the top three of what I will call absconders are all young girls, some of whom have absconded over 100 times within a calendar year.

The CHAIR: This is from secure facilities?

Mr Dawson: They are not secure.

The CHAIR: It is youth justice facilities?

Mr Dawson: Yes. They are in those sorts of facilities. I am not critical of the people who are operating those facilities, it is just that the facilities themselves are not secure. Of course, as soon as a child absconds out the door, they ring police and say, "They've left. It's the middle of the night, we don't know where they've gone." Of course, that risk transference goes across to the police and we have to respond and try to find where the child is. That is a very common occurrence. These are children that are in a system and the system does not always adequately provide the best possible—accepting that some of these children are quite out of control.

The CHAIR: The status of these children: are they actually in custody?

Ms Young: Some of the —

The CHAIR: Some practical examples would probably be illuminating for the committee.

Ms Young: Yes. Some of the datasets the commissioner is talking about are Department of Communities homes where they are placed into care, so they are wards of the state, in effect. They are not secure facilities, so the young people will leave, and the department of child protection will make an assessment about risk and contact us. For us it becomes a welfare concern, so we will head off and try to find them and return them to the same facility for which they are in out-of-home care in the custody of the Department for Child Protection and Family Support. It is still not a secure facility.

The CHAIR: These children may not have had any contact with the youth justice system.

Mr Dawson: They may not.

Ms Young: Often there is an overlay but, yes, there is absolutely the potential that they have not. But often there is an overlay in terms of their offending and their coming into the care of the state.

The CHAIR: I suppose it is probably too simplistic to ask you what proportion of young people you are dealing with would come into that category, is it? You mentioned you had some statistics there.

Mr Dawson: Chair, I do not have them presently with me. We could take that question on notice and attempt to provide that information to you.

The CHAIR: Perhaps you could.

Mr Dawson: I do meet, obviously, with the director generals of Communities and Justice. In fact, I have got a meeting with them this afternoon. We could attempt to obtain that dataset, but the police would not hold the dataset for the actual facilities themselves; those other departments would.

The CHAIR: It is really just your involvement—where it crosses into your jurisdiction. I think that would be useful. We will take that as the first question on notice. Perhaps I could ask Michele to put on the screen recommendations 4 and 5. We have spoken to the commissioner about this in a public hearing and he has elaborated on his recommendation, which is, very simply, that at the moment there is no oversight—in the words of the recommendation, “comprehensive, independent oversight”—of the detention of children and young people in police custody. He is arguing that there should be a system of oversight. His specific comments to us have been that OICS should have its jurisdiction changed to include the 125 police lock-ups in Western Australia. You would know better than us, but OICS currently has jurisdiction over, I think, six of them—I think, because they are also courthouses.

Ms Young: Court custody centres.

Mr Dawson: Yes.

The CHAIR: The commissioner is saying that OICS should have access to all the 125. What is your view about that?

Mr Dawson: I would welcome it—having an independent inspector of all of our custodial facilities. We have been laboriously—I use that word advisedly—working our way through some asset improvement across those 125 police lock-ups, as we call them. I get out as much as I can. Going to the wheatbelt, I see that many of those police cells have been condemned. They have hanging points. They are inconsistent with the black deaths royal commission recommendations. They have been decommissioned, in effect, and we have pods or, in some cases, insufficient facilities. We then have to transport children from one town to another regional centre because there are insufficient custodial facilities there, if we cannot bail them or take them to a responsible carer from the immediate place where they are. Having an independent custodial inspector that oversees that, I think, would give greater visibility outside of the proposals that we put forward to try to get sufficient capital to improve that. It also goes with the custodial transport arrangements as well. That is another element in which there is room for improvement.

The CHAIR: The reason I just probed into those earlier comments about the children who are actually not in the juvenile justice system is because I wonder how OICS would have jurisdiction over them—these children that you are effectively providing accommodation for because nobody else will take them. They still end up in the lock-up.

Mr Dawson: If they are not in the lock-up because of a charge. On my recent visit to Kununurra in the last few months I directly asked my senior officers there, the officer in charge and the police inspector, to tell me what is going on. They responded and said, “Commissioner, I think you know the answer to that.” I said, “No, I want to hear it direct from you.” They say that we have 14 or 15-year-old boys who are stealing cars. They cannot stay at home—or the young girls cannot stay at home—because there is drinking in the home. It is violent. They cannot sleep, so they are out and they get themselves into both moral and physical danger, if not by being involved in crime themselves, by being out there.

We have the case now where those young people, at times, knock on the door of the police station and say, “Can I have something to eat?” at three o’clock in the morning. That is the nature of what our police officers are facing because, in that locality, there is no-one else out there—there is no other service provider working at night. I am not making this statement to invite criticism of other government agencies, I am just stating the facts and the facts are that, often, it is police who are there because they are out there working. Of course, they interact with these kids and, obviously, we want to provide as much care as we can. But it is not our *raison d’être*; it is not our core police duty.

[11.30 am]

The CHAIR: What is the status of a child who ends up coming in for a sandwich and something to drink? Do they perhaps sleep—are you saying they might actually sleep there for the night, if they have nowhere else to go?

Mr Dawson: We do not allow children to sleep in our police facilities; that is, in a lock-up or a cell, unless we have to keep them there. Certainly, we will attempt to try to find lodging for them. Ordinarily, we will try to find suitable care. But the case is for many of these children—often they are young Aboriginal children—that, often it is a grandmother or extended family relative or carer, and they are often overloaded with responsibility. That is not confined to any particular region. It happens in the Perth metro area as well.

The CHAIR: Are these children recorded? Presumably, the lock-up is co-located with the police station in Kununurra, from memory, is it not?

Mr Dawson: Yes, it is.

The CHAIR: Are they recorded somehow in the log sheets?

Mr Dawson: Yes.

The CHAIR: Do you know how many there are? What if there were 100 or 200? Is it recorded so that you get a report on that?

Mr Dawson: Yes, we do. We have a custody system in which we record when a child is brought into care or detention. The practical reality is, in the metro area, we will take them to a secure facility that is administered by the Department of Justice. In Kununurra, as a good example, they will often be there for 48 hours—two days. We do not want them in a police station where adults are detained as well. It is not a fit place, I believe, that a child should be kept for 48 hours. But the contracted capacity to take them away through the custodial services contract arrangement is that Qantas is the only carrier that will take a detained person. Other air carriers will not convey people who are under lawful detention. The Department of Justice is constrained by how they can contract and when they can uplift and go. In fact, Assistant Commissioner Young just briefed me that we had the police plane, in the last few days, come and take a child from there across to Broome in order that we could get the child then transported by air to Perth. We have to try to make do and make arrangements because the transport arrangements are quite difficult.

The CHAIR: Any data that you can provide for us that will give us an idea of the dimension of the issue of children and young people being in police detention or care, I think was the expression you used, particularly in regional areas would be very useful for us.

Mr Dawson: Thank you; we will provide that.

The CHAIR: The commissioner talks about comprehensive independent oversight of children and young people in police custody. Presumably, you do have some form of oversight. Perhaps you could just describe that to us?

Mr Dawson: Obviously we work in conjunction with the Department of Justice, Department of Communities and other agencies—the Mental Health Commission, for instance—but where they fall under a custodial arrangement, the Aboriginal Legal Service was recently contracted to commence a custody notification service and we anticipate this will happen by July. That, though, only extends to Aboriginal people in custody—both adults and children. It is not designed, nor is it presently contracted, to deal with non-Aboriginal children in custody. We will have an opportunity to have lawyers and advocates available so when an Aboriginal child comes into our detention, once they arrive at a police facility where we have arrangements in place, when the contract commences midyear, we will then have an ALS lawyer available to immediately advise, “We have child A at police station X and they are in custody for these reasons.” But if they are non-Aboriginal, we do not have a service by which we can do that, other than our routine advice to the department for child protection and and/or justice that they have come in. That is different from having an advocacy role.

Hon DONNA FARAGHER: Who is the contract with?

Mr Dawson: The custody notification service is with the Aboriginal Legal Service.

Hon DONNA FARAGHER: Yes. I appreciate that the contract has gone to them, but who authorised the contract? Was it through police or the Department of Communities or —

The CHAIR: Isn't it the Attorney General?

Mr Dawson: It is the Attorney General and there is some commonwealth support with that.

Hon DONNA FARAGHER: Maybe you cannot answer this question but do you know why it is specific to Aboriginal children? Obviously and unfortunately, irrespective of whether a child is Aboriginal or not, they may come in contact with the justice system but you mentioned this is only specifically with regard to Aboriginal children. Do you know if there are plans to make it an across-the-board initiative, if I might put it that way, to increase the advocacy and opportunity there?

Mr Dawson: I am not aware of any other initiative.

Mrs J.M.C. STOJKOVSKI: On that note as well, do you have any data that you could provide us of how many children come into contact with you and of those, what percentage are Aboriginal, so how many are being covered by this new CNS?

Mr Dawson: The CNS has not commenced but I would have to ask that that question be quite clearly defined because we come into contact with children very frequently. We would not necessarily record every single contact. We talk to children, obviously, very frequently but if they come into our custody, yes, we do record that. If we caution, divert or charge, or we take them into care under the Mental Health Act or the child protection authorities then, of course, we record those. Provided that the clarification is there —

Mrs J.M.C. STOJKOVSKI: I guess it would be those that would come under the custody notification service. Of those, what percentage are Aboriginal?

Mr Dawson: We will not have the CNS data because it has not commenced but we will have is the existing custodial data. If the first question on notice does not cover it, we certainly will have data that will provide information about whether a child in custody is Aboriginal or non-Aboriginal.

The CHAIR: I think that probably covers it.

In relation to children in police lock-ups, whatever oversight system does exist at the moment, does it include any mechanisms for children to raise concerns about their treatment or to request support?

Mr Dawson: The Criminal Investigation Act provides very clear statutory requirements for police to advise of the rights of a person in custody, irrespective of whether they are adults or children. It universally applies that they are entitled to access a legal practitioner. If they are Aboriginal, there are other guidelines in terms of interviewing protocols et cetera. But there are specific requirements that for any person in custody, police must advise them of their rights. We actually place them on the walls and notices around each police facility, whether it is a watch house or a police lock-up. In terms of specific requirements for children as opposed to adults, we are required to advise a carer and/or any government authority in the absence of a parent—in other words, a legal guardian—that we have them in our custody.

[11.40 am]

The CHAIR: I see. I think the point that the Commissioner for Children and Young People has made is that often when complaint systems that are designed for adults are applied to children, they are simply inappropriate. So, to tell a young child that they can phone a lawyer is probably not of enormous assistance.

Mr Dawson: Yes. The protocol will be—perhaps Detective Inspector McKenzie can add to this—if we are interviewing a child who is a suspect, then there are quite clear requirements, and we will not interview in the absence of an independent party. If I can invite Detective Inspector McKenzie.

Det. Insp. McKenzie: The commissioner is right. That will happen if there is a child who needs to be interviewed for an offence. The interview simply will not proceed without a responsible person, an adult, being there. We just have to go with the other evidence that is available. But certainly the main concern is the welfare of the child and, obviously, abiding by their legal rights to have a responsible person available at the time.

The CHAIR: Do you work with the children's commissioner? I will ask all three of you because you are all responsible for different areas.

Mr Dawson: If I can add, at an agency head level, yes, I do. I met with Commissioner Pettit in only about the last three weeks. So, he and I have a good working relationship. He has accompanied me, for instance, when we attended Roebourne in my first fortnight of returning as commissioner. In between that, we regularly talk and correspond with each other. I would say the relationship is strong and healthy.

Ms Young: I meet with them as well; I met with them last week. For us, we are helping provide datasets to say this is what we have; some of the questions you are asking are the questions they are asking, so that we can work towards some solutions about how we mitigate the risk for police in terms of our custody arrangements, and when and why young people come into our custody so that they can assist us in terms of that oversight and governance.

Det. Insp. McKenzie: My substantive role is overseeing the child abuse squad here in WA, so we have quite a good relationship with the commissioner and his team. In addition to that, I am working through the recommendations of the Royal Commission into Institutional Responses to Child Sexual

Abuse, and, again, we have regular interaction with the commissioner and his team in that regard as well.

The CHAIR: Thank you for that. Obviously, recommendation 5 refers to the youth justice system. You would probably be aware we have already talked to OICS, and we have Justice coming in after you, to talk to them. Do you have any comments to make about recommendation 5? Clearly, the commissioner has been quite respectful of the work being done by OICS, but, nevertheless, there is still gaps in that system. Do you have any comments to make about the youth justice system and oversight?

Mr Dawson: I will invite Inspector McKenzie to specifically respond, but my overall response is that we have a close working relationship with the Department of Communities from both an agency head level and across the state through various officer interaction. While the Department of Communities is the lead agency for some of the initiatives emerging out of the implementation framework, a large number of the recommendations are expressly for the police involvement, and so where they are expressly done, there has been a lot of work done about those. I would invite Mr McKenzie to speak on that.

Det. Insp. McKenzie: As I said to the chair and the committee before, a number of the recommendations of the royal commission WA Police are working actively on. We work with the Commissioner for Children and Young People and also heavily with the Department of Communities. A lot of those recommendations deal with children and children who have been abused and are now adults who are recalling historical child sexual abuse. We have gone through an implementation stage where we have had 16 recommendations, 43 sub-recommendations; of those, we have completed 28 of the recommendations of the royal commission. We expect all of those recommendations to be completed next year—those that the WA Police are responsible for. We have worked very, very hard in relation to implementing those recommendations. Some of them that may be of interest to the committee here are those that deal with children who have learning difficulties, either autism or FASD; also, in relation to Indigenous children, how they interact with us and our interactions with them in the child abuse setting—in particular, the evidence we can obtain from those children. That is an important part of my daily work; that is, ensuring that the evidence we obtain from victims of child sexual abuse are represented and we can get those before a court and, obviously, take the appropriate action. So we are working with a number of agencies there to determine how we go about obtaining that evidence from children, given that, of course, they are very vulnerable, and especially those particularly vulnerable are those who, as I said, suffer from learning disabilities and Indigenous and Aboriginal children.

We have done a lot of work with Deakin University and also the Telethon Institute to determine what sorts of improvements we can do in our own training—looking inwards in the WA Police—and determining whether our interview training, when we have specialist child interviewers who interview victims of child sexual abuse, whether that training is adequate or whether we can improve it. Certainly, we have made a lot of progress there and we expect to see a lot more progress in the next couple of years in relation to how we treat and how we respond to victims of child sexual abuse.

The CHAIR: This is probably an appropriate moment to raise the question about harmful sexual behaviours, because presumably this is a direct intersection of two very troubling areas. We saw in the royal commission reports that a significant proportion of those 6 000-odd cases that the commission inquired into involved effectively children as perpetrators as well as victims. Presumably, this is something you have given a lot of thought to.

Det. Insp. McKenzie: We have. We have been working very closely with the Department of Education as to our response to those. Of course, these children who are committing other offences on children are in the education system as well. The issue comes up then how we deal with those children. We need to allow them to obviously still go to school. We have had issues in the past where the school community becomes advised that there are children who are perpetrators in schools, and obviously it is a concerning thing for any parent and for the school community itself.

About 18 months ago we devised a bail notification system with the Department of Education so that every time a child is charged with a child sexual abuse against another child, the Department of Education is advised. They in turn notify the principal of the relevant school. This has relevance not just for the Department of Education, but for Catholic Education as well and those independent schools; they are all notified. So then the school principal and the school community can work with the child who has to attend the school and provide some protective mechanism not only for the offender, but also, of course, for the school community and the other children who attend the school. When a child is charged by, say, the child abuse squad, for example, part of their bail conditions will be that you will report to the principal of the school that you attend, first thing in the morning before there is any contact with any other children at the school. That is to ensure we do not have these instances we have had in the past where the children are exposed to other children unsupervised in a school environment. That has certainly been very tightened up. That is just one example.

We are working very closely with the Department of Communities in relation to how we deal with all children who are offenders of child sexual abuse. It is something that I have seen anecdotally—and I do not have figures—increase in the last couple of years since I have been working in the child sexual abuse environment. It is certainly not only here in WA, but across Australia and internationally, we are struggling with how do we approach that and where does this come from. This sort of behaviour in children is a concern to all law enforcement and those people who work in this space as well.

The CHAIR: I guess that the tension at the heart of this discussion is whether it is appropriate to take a legal—a criminal youth justice approach—or a therapeutic approach. I guess we are talking to the law enforcers now, but what you have just described sounds as if you have certainly incorporated the need for a therapeutic approach to be considered in relation to those children.

Det. Insp. McKenzie: That is always a consideration because the evidence will say that a lot of these offenders are victims—have been victims in the past—and they come from terrible situations, a lot of them, whether it is physical or sexual abuse in the homes that is occurring. The evidence and research shows that these are learned behaviours, this type of offending that they are showing. Certainly we are seeing an increase in children at a younger and younger age who are committing quite terrible sexual offences against other children.

The CHAIR: Perhaps I could ask you, how does the education system respond to this new protocol?

Det. Insp. McKenzie: Very swiftly, one might say, and certainly our relationship with education is very good and it has improved a lot. If I can say, this latest issue—it has been quite publicly known about the Father Tran incident. We have seen a close working relationship with Catholic Education in that space because there were just so many variables that fell out of that situation. The community response was, obviously, a varied opinion in relation to the community.

So it has to be one where there has to be that partnership with Education and Health, because it is not just a police issue alone. There are so any complicated underlying issues that accompany this type of offending that we simply cannot do it alone, and we rely heavily on Education and Health and our other partners—the Department of Communities as well—to assist us in that regard.

[11.50 am]

Hon DONNA FARAGHER: I think this has been the subject of some questions in Parliament, perhaps, but are you aware of instances where the perpetrator and the victim remain at the same school; and what protocols are in place if that is an occurring?

Det. Insp. McKenzie: I cannot recall specific instances where that has occurred at a school. There certainly are instances, as I said before to the committee, where perpetrators of child sexual abuses against other children have remained at school. Whether the victim voluntarily removes themselves, or the child—the offender—goes to another school, I am aware of that. I am not aware of any situations where both the offender and the victim would be at the same school, but I will take that on notice.

Hon DONNA FARAGHER: Thank you.

The CHAIR: Noting that all these points may not be relevant to the police department, can we put up the dot points, please, Michele. You will be aware that this committee in a previous iteration looked at the Blaxell inquiry and then we made some recommendations. So there has been our report into the Blaxell inquiry and then there has been the commissioner's oversight report, which was a response to this committee's recommendations. Now it is all getting wrapped up in the royal commission outcomes. We did pull out these principles—I think they are known as the Paris principles—a set of indicators against which agencies might measure their capacity to provide independent oversight, which of course includes advocacy, complaint handling and child support, all to do with child safe organisations. It is one package. Recognising that all those indicators will not apply to the police department, is there anything there that you would like to comment on to the committee, particularly in view of the fact that we are looking at where the system is failing children and young people?

Mr Dawson: I might make a broad response, and it is not for me, obviously, to deliberate and/or conclude, but my observation is that there is no shortage of agencies that have an important part to play where interaction with children occurs, and clearly, as Inspector McKenzie outlined, for instance, where Health, Education, the Department of Communities, Child Protection and others work alongside police. But I would support the committee's deliberation on whether, in fact, there should be a single point of reference in terms of children's care and safety. I give that example because the Corruption and Crime Commission has an oversight in terms of public authorities that are dealing with children and/or adults to ensure that our respective work is done properly, with that element. But I am also aware that we have a relationship with the state Ombudsman in relation to some matters that turn on police interaction where there is violence or a death a child. Then, of course, the State Coroner has a role if a child dies or there is some nexus between a harmful situation and children are involved in the death of another person. Then you have the matter you raised previously about the Inspector of Custodial Services not having within their present statutory remit facility inspection, which is only related to particular places and not others. So I think all of the matters that are outlined on the screen, the dot points, all talk to an opportunity to aggregate into a central point where someone would have some overarching role and view. But it must be very carefully, I guess, defined, accepting that there are some very clear reasons why the coroner, the CCC, the state Ombudsman, the police and our other respective agencies all have a part to play. But there is a crossover, if I might put it that way, of varying areas; and, with crossovers, there are, at times, gaps.

The CHAIR: Yes. I think that is a very eloquent expression of the problem. We are pretty much in agreement with that. On the whole question of data and information sharing, you mentioned

Roebourne, and we knew of course that you have accompanied the commissioner up there, twice I think.

Mr Dawson: Yes.

The CHAIR: The commissioner has outlined to us that there are particular data-sharing issues to do with that kind of situation. Is that something that the police department has turned its mind to, about how things need to be improved?

Mr Dawson: Very much. This is a real and a topical issue. I might respond on two different fronts. In my previous role as chief executive officer of the Australian Crime Commission, now the Australian Criminal Intelligence Commission, there is a great need for law enforcement and other agencies to integrate all information, and, at times, obviously that includes intelligence as well, in order that we can provide the best possible law enforcement and police response to the community. It is the case, and I describe it as such, that there are pillars of excellence, but with those pillars come difficulties in sharing data and information across. Sometimes it is prescribed within various statutes, both commonwealth and state; at times, and often, it is silent. So that then invokes people working within various public agencies to be either hesitant, unsure or unclear about whether they are actually permitted to share. Other states have clearer statutes, whether it be privacy acts or law enforcement data-type of statutes such as in Victoria. I can say that the Western Australian government is actively and presently examining the need for greater clarity around data sharing. I support that for all the right reasons, both from law enforcement but also to ensure that those providers have the best possible information when responding or when investigating matters. The present situation is that police get called to myriad situations. I have already talked about the 76 000 welfare checks per year. We presently do not have all of those information sets totally aligned. Much of that information actually is available in public information holdings, but there remains some uncertainty at various agencies and at various levels within those agencies as to whether they are permitted to actually share that. I think there is a union of directors general and commissioners who are doing as much as we can from a public agency level to collaborate and cross that, but we have got to temper that with some matters that turn on sensitive personal information. If I can use that in the area in which Detective Inspector McKenzie works, there may be sexually transmitted diseases and other personal health requirements which are very critical for us in conducting an investigation, but that can still be shared in a de-identified way in dealing with some broader policy issues, but we have got to sensitively protect the interests of individuals in balancing out what is their personal information, but what should the state authorities be armed with when they are both investigating or responding. It can be done and I believe it should be done.

Mr K.M. O'DONNELL: Many have come before us and said they are not happy with the quality of information they get. I am curious. Is the police department saying that what information they do get from other agencies is not of a good standard and not really what you want and need?

[12 noon]

Mr Dawson: It is the case that it can be much better optimised. I do not want to try to play this down at all. If I use, for instance, an example of incidents where police are called to a volatile situation, we presently have a very good arrangement with the Mental Health Commission when we co-respond with clinicians and we have access to data in which the mental health providers access their data, which then may complement what the police datasets have. In that model, we are rapidly improving the capacity for police to work alongside mental health providers in providing a better outcome because we are sharing our data dynamically at the time. It is not the case with other agencies. This is not directed as a criticism but the reality of it is that we will, for instance, benefit by having greater access to data for other government agencies, for instance, after hours or

on a weekend, when we simply will not know, often until the following week, whether we have to deal with a critical situation and you have to make an assessment based on the best information you have with you.

I would reaffirm that the Department of the Premier and Cabinet is leading a particular body of work at the moment about data linkage and data sharing. I am very supportive of it. I think there is a great need to accelerate that. I want to not only provide the best possible protection for vulnerable people, be they children, adults or people who have seen some trauma, but I also must equip my officers with the right information for their own safety because if they are entering into a house and you do know whether there is previous history of attendance by other government agencies, whether there are weapons known, other agencies may have seen that and may not have shared that, whether there is any drug dependence or substance abuse that other agencies may well have had interaction for. Although police do access our own datasets and we leverage off whatever we can, I am extremely strongly supportive of the need to have greater access to data in order to provide the best possible service to the community.

Ms Young: One of the issues as well around data sharing, in some of our experiences, particularly around family violence, for example, and children, is that person identity resolution is problematic. We will record someone as “Susan Young”. Other holdings may have her as “Sue Young”. If there are generational names when everybody gets the same name, sometimes it is the date of birth that is required to differentiate which person you are talking about. When we interrelate with other government agencies, oftentimes they are scrapping through their holdings to say, “Who are you talking about? Which one are you talking about?”, so that we are talking about the same individual. A collective of everybody knowing who we are talking about would be extremely useful.

The CHAIR: We had evidence a couple of years ago from Professor Steve Zubrick at TKI, who talked about the fact that in his view individual families can have dozens of files with different agencies.

Mr Dawson: That is the case, too, even within police holdings. The blunt reality is that people do not always identify themselves by their correct name. We will have listings of people who have been in and out of our custody. We are lawfully able to identify particulars but if a person has not had fingerprints, photographs, DNA taken, that may be the ultimate resolution for persons who are in the justice system, and I am not suggesting it going beyond that, necessarily. But there are others by which they at times do not carry document identification, so what my colleague has just outlined is an everyday reality for us. I think our data holdings are improving but much more improvement can be achieved.

Mrs J.M.C. STOJKOVSKI: If we could go back to the 76 000 welfare checks. Are the officers who respond to those welfare checks specially trained for that?

Mr Dawson: No. I can see my colleague wants to respond. Depending on the nature of the job and the task, they would ordinarily be triaged and assessed at our police assistance centre and police operations centres. Depending on the nature, whether the address is known to us and whether the caller or the persons who we may believe may be involved at a particular location are known to us, we might designate a response. The example I use, for instance, is about mental health matters. If it turns on that type of job, we would try to allocate that to a mental health co-response team. It has expanded to be only 40 such team responders in that, and that is only metropolitan based. We are actively wanting to spread that around. If it is a family and domestic violence matter, we would obviously want to try to get the right responders who have the right skills. Generically, they would be a general duties type officer who would respond, depending on the nature of the welfare. If it escalates into another situation in which we would call in specialists, we might, for instance, if it was

a child abuse matter, call in specialists from Inspector McKenzie's area. If it is a family domestic violence matter, Sue has under her command specialists who would do follow up.

Mrs J.M.C. STOJKOVSKI: That segues into my second question. The committee has been out to see the George Jones Child Advocacy Centre and the services that they offer in terms of taking disclosures from children. We have also read some research that indicates that some people overseas believe that it is better for a psychologist or someone of that nature to be taking the interviews rather than police. Do you have any comments on that?

Det. Insp. McKenzie: I have some comments on that. One of the recommendations of the royal commission is for the introduction of intermediaries here in Western Australia. I know there is a working group led by Chief Judge Sleight that is looking at exactly that. The role of the intermediary is to facilitate those questions that have been asked by a specialist child interviewer, whether they be from the police or the Department of Communities, and how that question should just be better asked of the child, basically. I believe that is what that research is referring to—those people who can facilitate the asking of the questions. From my point of view, it is important that the interviewer is someone with a legal background—a law background—because they are trying to get the witness statement from the child. The interview of the child is used as evidence-in-chief in court, so it is particular that we need to cover off on the elements of the offence. It is not just a recall of the child's testimony as such; we really need to, as clinical as it sounds, get those particular elements of each individual offence that has been disclosed by the child. From my point of view, from a practitioner's point of view, certainly those professionals in their field—psychologists, speech pathologists, those other people who are aware of learning difficulties, those sorts of issues for children—can certainly assist but there needs to be that investigative response from the person actually interviewing the child.

The CHAIR: I wanted to finish by just talking about the implementation of the royal commission recommendations, which you have already referred to. It sounds as if you have a police-specific process for working through certain recommendations. Did I understand that correctly?

Mr Dawson: Yes, we do. I would be happy to offer you a spreadsheet, which shows specifically what recommendations we have taken on board. We have completed, as Inspector McKenzie said, some 28 of those already. Others are progressing towards completion, so the committee could be better informed if I provide you with that.

The CHAIR: I think that would be extremely useful. I am showing you a document, "Governance Structure: State Governance of Royal Commission Implementation". You are involved in a couple of those as well—the royal commission subgroup, the oversight working group.

Mr Dawson: I am a member of the directors general implementation group and I have my representatives on some of those working groups, not all of them.

The CHAIR: Can you tell us which ones you have representatives on?

Mr Dawson: I have that role, as I mentioned, at the director general level, the criminal justice working group.

Det. Insp. McKenzie: I sit on that one—the sub-working group for the criminal justice working group and also the redress working group.

The CHAIR: Is the criminal justice working group the one that you are talking about that is working through the police specific —

Det. Insp. McKenzie: Yes, the police response to the recommendations of the royal commission.

The CHAIR: So your process sits inside this process?

Det. Insp. McKenzie: Yes. We touch on one recommendation from redress, which is about implementing a redress system here in Western Australia, which we have done from 1 January. There is one other recommendation that is in the final report of the royal commission in relation to, as the commissioner was talking about before, information. It is in relation to uploading of historical criminal records to our CrimTrac system to ensure that when we do working with children checks nationally, they are accurate.

The CHAIR: Thank you for that. That concludes our questioning.

Thank you very much for coming in today. I will formally draw the hearing to a close by thanking you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary document for the committee's consideration when you return your corrected transcript of evidence. Thank you so much for coming in today. We really appreciate your advice.

Hearing concluded at 12.10 pm
