

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

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH,
ON MONDAY, 20 OCTOBER 2003**

SESSION 1

Members

Hon Barbara Scott (Chairman)

Hon Jon Ford

Hon Giz Watson

Committee met at 2.32 pm

WALTER, MRS RAELENE ANITA
Executive Director, Ngala Family Resource Centre,
9 George Street,
Kensington, examined:

The CHAIRMAN: Welcome to this hearing of the Select Committee on Advocacy for Children. Thank you for your submission. You have signed a document entitled "Information for Witnesses". Have you read and understood that document?

Ms Walter: 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, and please be aware of the microphones and try to talk into them, and ensure that you do not cover them with papers or make a noise near them. 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 of the evidence. 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. 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. Would you like to make an opening statement?

Ms Walter: I will make a opening statement by referring to what is in the covering letter. For quite some time Ngala has had as part of its philosophy the right of every child to be able to grow and develop in a healthy, nurturing, safe and caring environment. We believe that inherent in this right is the status of children in the community and how they are perceived across not only Government but also businesses and the non-government sector. It is in this context that we have made a submission to your committee.

The CHAIRMAN: Yes, thank you. We are very pleased to know that you agree that now is the time for the community to afford that special protection to children. The issue of a child-focused office is what we are endeavouring to report on to the Parliament. I thought it would be interesting if you could give us some perspectives of your how Ngala works with families, and also tell us about any specific areas of interest or input that the parents who come to you may have and whether you think they would consider it an advantage to have such an office for children.

Ms Walter: I will comment from several aspects. First, I will briefly outline what Ngala does so that you will have an idea of the scope of our work. Ngala works with some 25 000 families each year. We do this through a high level of community involvement, with parenting expos and through parenting education groups. About 3 000 families come to our parenting programs each year. We also have a statewide telephone service, home visits and what are called day stay and overnight stay. Both day stay and overnight stay are hospital admissions. Ngala is actually registered as a private hospital. We are endeavouring to work at a community level, as well as provide the intensive care and support that families sometimes need. A number of the parents who use our overnight stay service have depression as a contributing factor in their admission. Obviously we therefore have a relationship with King Edward Memorial Hospital for Women in terms of the psychiatric registrar being able to attend. This is a silent area of those children who have parents

who may have a mental illness, and the need for advocacy for that group of children. The reason I am raising this matter is that these children are at a very vulnerable stage in their relationship with their carers and their parents. I give that to you as an example of an area that is not always in the public spotlight.

The converse side of that is when we work in the community, for example, in areas like Merriwa and Clarkson, where parents identify that there are particular gaps or needs and look for avenues that they can access so that they can make their communities not only more family friendly but also more child friendly. To me that is like the spread of how our mechanism can be useful for families. The sorts of issues that families raise in the community is that it is not all about parks and gardens but how come I am housed here, what is the housing policy and how come this housing policy that has been implemented has had this type of influence on our family and the environment that we are in. They also raise issues in relation to public transport, and they also raise issues with regard to not only employment but also at a level of why are there not enough telephone boxes, why are there not footpaths that we can walk on as a family. These are structural issues that families say are impacting on their lives.

[2.40 pm]

The CHAIRMAN: I will just focus on a comment you made about the issue of some families presenting with mental illnesses. In your experience, are many of them drug-related? I guess, more importantly, if you are running parenting workshops with them or if they come in for an overnight stay for respite or assistance, would those parents agree with what you have said in your submission; that is, that the rights of the child ought to be paramount? We are looking at the sorts of things we should put in the legislation. Children's commissioners around the world are based on the convention of the rights of the child. There is a dilemma here. You are seeing, at the coalface, the families who are struggling because they come to you for assistance. Do you see a dilemma? If you see a family that is struggling, is it a dilemma for you to make decisions about the rights of the child, or would the parents ever express that through discussions?

Ms Walter: In our case the answer is, simplistically, no. I am not saying that that is simple. What I am saying is that the needs of the child are paramount in our interactions and decision making. I would also like to add that we also look at the needs of the family and parent. There are quite different and overlapping needs. However, it is not unusual that we will need to say "This suits the parent's or the family's point of view. What does this way of work mean from the child's point of view?" That voice can sometimes be forgotten unless that question is quite deliberately asked.

The CHAIRMAN: So you would support provisions in the legislation that acknowledged the rights of the child, if legislation were framed to establish a children's commissioner?

Ms Walter: Yes. I see the rights of the child as being around the protection, security and hearing of the voice of the child. That is basically, in some ways, the principles that we actually apply in our work. I will add one more thing. Families are referred from the Department for Community Development and we are asked to undertake an assessment of the parenting abilities of the families. In those situations we are always very up-front with the family about whom we will be writing the report and so on, and will keep the family informed along the way. We have not come across that as being an issue. At the end of the day, most parents want what is best for their child as well. The fact that we work with families in a very open way means that dialogue is held very early on.

The CHAIRMAN: Finally, from my point of view, you stated in your submission that you would not like to see family conflict investigated by a children's commissioner. Could you expand on that?

Ms Walter: Yes, I could. That is already dealt with by state and federal jurisdictions of the Family Court. When I was thinking about this matter I thought that this area was complex enough as it is, and I could not see how having another involvement could work well. That does not mean that it

may not be a possibility, but it is an area of quite some dilemma at present. It is not an area that I understand well enough to comment on.

The CHAIRMAN: Thanks. At the moment, because of my portfolio responsibilities in a shadow capacity, I have a lot of parents coming to me and saying that they are not satisfied with DCD sorting out, say, family conflicts and children's issues. Some people have thought, "Ah! We will send them all to the children's commissioner when that position is set up." I was interested to note that you -

Ms Walter: I guess I was thinking more of the Family Court in that context when I made that comment. I would have to think through the other one to see what the impact would be.

The CHAIRMAN: You can comment later.

Ms Walter: I would have to.

Hon GIZ WATSON: I wanted to follow up on your comment on parents experiencing depression or mental illness. Could you elaborate on the role a commissioner could play in that issue, which I unfortunately understand is widespread and increasing? What would the commissioner do or advise? How would that role assist in that circumstance?

Ms Walter: When I have been thinking about this issue, one of the general areas that is lacking is overall advocacy. Obviously, people will say that there are officers doing different things that could encompass some of this work. However, I do not necessarily know whether what I see is an office that has a high status in relation to the reporting relationship. In my submission I said that it needs to be legislatively based and must report to Parliament. There is an issue around the status of the office. I do not see it functioning at the level of a policy office. I could not see the point of having something at a policy office level. In relation to the issues that are sometimes more difficult and unspoken, a well-researched office is able to bring attention to those challenges that occur in the community from time to time. There was one other point. The other couple of aspects I mentioned in the submission that are relevant to the question you are asking is the monitoring of the policies and procedures and how things work, as distinct from how they are perceived to work or are intended to work. The other area, obviously, is if there needs to be some sort of investigation, that there is an opportunity to actually undertake an investigation when the wellbeing of children is being impacted upon. When I have thought about the office, they are the major gaps I see at the moment. I am coming from the view of where the gaps are at the moment, because there is a policy office for young people and children and so on. I am really looking at what the gaps are and what difference that will make. They are some of the gaps I can see at the moment.

The CHAIRMAN: To extend on that point, from my perspective you have put the finger on one of the nubs of the issue; that is, policy is to be determined by Governments. I wonder whether you have envisaged that, as in other countries, the children's commissioner would sit outside government?

Ms Walter: That had been my thinking. The policy initiatives, thinking and development still needs to occur, and across government coordination still needs to occur. The question is: how well is this occurring and how could this be occurring better?

I suppose some people would counter-argue and ask if we can afford to spend the resources that way. At the end of the day it really comes back to questions of the type of community we want in the future for children. Children are so important that we should be looking at putting those resources in to make the whole system work better.

Hon GIZ WATSON: I think I understand you as saying that you think there is a role for initiating investigations or assessing whether policy is being fulfilled. It seems to me that the arguments for a commissioner to some extent revolve around a failure or lack in what is there already. It is almost implicit. You mentioned gaps. Do you have any comment about where the systems or departments are failing to fully protect the rights of children?

Ms Walter: I could perhaps answer that question by giving you an example rather than answering the question directly. If we were looking, for example at the changes being made to health, which is one of the more difficult portfolios for any Government, not just for the Western Australian Government, the question would be: if we were to have things like child impact statements or other mechanisms like a child report card on the status of the wellbeing of children in the community, would we make different decisions? If the accountability of that decision making were reported, would the decision making be different? Children do not have a voice, so where will the voice of children be heard in government?

Hon GIZ WATSON: A further question sprang to mind when you said that. The issue about hearing as directly as possible from the children themselves seems to be one of the challenges if you are envisioning a commissioner. Do you have any thoughts on how you actually hear as directly as you can from children?

Ms Walter: I can give an example based on the work our people have been doing in the childcare centre at Ngala. The work there is based on a child-initiated approach. It involves having an environment that meets the child's needs, and the programming is around the individual child's needs. However, the staff will say that the most difficult thing is listening. There are two aspects to that. One is that it takes time, and the second is the actual act of listening. Bear in mind that I am not only thinking of the State Government; I am also thinking about local government, and even business that operate shopping centres where young children come and just hang out. I guess the challenge is how to listen to what young people think. On the whole I find young people are pretty inventive and usually have some good ideas. As adults, we are developing that expertise. There is some way to go. I do not know of a panacea. I did not look at the research, but I know there is some research around about different levels and steps. Getting back to the childcare centre, it has taken some time in the adjustment of the way we provide childcare, so that the needs of the children are taken into account, and drive the programming, as well as the way the childcare centre is actually set up. Those children have done marvellous things, such as building a rocket. This is three to five-year-olds. In the right environment, a whole range of potential comes out. The impact of that comes also when parents see that potential and then to be able to work with their children in different ways as well. The ripple effect is quite significant. An attitudinal shift has also taken place.

The CHAIRMAN: Generally speaking you have seen that children as young as three to five in the childcare centre are able to be heard, and can express themselves?

Ms Walter: I would say even younger.

The CHAIRMAN: That is interesting. If the commission were to provide a voice for children, it should look at very young children.

Ms Walter: Yes, I would not say that they would be excluded. I will just go off on a bit of a tangent, but I think it is relevant. When we are involved in our education groups, the staff there are encouraging parents to listen to their children and ask, "What does this cry mean?" I cannot go into the details of all that. There is also a spin-off in actually hearing what the child is saying - "This time I am hungry; this time I am tired; this time I am just a bit unsettled." If we as a community say something differently about how we want to hear children, quite big changes need to occur for adults, who need to receive information about interacting differently and looking for different signs.

Hon JON FORD: Can you define the age group the commissioner would be dealing with?

Ms Walter: In this case it is better to take the international definition, which is from birth to 18 years of age. I was hesitating because, up to age 25 these days is another area of change. Eighteen is an internationally recognised cut-off point so that would be the benchmark.

Hon JON FORD: I will ask you some questions to determine how you think a commissioner might function, and what powers a commissioner might require. I do not see how a commissioner

could function out of policy, because that is what we are trying to do - shape opinion. If somebody had a complaint about how the Department for Community Development managed specific cases involving children, would you see a role for the commissioner in that, and what might that role be?

[3.00 pm]

Ms Walter: That depends on the overall function of the office. It depends on the thrust of the office. There are whole issues, for example, around the quality of care of children, in addition to aggrieved families and parents of children feeling that they have an avenue to be heard, although there are mechanisms already in place. To be quite honest, I would need to do some more thinking about the overall function of the office, because at the end of the day I think the office needs to be broader than just one department to protect children. That would be my concern if it goes down that route. I think Queensland may have that function; I have not done the research.

Hon JON FORD: I was trying to explore the issue. What about from a commercial perspective; if a group of people felt that a line of advertising was exploitative and against the best interests of children, would the commissioner have a role in investigating that?

Ms Walter: I would like to add one statement first. Often I think a children's commissioner has worked really well when the role has been facilitative, rather than playing the heavy hand. It seems to me that it has changed attitudes and so on. So, I think as a commissioner a better step would have been to work with advertising principals to ensure that there ways in which influence through advertising can be exerted through businesses or through the Chamber of Commerce and Industry, or whatever. However, because the public portrayal of children is such an issue, I do not know of any other place where that issue could be looked at. At the end of the day, I am probably more interested in taking a higher approach than necessarily dealing with a single complaint, or as well as dealing with a single complaint.

Hon JON FORD: How would you see a commissioner sitting in the community? How would a commissioner interact with Parliament, Executive Government, local government, the commerce sector and the public sector?

Ms Walter: I think there are probably two roles. One may be a reporting role on how it has worked, for example, in terms of a policy for children. There is another role in relation to facilitation; that is, influencing how policy on children and young people is developed. There is a third aspect - I am sorry that has gone.

The CHAIRMAN: I guess it is the one you raised earlier, the public advocacy role.

Ms Walter: The advocacy role is really what I am talking about very strongly, but I am actually talking about how I think advocacy is best carried out. I think advocacy works best when you work with people, give them information, help them to see that this is a good way to go and resource them well. I am not saying that at the end of the day there are not some hard areas in which attitudes need to be shifted, but I also feel that we achieve best when people are well resourced and have access to research and information. We talked earlier about how to engage children. I do not think there is enough notice in the community yet which means that agencies are not necessarily well resourced to be able to do that.

The CHAIRMAN: Rae, thank you very much for your time. Please let the committee know if you have some musings after this meeting, or think of something that you should have said or that you want to add. Thank you very much for giving us your time and for the submission.

Ms Walter: Thank you very much for the opportunity.