

**JOINT STANDING COMMITTEE ON THE
COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE**

REVIEW OF THE FUNCTIONS EXERCISED BY THE COMMISSIONER

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
FRIDAY, 23 OCTOBER 2015**

SESSION THREE

Members

**Ms L.L. Baker (Chair)
Hon Robyn McSweeney (Deputy Chair)
Ms E. Evangel
Hon Sally Talbot**

Hearing commenced at 11.51 am**Professor DONNA CROSS****Telethon Kids Institute, examined:**

The CHAIR: On behalf of the Joint Standing Committee on the Commissioner for Children and Young People, welcome and thank you for your appearance today. The purpose of this hearing is to assist the committee in our review of the functions exercised by the commissioner, but with particular reference to the recommendations in the review that was recently done into how the new role that has been mooted for the commissioner around child abuse might be rolled out. At this stage, I would like to introduce myself, Lisa Baker, chair of the committee and member for Maylands; Hon Dr Sally Talbot, upper house member for South West Region; and Eleni Evangel, member for Perth. This is a formal proceeding of the Parliament and therefore commands the same respect given to proceedings in the house itself. We are not asking you to provide evidence on oath or affirmation, but we need you to know that if you deliberately mislead the committee, it may be regarded as a contempt of Parliament. This is a public hearing so Hansard will make a transcript of the proceeding for the public record. If you refer to any documents during your evidence, it would help Hansard if you could provide the full title.

I would like to ask you a few short questions. Have you completed the “Details of Witness” form?

Prof. Cross: Yes.

The CHAIR: Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

Prof. Cross: Yes.

The CHAIR: Did you receive the information for witnesses sheet provided in the mail?

Prof. Cross: Yes.

The CHAIR: Do you have any questions about being a witness at today’s hearing?

Prof. Cross: No.

The CHAIR: As I said, we thought we should just cut to the chase and ask you up-front because you have such experience in this area and you have been with the commissioner for so long in your wonderful role to help the work of the commissioner. I am sure you know what Blaxell said and I am sure you are aware of the debate that has ensued since then. I also remind you that the Premier said, “Yes, this should all happen.” We have called Blaxell back in and asked, “Can you just tell us what you really meant by the one-stop shop for child abuse that the commissioner might play?” He went on to reveal in much greater detail what the issue was he was attempting to solve with that solution, so we came away from that hearing with a bit of a different view. I should just start by saying that it seemed that his intention was to make sure that, during the process, there is a friend available to a child who will go on that journey with the child. His concern was about the way the system picks up and drops people, much to their detriment, which exacerbates the trauma far more. He was really on about that, and in other jurisdictions you will be aware that children’s commissioners have various roles in relation to child abuse. Some in the UK and in Europe actually take reports directly from and market themselves in order to get that result. Other countries, in the UK particularly, have specifically introduced legislation which introduces a named person for every child. Are you familiar with that?

Prof. Cross: No.

The CHAIR: It is really fascinating. A child born in Scotland is given a named person. Wherever they are, there is a named person who they know they are free to go and have a different kind of relationship with. It might be in the school, a particular school psychologist or someone else, in university it might be someone else, in primary school it might be someone else, but there is the named person that flows through that child's life. We are trying to solve the problem of what the commissioner could add to this agenda without duplicating, and add value to this so that people are much better protected. What do you think the commissioner should do?

Prof. Cross: That is a big question.

The CHAIR: Yes, sorry, it took me a while to get there.

Prof. Cross: No; I mean what do I think the commissioner should do.

I would like to break the issue apart a little bit first, and the whole challenge of child abuse and children and adults who are supporting those children being able to access services and agencies to help the children. I think the integration or the delivery of service to support the child in that instance currently is very challenging, knowing the first port of entry. For example, in a school environment, clearly there is a process of duty of care that schools must follow, but for families, I think they are very lost; the families that are providing support. Once they are introduced to the system and so the stages are rolled out, the coordination seems to be very, very poor and the amount of information that they receive in terms of support also seems to be limited. Certainly that has been my experience with the agencies that I have supported in the past and just contact with families that are going through this process. So in terms of what role the commissioner should play: the commissioner, on a number of other occasions or on other issues, has been very helpful in integrating service delivery where, if somebody has an issue around childhood or adolescence, the reports for example—the most recent report that she produced that focused on mapping service delivery and what access people have to those services and what those services provide—I think has been invaluable. It is possibly underfunded and it is a bigger story, but as a starting point, I think that was incredibly helpful. It is a long answer to your question, Lisa, I am sorry. Coming back to that —

The CHAIR: Is this the wellbeing monitoring tool that you are talking about?

Prof. Cross: No, this is the —

The CHAIR: Mental health report or “Listen To Us”?

Prof. Cross: No, it is earlier than that.

The CHAIR: Building Blocks?

Prof. Cross: Yes, I think so. Sorry, I am just trying to —

The CHAIR: Yes, that is the service delivery one.

Prof. Cross: Yes, that is the Building Blocks one, thank you. Sorry, there have been so many; I should know that.

In terms of being an advocate for agencies to get their act together and talk to each other, and to coordinate the delivery of services and not make a child or a family kind of travel between these organisations—smooth, sort of harmonising—I think, is crucial. I think the commissioner playing a role as an advocate to service delivery and support for families is absolutely key.

The CHAIR: As distinct and different from being the up-front, “Come to me for your disclosure” role?

Prof. Cross: I am not sure that that is the best role for the commissioner. I think there are a number of agencies that already provide that service. I guess I am biased. My view—I know it is not necessarily a commonly held view—is that the commissioner is in a wonderful advocacy role for all children, and I wonder, in an advocacy role for individual children, is that changing what she is

providing? If that is true for child abuse, what about other issues that young people might come to the commissioner for? Is this just a unique role that she or he would be asked to do related to child abuse, or would this be a role that the commissioner would take on for other issues? That would be a question I would ask. Would the burden distract the commissioner from those sorts of roles that I believe the incumbent, and previous commissioner, Michelle, played in providing that advocacy service much more widely?

The CHAIR: With respect to how the commissioner may go about doing the work of supporting agencies identifying gaps, closing the gaps, that helicopter kind of view and influencing them in a good way, do you have any idea about what kinds of things the commissioner's office could actually do that would directly support all the players in this?

Prof. Cross: I guess the roles I have seen that office play, in terms of the wide consultation process and systematic consultation, I know for example she has many young people who come and talk to her about particular issues, depending on what the focus is.

[12 noon]

The CHAIR: Is this through the school connection and through the advisory groups?

Prof. Cross: Yes, I think both; certainly, for example, the schools of sensory education are currently engaging in consultation with the commissioner around the needs of children with disability or children with special needs much more broadly. Sorry, I have just forgotten where I was going with that.

The CHAIR: No, that is all right. I am just wanting to know what kind of work the commissioner could do to make other agencies deal with child abuse and neglect better?

Prof. Cross: Thanks, Lisa. I started to talk about that role in consultation, so having a deeper understanding of what are the issues that are facing families and what are the issues that are facing children who have been targeted or are victims of whatever the issue might be that is being addressed; and then being able to advocate for change within those agencies and the quality of service delivery, and to look at it in a much more coordinated fashion. You have used the term "helicopter". There is a lot of duplication of services and there are a lot of gaps for children, and because agencies are separately funded, it is not always in their best interests to make sure that they are not doing something that somebody else is doing. Having somebody who is in a position to be able to oversee that, I think, is crucial.

Hon SALLY TALBOT: I just want to follow up some of your answers to the Chair. The reason Blaxell talks about the need for a focal point—I am sure you have read the report—he talks about the need for a child's friend, because what he points out is that not only do children have to retell their story over and over again after they have disclosed, but also if you are outside the metropolitan area, there is a pretty good chance that you have got some conflicts of interest within the community when you are disclosing. So, you might go and talk to the local police officer, but the local police officer might have a partner who is also the shire president or who is also the chair of the board at the school, and so you have got that. You talked about the existing services and, clearly, we would like the existing services to be improved so that they were a bit more responsive and cognisant of the complexities, which sometimes I suspect they are not. Do you think that we could take the existing services and educate the people who are providing them, so that we could get over that point that Blaxell raises, particularly about outside the metropolitan area?

Prof. Cross: I think there is certainly huge scope for capacity building within the agencies that provide these services. I am not sure, though, Sally—I take your point about children in country areas having significant conflicts—that capacity building is the only thing that is needed in those environments. I agree that there is a need for an advocate that is beyond that community to be able to support the child. I do not think education is the only thing that is needed to support that.

Hon SALLY TALBOT: So, that additional thing that is needed, can you come close to putting your finger on what that “thing” is, because I think that is Blaxell’s answer to that question?

Prof. Cross: Yes. My view—this not my area of research, so it is just my contact with agencies, and I see these agencies more as agencies who are also supporting children who have been victimised with bullying, so that has been my contact—my sense is that there needs to be an advocate, but the advocate needs to be within one of these agencies in a position that they can provide support. Within a school environment, for example, very often the advocate for a child who is experiencing great other difficulties, not necessarily child abuse, being able to support the child through that process, so a school psychologist—I think you mentioned that as well, Lisa—it has been our experience that that person has often continued to maintain that role. I know that they are not in a senior enough position to be able to direct and change organisations, but the child knows the person and they trust them—not that they would not trust the commissioner, but we find that for children to disclose and for children to talk about, in-depth, the issues that they are experiencing, they need to know the person well enough that they can trust them through that process. Of course, that trust builds over time. I do see that, over time, someone like a commissioner’s role could possibly take on that or someone in her or his office that provides that support. It seems odd to me that an agency like the commissioner’s office would be the one that would be tasked with this role, given the other responsibilities that the office currently holds. So, I agree that something is needed, but I am not sure that the commissioner’s office is the one that should provide it.

The CHAIR: Thank you. I just wanted to find from you an update on the cyberbullying program, the cyber-friendly schools project in particular. How is it going? Tell us a bit about how that is going, please.

Prof. Cross: It is going really well, Lisa; in fact, it is interesting that you mention that because the new Children’s e-Safety Commissioner, and the role that the e-commissioner plays in supporting and advocating for children who are having difficulties in an online environment, is an interesting model. I am sure you have considered it as a model. I am sorry, I did not mean to make assumptions.

The CHAIR: No, but it is really nice that you have mentioned it. Please, tell us more.

Prof. Cross: I am not sure I can describe it as accurately, as you will no doubt find out about, but the e-commissioner was appointed because the federal government was very torn between: Should we be changing laws? Should we be increasing education? If we did those things, what kind of a change would we see in behaviours online and talking in particular about safety, but everyone’s safety? The sense was that there is no-one to advocate for children or young people in an online environment to agencies like Facebook and Google and the more extreme groups.

The CHAIR: Of course.

Prof. Cross: Our research, for example, is showing that the children most at risk are the children who are going to sites that are least able to respond appropriately. They are often hosted in Lithuania, where the laws are such that they cannot be taken down or that issues cannot be changed. So the e-commissioner’s role is to represent a family or a child’s position. That is why the position was set up, so unlike the Commissioner for Children and Young People, which has other responsibilities, this job is to act as an advocate or a conduit to groups like, let us say, Google, but I am sure there are issues that need to go to the big-name, online environments. It has provided an opportunity for families that did not exist before, because many families fell through the gaps because if the act was not breaking the law—so, it was not a threat or pornography or something the police could act on—the police were not able to do anything much. I mean, they did, but within their remit it was very difficult for them to offer more service and support, and there is no agency there. Perhaps, unlike child abuse, there are not other organisations that already exist where that role could be trained or built in or some capacity provided for families to get advice to support their children. As you would know, there have been some very extreme cases where children, sadly, have

taken their lives and often, we think—and certainly from our research—it was out of desperation. Families were not able to get the right support for their children early enough, and the e-commissioner is also in a position to be able to advocate and continue to guide the government in decision-making around how to help everyone.

The CHAIR: It is a big role.

Prof. Cross: It is a big role.

The CHAIR: This is slightly off the subject here, but I am sure you will bear with me. I am really interested in the link between radicalisation and cyberbullying and the e-commissioner's role. I am sure you know Anne Elliott; she speaks so brilliantly about the online issues for these families and for these children who find themselves very young being radicalised online. Is that an area that you are involved in?

Prof. Cross: No.

The CHAIR: By choice?

[12.10 pm]

Prof. Cross: No, to a much lesser extent. We see a little bit of it in our surveys when we are talking about issues that are affecting young people online. Adults talk about it, and very occasionally we have had students who have mentioned—when we discuss online environments, we talk about contacts, content and confidentiality, kind of, forgive me, a “triple-C”, dare I say. So when we are discussing contacts, so, you know: Who are you? Who are you being contacted by? Who are the randoms and what do you know about them? Who are the frenemies, who are the people that they know but are not doing very nice stuff? Then, obviously, who are their closer contacts? Within that context, we hear young people talking about people who they make contact with who may have—historically we often think about them as maybe just trying to get to know them and meet them; now, if they talk about, you know, trying to be influenced to come to meetings or to hear about it. But it is still in the minority relative to people who are trying to get to know them when they are behaving poorly online.

The CHAIR: That is really interesting. Thank you. I think you have covered most of the key issues that we wanted to talk about. Is there anything that you wanted talk to us—I know what I wanted to ask you, too. It was about the advisory committees. One of the things that we have heard from different sources is how good they are.

Prof. Cross: The advisory committees that the commissioner has established?

The CHAIR: Yes, and how much they could be better utilised or broadened out, or pick up specific other issues and areas. Can you just reaffirm what you think of them?

Prof. Cross: I think during the last time that I presented to this committee I felt that the ambassadors are underutilised significantly.

The CHAIR: You did—yes.

Prof. Cross: And still are. We would not volunteer to do this if we were not keen to be able to play and ensure—and I think the issue of us all singing from the same hymn sheet, not changing our views, but if we become one voice, we are much more powerful than we are.

The CHAIR: And that has still not been progressed as well as you think it should be?

Prof. Cross: No.

The CHAIR: We did hear you last time you said that.

Prof. Cross: Yes.

The CHAIR: I am wondering if perhaps we need to think as a committee about what to do with that now that you have said it twice.

Ms E. EVANGEL: Can I just ask, like in what ways are you utilised? Like what kind of—just describe perhaps what you do?

Prof. Cross: I hope I am not underselling it, but we tend to be advised a lot about what is going on. We are invited to meet when there is a visiting scholar or someone like that to help develop the conversation. We are asked—for example, for Children's Week I am presenting to 400 parents. That is organised. So we are able to assist the commissioner on an issue—bullying was identified as an issue in some of her recent consultations. So we do those roles, but I think there are lots of child health issues and education-related social issues that are regularly appearing that I would have thought, and I may have misunderstood the position, there should be advocacy that is pushing for change, or arguing for a particular issue, and it may be that, you know—I think possibly the current acting commissioner is in a difficult role. I do not know if I can say why I think that, but in any case.

The CHAIR: Just read yesterday's *Hansard* when the annual report was read and you will get my views on that.

Prof. Cross: Okay.

The CHAIR: And the committee's as well. In the foreword we were very clear that it is not acceptable to be three years into an acting arrangement or a vacancy arrangement and not have an appointed commissioner with due independence, so we say this a lot.

Prof. Cross: I agree—great; good. I do not need to say it then, but I agree completely. I think that that has hampered the office considerably, but I think even prior to that I think Michelle is still underutilised. I think it is out of respect that that happens; by no means is it intentional, we are busy and she does not want to bother us. But I actually think that a united voice—she has got a very strong committee that could be used, who are keen to talk and support and do whatever it takes to improve the status of children and young people.

The CHAIR: I will go back a bit—Renée has just pointed out that I missed something to ask you about. When we were talking—we recently heard evidence that more could be used of the advisory groups that I mentioned within a school or a community group setting. Is this peer-to-peer cyber-leading model one that could be adapted to other subject areas?

Prof. Cross: Are you referring to the peer-to-peer work that we do?

The CHAIR: I think so, the cyber-friendly schools project.

Prof. Cross: Yes.

The CHAIR: Would that work with other advisory groups or with others as a model?

Prof. Cross: If I could describe the model so that you can see what example I am drawing from. We invite through the schools, we set out some criteria for the type of young person that we would like to have involved. We do not want the best behaved young people; we want people who have a bit of spunk and who have an interest in the issue that we are pursuing. So in our cyber-related work they had to like spending time online and demonstrate some capacity in that area. We then bring them in for two days initially and then a follow-up, single day, which we call a booster. Over that time we spend time skilling them, particularly around leadership and acknowledging that they have been chosen. A significant amount of the time is helping them to understand how to be a leader and how to be an advocate within the school environment. At the same time, obviously ethically—and with parents and schools' approval—we also draw out of them content. So in the case of our current group—we have had about six of these—but our current one is focusing on image sharing online. Our reason for pursuing this is that when young people see images online of themselves when they are being targeted, it is much more harmful. We see more significant, as you would expect, social and emotional outcomes as a result. So we needed to help young people in the moment, when they are posting an image or they are sharing an image that they have got on their

phone. We found classroom, telling them about it, and then later going and using their phone, that the gap was too great. So we asked young people to show us how to build an app that would go on their phone that they would use that would be fun, a reason why they would load it, but that it gives them a 10-second delay before an image disappears—so they click “send”—because in our data the children said after they have sent a photo they go, “Oh!”—that the questions pop up. So these young people designed what is it that “their head says to them” after they have sent an image. Those messages appear on the phone after they have sent an image, just for 10 seconds—they couldn’t tolerate more than 10 seconds—and if they change their mind, they can press a button on their phone that is identified and it delays and stops the image.

The CHAIR: I need this app.

Prof. Cross: Yes. Because the decision to send is often done bypassing any deep thought, we needed to encourage them. We all do it, Lisa.

Hon SALLY TALBOT: I can think of quite a few politicians who need one of those!

Prof. Cross: Yes. So it is building in thinking time. Adults clearly could not do that. We needed them to design it. We used a design-thinking process, so we train them as leaders, but all the time as we were layering the leadership stuff, we were asking them, “So what are the messages? What does it look like?” and applied that process. Now these young people are our critical friends—again, obviously we have ethics approval of both the parents—and we have a closed environment where we consult with them, where we show them all the various iterations of this app, that now is at beta level, and they have critiqued it and given us advice. So they are a very active group. There were 100 in the original cohort and there are 30 who respond every single time, and there are others who drift in and out of the consultation. The advantage is that we get information back from them quickly. We have built a lovely relationship with them, because of the two-day and the one-day booster, they know us well, and they know why we are doing it. We treat them very well in the sense that they know that they are very special young people. We send letters back to the school. We have given them a title—they are ambassadors. I think that helps as part of the process. But they remain—in fact, we change them every year, and we had a situation last year where the cyber-friendly schools leaders said, “We’d actually like to stay on and mentor the next group.” Even though they were moving into year 11, which is why we did not want to interfere with their studies, they were so keen and had built up such an ownership of the issue that—and that mentorship model I think—I do not think that is what the commissioner uses currently, but that handover was much better coming from an authentic, dare I say, I hope I am authentic too, but from another young person saying: this is worthwhile; this is what we did, this is the difference we made. They listened to us; they built whatever it was we did.

The CHAIR: It sounds wonderful, Donna. Thank you. I think we are pretty much done.

I will read the closing statement.

Thank you for your evidence. A transcript will be forwarded for correction. Any corrections made within 10 days and then return it. If it is not returned, we will deem it correct. Do not add new material in the corrections, but if you want to put anything new to us, we are really happy to take it as a supplementary submission. Thank you again, so much. It has been valuable by coming to speak with us.

Hearing concluded at 12.20 pm
