



**Joint Standing Committee on the
Commissioner for Children and Young People**

**Review of Selected Reports by the
Commissioner for Children and Young People:
*Changing priorities in the post-Blaxell environment***

**Report No. 2
April 2014**

Parliament of Western Australia

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**Review of Selected Reports by
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Presented by

Ms L.L. Baker, MLA

Laid on the Table of the Legislative Assembly on 10 April 2014

Chair's Foreword

This report to WA Parliament from the Joint Standing Committee on the Commissioner for Children and Young People reflects on two significant pieces of the work from the Office of the Commissioner for Children and Young People, 'Speaking Out About Disability: the views of Western Australian children and young people with disability' and 'Speaking Out About Living in Regional and Remote WA: the views of Western Australian children and young people', and on the Commissioner's Annual Report 2012-13.

I consider the two 'Speaking Out' reports demonstrate the value that the work of the Commissioner for Children and Young People offers to the WA Parliament by gathering and accurately reflecting the voices of our youngest citizens. When children and young people are asked for their views on significant issues that affect their lives, it is up to the community, service providers, policy writers and WA parliamentarians to listen. The voices of the young must influence the policies that shape their lives.

The Annual Report 2012-13 of the Office of the Commissioner for Children and Young People documents a busy year of work completed by the then Commissioner, Ms Michelle Scott and her dedicated team.

It is a matter of concern that the position of Commissioner has remained without a substantive occupant for over twelve months. The absence of a substantive Commissioner has continued during a statutory review of the *Commissioner for Children and Young People Act 2006*. The report to WA Parliament concerning the outcome of that review is now 10 months overdue, and there is no attempt to commence the process of recruiting to permanently fill the Commissioner's position.

Over twelve months ago the WA Government announced that it agreed to implement all recommendations from the St Andrew's Hostel Inquiry, (the Blaxell Inquiry). Recommendation two of the Inquiry called for the creation of a 'one-stop-shop' in managing reports from the public, including from children, concerning child abuse. The Government proposed the Commissioner for Children and Young People as the preferred agency to take on this complaints role. A year after this promise, there is no progress by the WA Government to implement this key recommendation. This lack of action is a serious concern. The federal Royal Commission into Institutional Responses to Child Sexual Abuse announced that it is receiving up to 40 reports of abuse every day. Children and adults in WA are still waiting for the reporting improvements promised by the WA Government.

After 12 months of uncertainty, the recommendation made by the Joint Standing Committee is that before the WA Parliament rises for the winter break in 2014, the

Attorney General tables the report of the review into the *Commissioner for Children and Young People Act 2006*. This will stop the uncertainty currently surrounding the work of the Commissioner and helpfully move us quickly to implement the recommendations from the Blaxell Inquiry.

I acknowledge the work of my committee members who remain committed to our work and to the role of the Commissioner for Children and Young People: Hon Robyn McSweeney MLC (Deputy Chair), Hon Dr Sally Talbot MLC, and Ms Eleni Evangel MLA. Finally I commend our Principal Research Officer, Ms Lucy Roberts who has worked with intelligence and determination to inform our deliberations, coordinate Committee hearings and evidence and draft reports.

A handwritten signature in blue ink, appearing to read 'L.L. Baker', written in a cursive style.

MS L.L. BAKER, MLA
CHAIR

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Executive Summary

The Joint Standing Committee on the Commissioner for Children and Young People (the Committee) has as one of its functions to 'examine Annual and other Reports of the Commissioner'. The Committee does not report to Parliament on every report it reviews, but it has chosen to report on several of the more significant reports tabled by the Commissioner in 2013. These reports are:

- The Annual Report 2012-13;
- *Speaking Out About Disability*: the views of Western Australian children and young people with a disability; and
- *Speaking Out About Living in Regional and Remote WA*: the views of Western Australian children and young people.

The Committee commends the Commissioner on the breadth of activity demonstrated by these reports, and the important research that contributes to the wellbeing of the Western Australian community. The contribution of the Commissioner's work is particularly relevant given the uncertainty that has surrounded the office of the Commissioner for Children and Young People since at least the beginning of 2013.

The statutory review of the *Commissioner for Children and Young People Act 2006* became due in December 2012, and was announced by the Public Sector Commission on behalf of the Attorney General in January 2013. The report of the review was provided by the Public Sector Commission to the Attorney General in May of 2013. The report of the review is yet to be tabled in Parliament in April 2014, meaning that almost a full year has passed since the review was completed. As several significant changes to the role of the Commissioner were canvassed within the review, there is some uncertainty as to what the role will involve into the future. The Committee calls on the Attorney General to table the report of the review before the parliamentary winter recess of 2014.

In addition, there has been no permanent appointment made to the position of Commissioner since the inaugural Commissioner, Ms Michelle Scott, completed her first five year term and was subsequently placed in the role in an acting capacity. Since her resignation at the end of 2013, the role has been filled in an acting capacity by Ms Jennifer Perkins. The Committee is concerned that the position of the Commissioner for Children and Young People needs to be filled on a substantive basis as soon as possible.

This report summarises the Commissioner's annual report, and the two 'Speaking Out' reports. The Committee notes the detailed information included in the annual report,

and that it provides an informative and useful summary of the Commissioner's work over the financial year.

In relation to both of the 'Speaking Out' reports, the Committee felt that the reports were a good reflection of the opinions, feelings, and experiences of the children and young people who participated, and that the research was an important mechanism for ensuring their voices are heard. The Committee would be interested to see the development of a mechanism to track the use of reports such as these, and their impact on policy.

Finally, the Committee firmly believes in the importance of the Commissioner's role and the research carried out by the Commissioner and the office, and would like to see such research having a greater impact on government and non-government agencies responsible for developing and implementing policies that impact on children and young people.

Ministerial Response

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Joint Standing Committee directs that the Minister representing the Attorney General report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.

Findings and Recommendations

Finding 1

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The Committee looks forward to the Attorney General tabling the report of the statutory review into the *Commissioner for Children and Young People Act 2006*, and the commencement of a recruitment process to fill the position of Commissioner on a substantive basis, in order to resolve the ongoing uncertainty surrounding the role of the Commissioner.

Recommendation 1

Page 4

The Committee recommends that the Attorney General tables the report of the review into the *Commissioner for Children and Young People Act 2006* prior to the 2014 winter recess of Parliament.

Finding 2

Page 15

The Commissioner's annual report provides a good overview of the important work carried out by the Commissioner for Children and Young People during the 2012-2013 year.

Finding 3

Page 15

The Commissioner may wish to consider publishing stand-alone updates on the implementation of the recommendations of the *Report of the Inquiry into the Mental Health and Wellbeing of Children and Young People*.

Finding 4

Page 20

The Committee would be interested to see the development of a mechanism to track the use of reports published by the Commissioner and their impact on policy development.

Finding 5

Page 25

The Committee considers it vital to the wellbeing of children and young people in Western Australia that the research conducted by the Commissioner is listened to, and used, by the government and non-government agencies responsible for developing policies that impact on children and young people

Chapter 1

Introduction

Role and functions of the Committee

The Joint Standing Committee on the Commissioner for Children and Young People (JSCCCYP) was formed by the 39th Parliament of Western Australia on 22 May 2013. The functions of the Committee are to:

- i) Monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
- ii) To examine Annual and other Reports of the Commissioner; and
- iii) To consult regularly with the Commissioner.

While the Committee does not report to Parliament on every report by the Commissioner for Children and Young People (the Commissioner) that it reviews, it has chosen to report on three of the more significant reports the Commissioner published in 2013:

- the Annual Report 2012-2013;
- *Speaking Out About Disability: the views of Western Australian children and young people with a disability*; and
- *Speaking Out About Living in Regional and Remote WA: the views of Western Australian children and young people*.

These three reports were released during the second half of 2013, and demonstrate the breadth of activity undertaken by the Commissioner. Importantly, they also demonstrate the value of the Commissioner's work to the Western Australian community.

Uncertainty surrounding the role of the Commissioner

Review of the *Commissioner for Children and Young People Act 2006*

Considerable uncertainty has surrounded the work of the Commissioner since at least the beginning of 2013. Section 64 of the *Commissioner for Children and Young People Act 2006* (the Act) requires the Minister to review the operation and effectiveness of the Act as soon as practicable after five years of operation. The Act, including section 64 was proclaimed on 20 November 2007, with '10 December 2007 as the day on

Chapter 1 Introduction

which the provisions of that Act, other than Schedule 1 clauses 2 and 3, come into operation'.¹

This means that the review was required to be undertaken as soon as practicable after 10 December 2012. The Attorney General is the Minister responsible for carrying out and reporting on the review.

The Public Sector Commissioner, on behalf of the Attorney General, announced the statutory review of the Act in January 2013.² The terms of reference for the review were as follows:

At the request of the Attorney General, the Public Sector Commission will conduct a review of the operation and effectiveness of the Commissioner for Children and Young People Act 2006 (the Act). To this end the review will:

- 1. Examine the operation and effectiveness of the Act*
- 2. Report on the extent to which the purpose of the Act, including the advocacy, promotion and monitoring of the wellbeing of children and young people, is being achieved (specifically but not limited to section 19 of the Act)*
- 3. Examine what amendments to the Act are necessary to enable the Commissioner for Children and Young People to operate as a 'one stop shop' for any complaint concerning child abuse regardless of the public sector agency that the matter relates to, as per recommendation 2 of the Inquiry into St Andrew's Hostel*
- 4. Examine what amendments to the Act are necessary to facilitate recommended changes resulting from the review of the Working with Children (Criminal Record Checking) Act 2004 and any other relevant recommendations from legislative reviews or reports.*

*The terms of reference originally provided for the review report to be provided to the Attorney General by 10 May 2013, which was subsequently extended to 31 May 2013.*³

Terms of reference 3 and 4, if included into the role of the Commissioner, would result in significant changes to the role and to the workload of the office.

¹ 'Proclamation No. 48 of 2006. Commissioner for Children and Young People Act 2006', *Government Gazette*, 23 November 2007, p5861.

² Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*. Available at: <http://www.publicsector.wa.gov.au/public-administration/sector-performance-and-oversight/reviews-investigations-and-special-inquiries/reviews/review-commissioner-children-and-young-people-act-2006>. Accessed on 27 March 2013.

³ Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*. Terms of Reference. Available at: <http://www.publicsector.wa.gov.au/public-administration/sector-performance-and-oversight/reviews-investigations-and-special-inquiries/reviews/review-commissioner-children-and-young-people-act-2006>. Accessed on 27 March 2013.

The Public Sector Commission completed the review on 31 May 2013, when the report of the review was forwarded to the Attorney General.⁴ The Committee notes that section 64 of the Act requires that:

*The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, must cause it to be laid before each House of Parliament.*⁵

The Committee has sought information from the Attorney General on the report of the review, and requested details of when the report will be tabled. In correspondence of 16 December 2013, the Attorney General stated:

*The government is finalising its response to the statutory review of the Act and once completed, any required legislative changes can then be drafted. It is currently my intention to table the statutory review in the new year...*⁶

The Committee urges the Attorney General to table the report of the statutory review before the 2014 parliamentary winter break.

Recruitment process for a Commissioner

In addition to the uncertainty surrounding the role of the Commissioner, there has been no permanent appointment made to the position of Commissioner since early in 2013. The inaugural Commissioner, Ms Michelle Scott, completed her five year term as Commissioner and was then placed in the role in an acting capacity. At the end of 2013, Ms Scott resigned from the role, and Ms Jennifer Perkins was appointed as Acting Commissioner for a period of up to 12 months.⁷

In the letter notifying the Committee of these arrangements, the Attorney General stated that the statutory review would be tabled in the new year (2014), and

*the recruitment process for a new commissioner will be able to commence shortly thereafter.*⁸

The Committee is cognisant of the requirements of section 7 of the Act, which details the process for the selection of the Commissioner. Section 7 states that before a Commissioner is appointed, the Premier shall, among other requirements, 'advertise

4 Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*. Available at: <http://www.publicsector.wa.gov.au/public-administration/sector-performance-and-oversight/reviews-investigations-and-special-inquiries/reviews/review-commissioner-children-and-young-people-act-2006>. Accessed on 27 March 2013.

5 Section 64(2) *Commissioner for Children and Young People Act 2006* (Western Australia).

6 Hon Michael Mischin MLC, Attorney General, Minister for Commerce, Letter, 16 December 2013.

7 Hon Michael Mischin MLC, Attorney General, Minister for Commerce, Letter, 16 December 2013.

8 Hon Michael Mischin MLC, Attorney General, Minister for Commerce, Letter, 16 December 2013.

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throughout Australia for expressions of interest from people with professional qualifications and substantive experience in matters affecting children'. Additionally, 'children and young people must be involved in the selection process.'⁹ The recruitment process is therefore likely to be a fairly long one.

The Committee is concerned that the position of the Commissioner for Children and Young People needs to be filled on a substantive basis as soon as possible.

Finding 1

The Committee looks forward to the Attorney General tabling the report of the statutory review into the *Commissioner for Children and Young People Act 2006*, and the commencement of a recruitment process to fill the position of Commissioner on a substantive basis, in order to resolve the ongoing uncertainty surrounding the role of the Commissioner.

Recommendation 1

The Committee recommends that the Attorney General tables the report of the review into the *Commissioner for Children and Young People Act 2006* prior to the 2014 winter recess of Parliament.

9 Section 7, *Commissioner for Children and Young People Act 2006* (Western Australia).

Chapter 2

Commissioner for Children and Young People: Annual Report 2012-13

This chapter provides a review of the Commissioner's annual report for 2012-13.

Summary of report

The Commissioner tabled the annual report for 2012-13 on 16 August 2013.¹⁰ The report contains the following sections:

- From the Commissioner (executive summary);
- Overview of the agency;
- Agency performance;
- Significant issues impacting the agency; and
- Disclosure and legal compliance.

This chapter provides a summary of each section of the annual report.

From the Commissioner

The views of children and young people are an important focus for the Commissioner's work, and the Commissioner detailed in her foreword some of the activities undertaken to consult with children and young people. These activities included working with the Advisory Committees established by the Commissioner (there were four advisory committee established in 2013), and carrying out a range of consultations. The Commissioner reported that in 2012-13 she conducted 23 separate consultations with children and young people, and initiated two broader consultation projects: the Speaking Out about Disability project, and the Speaking Out about Living in Regional and Remote WA project. Both of these projects reported in the second half of 2013, after the period covered by the annual report.¹¹

10 Commissioner for Children and Young People, [Annual Report 2012-13](#), Perth, 16 August 2013.

11 Ibid., p. 5.

Chapter 2 Commissioner for Children and Young People: Annual Report 2012-13

A further initiative for consulting with children and young people, the 'Commissioner for a Day Challenge', was carried out in 2012, and provided the Commissioner with young people's views on how media and advertising affected young people's lives.¹²

The Commissioner reported that an update on the reports that formed the Wellbeing Monitoring Framework (initially released by the Commissioner in February 2012), would be tabled in Parliament in the first half of 2014.¹³

In relation to the Commissioner's work in the area of Mental Health, the Commissioner reported that she worked closely with the Mental Health Commission and other agencies to promote and monitor the implementation of the 54 recommendations in the Commissioner's earlier *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*.¹⁴ The Commissioner also carries out broader advocacy in the area of mental health in relation to children and young people, and published five policy briefs highlighting areas of need: *Children of parents with a mental illness; Aboriginal and Torres Strait Islander children and young people; Children and young people in regional and remote areas; Transition to adulthood; and Children and young people with disability*. The Commissioner also hosted a seminar on youth suicide during the year.¹⁵

In May 2013, the Commissioner released an updated version of her issues paper *Youth Justice*, which 'called for a shift in justice services to provide an increased focus on and investment in evidence-based programs and effective services aimed at reducing offending. This includes a focus on prevention, early intervention and diversion programs in the community, and support and therapeutic services for young people in detention.'¹⁶ The Commissioner also provided input to the response to the incident at the Banksia Hill Detention Centre in January 2013.

In relation to the topic of early childhood, the Commissioner reported that:

*The number of children and young people in WA continues to rapidly increase. There were 32,259 births registered in Western Australia in 2011, a 34.4 per cent increase since 2001 when 24,002 births were registered. Of the entire population of Aboriginal people, almost 40 per cent are children and young people under 18 years. In comparison, less than one-quarter of the non-Aboriginal population are children and young people.*¹⁷

12 Commissioner for Children and Young People, [Annual Report 2012-13](#), Perth, 16 August 2013. P.5.

13 Ibid., p. 6.

14 Ibid., p. 6.

15 Ibid., p. 7.

16 Ibid., p. 7.

17 Ibid., p. 7.

In April 2013, the Commissioner released her updated *Early Childhood* issues paper.

The Commissioner reported that supporting parents was a particular focus for the office in 2012-13. Parents report that parenting 'is now more challenging, complex and stressful than ever before and traditional family structures and lives are changing.'¹⁸

The Commissioner released a *Supporting Parents* issues paper in May 2013, which argued, among other things, for 'increased investment to ensure universal parent support is available to all WA parents at any stage of their child's development, integrated with targeted programs for those needing greater support.'¹⁹

Other key policy areas in which the Commissioner was active during the year included the 'Thinker in Residence' initiative; working with the McCusker Centre and National Drug Research Institute (NDRI) on the issue of alcohol and releasing an issues paper and a policy brief; and working on updating the Commissioner's guidelines for government and non-government agencies engaging with children and young people.²⁰

The Commissioner also contributed to the review of the *Commissioner for Children and Young People Act 2006* which was carried out by the Public Sector Commission on behalf of the Attorney General during 2013.

The final point of the Commissioner's overview emphasised her activities developing and working in partnership with other organisations, including her 'Ambassadors for Children and Young People' initiative, and partnerships with the Perth International Arts Festival and the Youth Affairs Council of WA.

Overview of the Agency

The section of the report titled 'Overview of the Agency' provides a short overview of the Commissioner and her role, including the mission, vision, and functions and principles as set out in the Act. The report also covers the reporting arrangements for the Commissioner and mentions the role of the JSCCCYP in overseeing and consulting with the Commissioner.

The report provides a summary of the staffing profile of the office, including that at 30 June 2013 there were 18 staff employed – the equivalent of 16.0 full time employees.

The Commissioner's performance reporting is done in line with the Commissioner's 'Strategic Directions 2013' document, which 'incorporates all key aspects of the agency's strategic and operational planning including vision statements, goals, key

18 Commissioner for Children and Young People, [Annual Report 2012-13](#), Perth, 16 August 2013. P.7.

19 Ibid., p. 8.

20 Ibid., p. 8.

Chapter 2 Commissioner for Children and Young People: Annual Report 2012-13

themes, outputs and a 12-month business plan, which is updated annually.²¹ The three goals set out in the Strategic Directions document are:

Goal 1: Promote children and young people's participation;

Goal 2: Influence – policy, services, attitudes and outcomes;

Goal 3: Governance and capacity.²²

Agency Performance

This section of the report provides a comprehensive update on the implementation of the recommendations from the Commissioner's mental health inquiry. The Commissioner tabled in May 2011 the 'Report of the Inquiry into the Mental Health and Wellbeing of Children and Young People,' which made 54 recommendations. At the time of tabling, the Commissioner undertook to provide updates to the Parliament on the progress of the recommendations of the report, and provided an update in the 2011-12 Annual Report. This report advises of the progress made in implementing the recommendations in the 2012-13 year. The Commissioner particularly welcomed:

- The focus from State and Federal governments on children and young people 'as priority populations and on mental health promotion, prevention and early intervention as well as treatment,'²³
- The State government's 'commitment to implementing the recommendations of Professor Bryant Stokes' *Report of the review of admission or referral to and the discharge and transfer practices of public mental health services/facilities in Western Australia*,²⁴
- Significant progress on the implementation of the State Government's initial 10 Child and Parent Centres located on school sites and announcement of a further six,
- 'progress on youth mental health (16-24 years) including \$15.3 million funding for the Early Psychosis Youth Centre, opening the Youth Axis service and planning for a 'comprehensive youth mental health stream approach,'²⁵

21 Commissioner for Children and Young People, [Annual Report 2012-13](#), Perth, 16 August 2013. P.13.

22 Ibid., p. 13.

23 Ibid., p. 14.

24 Ibid., p. 15.

25 Ibid., p. 15.

- The review of the *Criminal Law (Mentally Impaired accused) Act 1996*, and the green Mental Health Bill 2012, which had been tabled in Parliament and consultation undertaken,
- The commencement in April 2012 of the Perth Children’s Court Mental Health Diversion and Support pilot program,
- Progress on infant mental health service and workforce planning;
- The commencement in November 2012 of the metropolitan-based 24 hour/7 day Acute Response Team service, which conducts mental health assessments for children and youth in emergency departments and other community settings;
- The opening of the refurbished Bentley Adolescent Unit.²⁶

The report states that ‘overall the Commissioner notes the progress and positive commitment of both State and Federal governments to address the mental health needs of children and young people.’²⁷ However, there are a range of areas identified where further action is required. These areas are:

- Adequate resourcing for WA’s Child and Adolescent Mental Health Service to enable it to provide comprehensive early intervention and treatment services, including in regional areas.
- ‘the overwhelming evidence is that there is a lack of services and programs in regional and remote communities to address the mental health and wellbeing of children and young people. In particular, there is an acute shortage of services and programs for children and young people who require early intervention and/or treatment services.’²⁸
- ‘the Commissioner has welcomed the Perth Children’s Court Mental Health Diversion and Support pilot program, however, with estimates that between 50 and 75 per cent of children and young people who come in to contact with the criminal justice system have a serious mental health problem, a dedicated forensic mental health unit for children and young people remains a priority.’²⁹
- There continues to be a need for a ‘more coordinated and comprehensive approach ...to the funding and implementation of evidence-based programs that

26 Commissioner for Children and Young People, [Annual Report 2012-13](#), Perth, 16 August 2013. P.15.

27 Ibid., p. 15.

28 Ibid., p. 15.

29 Ibid., p. 15.

Chapter 2 Commissioner for Children and Young People: Annual Report 2012-13

focus on the promotion of mental health and prevention of mental ill health of infants, children and young people throughout Western Australia.’³⁰

- ‘Reliable data is needed to plan services and programs and ensure they are effective.’³¹

Other significant initiatives that are covered briefly in this section include the Wellbeing Monitoring Framework, the Ambassadors for Children and Young People initiative, the disability consultation, and the Review of the *Commissioner for Children and Young People Act 2006*.

The report then goes on to provide more detailed evidence under each of the goals from the Strategic Directions to demonstrate the Commissioner’s activities over the year. The activities carried out under each goal are summarised below:

Goal 1: Promote children and young people’s participation

Under this goal, the report shows that the Commissioner carried out 23 consultations during the financial year, which involved 410 children and young people. The Commissioner’s consultations involved visits to five regional towns, visits to 16 schools, meetings with the six advisory committees, and other consultations as part of the formal research work of the Commissioner.³²

Work in this area included updating the Commissioner’s guidelines on complaints mechanisms to make them more accessible to children and young people, and on improving legislation and policy for children and young people. The Commissioner organised several seminars to assist government and non-government organisations to understand and implement the guidelines.³³

Other activities conducted under this goal included:

- The Participate! Commissioner for Children and Young People Award, sponsored by the Commissioner and awarded to a young person aged 12 to 17 years ‘who has shown outstanding dedication to make a positive change in their community and who has inspired other young people to get involved’,³⁴

30 Commissioner for Children and Young People, [Annual Report 2012-13](#), Perth, 16 August 2013. P.16.

31 Ibid., p. 16.

32 Ibid., p. 21.

33 Ibid., p. 24-25.

34 Ibid., p. 27.

- The Commissioner for a Day Challenge. In 2012 the Commissioner asked young people aged 10 to 15 years to reflect on the media and advertising and the effect it has on their lives.³⁵
- The 2013 Creative Challenge – AWESOME Arts partnership. This partnership involves the AWESOME Arts artists carrying out two-week residencies in regional and remote communities and consulting children and young people on their lives in regional and remote communities and hopes and dreams for the future.³⁶
- Partnership with the Perth International Arts Festival. In the 2013 festival, the Commissioner sponsored the Arena Theatre Company’s production of ‘The House of Dreaming’, which was part of the children’s program, and hosted a seminar on ‘Children, young people and the arts’.³⁷
- The ‘As Eye See It’ photographic project, and the ‘Home is Where My Heart is’ photographic project, for children and young people in out-of-home care or who are homeless.³⁸

Goal 2: Influencing – policy, services, attitudes and outcomes

This section of the report details the Commissioner’s efforts to influence policy by ‘engaging with government, non-government and private sector organisations to improve policies, laws and services that impact on the wellbeing of children and young people.’³⁹ The report records that the Commissioner made 143 formal representations during the reporting period.⁴⁰

The areas of work conducted under this goal included:

- Mental health: the Commissioner monitored the implementation of the recommendations of her *Report of the Inquiry into the Mental Health and Wellbeing of Children and Young People in Western Australia*, and made a range of submissions to both state and national mental health initiatives to highlight the needs of children and young people. This included co-hosting a seminar in August 2012 featuring Professor Michael Chandler, renowned for his research into youth suicide among Canada’s Aboriginal people.⁴¹

35 Commissioner for Children and Young People, [Annual Report 2012-13](#), Perth, 16 August 2013. P.27.

36 Ibid., p. 28.

37 Ibid., p. 29.

38 Ibid., p. 30.

39 Ibid., p. 31.

40 Ibid., p. 31.

41 Ibid., p. 32.

Chapter 2 Commissioner for Children and Young People: Annual Report 2012-13

- Youth Justice: the Commissioner made representations and a submission to the response to the Banksia Hill Detention Centre incident, made a submission to the Senate Legal and Constitutional Affairs Committee's inquiry into justice reinvestment, and released an updated *Youth Justice* issues paper.⁴²
- Early childhood: continued to be an area of focus for the Commissioner, who released an updated issues paper and made several submissions and presentations on the importance of early childhood.⁴³
- Other areas of ongoing work included: supporting parents; alcohol-related harm; Aboriginal children and young people; child protection and safety; sexualisation of children; children and young people in immigration detention; youth health; report of the 2012 Thinker in Residence; Children's Week 2013; and the Mental Health Commission's Good Outcomes Award.⁴⁴

Goal 3: Governance and capacity

This section of the report details the Commissioner's activities to transition its finance and payroll services from the Office of Shared Services 'to stand-alone environment including the revision of the accounting manual and associated policies and practices.'⁴⁵ Full transition from the Office of Shared Services to the Commissioner was achieved in late October 2012. 'An audit conducted throughout the transition period provided the Commissioner with assurance that the transition and resulting newly implemented finance and payroll functions were compliant with requirements of the *Financial Management Act 2006* and associated Treasurer's Instructions.'⁴⁶

The Commissioner is required under the Act 'to encourage government and non-government agencies to seek the participation of children and young people appropriate to their age and maturity.'⁴⁷ One means to fulfil this role is to allow meeting rooms at the Commissioner's office to be available for use by children and young people and organisations that work with them. In 2012-13, the relevant meeting rooms were booked 230 times.

This section of the report also details a new contractual arrangement for internal audit of the Commissioner's office; work conducted on risk management strategies; the

42 Commissioner for Children and Young People, [Annual Report 2012-13](#), Perth, 16 August 2013. P.34.

43 Ibid., p. 35.

44 Ibid., p. 35-41.

45 Ibid., p. 43.

46 Ibid., p. 43.

47 Ibid., p. 43.

Commissioner's participation in a school-based trainee program; and a listing of some of the submissions made by the Commissioner over the year.⁴⁸

Significant issues impacting the agency

The annual report identifies four significant issues which are impacting on the work of the agency. These are:

1. Growing population of children and young people: 'There were 32,259 births registered in Western Australia in 2011 – an increase of 34.4 per cent since 2001 when 24,002 births were registered. The number of children and young people is projected to increase by 64 per cent to almost 900,000 by 2056.'⁴⁹ As the numbers of children and young people increase, so does the demand for services and program, and the need for investment to ensure the needs of the future population will be met.
2. Early years: Research has shown the importance of the early years on a person's lifelong wellbeing. '(A) close relationship exists between a person's experiences during early childhood and their lifelong wellbeing. Factors such as the health of the mother during pregnancy, the child's early health and the quality of the childhood environment have a long-term influence on a person's health, competence and emotional wellbeing.'⁵⁰ Research has also shown that significant numbers of very young children (as young as two) can have clinically significant behaviour problems. 'A comprehensive and coordinated approach is required to the investment of resources to support families with young children, including supports for parents.'⁵¹ In 2012, around 285,000 children aged between zero and eight lived in WA. In 2002, the same age group contained 235,000.
3. Aboriginal children and young people: '(O)f the entire population of Aboriginal people, almost 40 per cent are children and young people under 18 years. In comparison, less than one-quarter of the non-Aboriginal population are children and young people'.⁵² Research shows that Aboriginal children and young people continue to suffer considerable disadvantage across a range of indicators. 'Considerable improvement is needed to attain parity between the wellbeing of Aboriginal children and young people and non-Aboriginal children and young people. Targeted additional programs are required to assist Aboriginal children and

48 Commissioner for Children and Young People, [Annual Report 2012-13](#), Perth, 16 August 2013. P.43-45.

49 Ibid., p. 46.

50 Ibid., p. 46.

51 Ibid., p. 46.

52 Ibid., p. 46.

young people and their families to ensure a stronger foundation can be laid for life-long health and wellbeing.⁵³

4. Youth justice: WA has one of the highest rates of youth detention in Australia. 'For the quarter March to June 2012 WA had a daily average of 168 young people 10 to 17 years old in detention, exceeded only by NSW with 266. Victoria, with more than double WA's population, had a daily average of less than half WA's, at 63'.⁵⁴ Youth justice has been a priority issue for the Commissioner since the role was established in 2007, and will continue to be a priority issue.

Disclosures and legal compliance

The final section of the report details the Commissioner's compliance with various financial and legal requirements. The financial statements, controls, and key performance indicators were all audited by the Auditor General and found to be in compliance with the requirements.

The Committee's view

This report goes into considerable detail on the work of the Commissioner, including providing the participant feedback from the various seminars hosted by the Commissioner. The report effectively emphasises the range of activities undertaken by the Commissioner to consult with children and young people, and to instigate community discussion through participating in and hosting various activities to highlight the issues surrounding children and young people. It provides details of the various submissions made to attempt to influence policy and legislation relating to and impacting upon children and young people.

The report also clearly demonstrates the Office of the Commissioner's compliance with the financial and legal requirements.

A more difficult task is to demonstrate what outcomes have been achieved through the various activities, submissions and representations of the Commissioner. A considerable amount of activity takes place, and a great deal of consultation is undertaken by the Commissioner's office. As with other government agencies working in the human services field, it can be difficult to demonstrate hard, quantifiable outcomes. This is particularly the case when the goals of the agency include to 'promote participation', and to exert influence. This is not to detract from the work of the Commissioner, it is merely to point out the difficulties of measurement in this sort of field.

53 Commissioner for Children and Young People, [Annual Report 2012-13](#), Perth, 16 August 2013. P.46.

54 Ibid., p. 47.

Finding 2

The Commissioner's annual report provides a good overview of the important work carried out by the Commissioner for Children and Young People during the 2012-2013 year.

One area of measurable outcomes is in the section of the report devoted to reporting on the implementation of the recommendations from the *Report of the Inquiry into the Mental Health and Wellbeing of Children and Young People*. While the information in this section is useful as a measure for changes that have been achieved due to the Commissioner's efforts, it may not receive the attention it deserves if it is presented amongst all the other annual report information. Given the importance of the issue, and that the Commissioner calls for further action on these matters, it may be more effective for updates on the report's implementation to be published separately, in a stand-alone report to Parliament.

Finding 3

The Commissioner may wish to consider publishing stand-alone updates on the implementation of the recommendations of the *Report of the Inquiry into the Mental Health and Wellbeing of Children and Young People*.

The report mentions in several places the review into the *Commissioner for Children and Young People Act 2006*, and that the Commissioner contributed to the review. The detail of the Commissioner's contribution is not included in the annual report. The issue of the review was not included in the section of the report 'Significant issues impacting the agency,' but could surely have been included there. The passage of time since the publication of the annual report has only made the review more significant to the agency, especially given the resignation of Ms Michelle Scott, and the appointment of Ms Jennifer Perkins as acting Commissioner. The recruitment of a new permanent Commissioner will be another significant issue facing the agency in the current financial year, and almost certainly into the next financial year.

Chapter 3

Speaking Out About Disability: the views of Western Australian children and young people with disability

This chapter provides a summary and review of the Commissioner's report on the views of Western Australian children and young people with disability

The Commissioner's report

The Commissioner published the report 'Speaking Out About Disability: the views of Western Australian children and young people with disability' in November 2013.⁵⁵ The Commissioner was seeking to 'provide an opportunity for children and young people with disability to speak about issues that they felt were most important.'⁵⁶

There are approximately 560,000 children and young people under the age of 18 in Western Australia. The Australian Bureau of Statistics estimates that 8.3 per cent of zero to 14 year olds in WA are living with disability. This equates to 1 in 12 of the zero to 14 age group.⁵⁷ The Disability Services Commission (DSC) identifies 6,667 children and young people as accessing a disability service provider in WA in 2011.⁵⁸ According to DSC, 'Aboriginal children and young people represented 6.3 per cent of clients, and male children were more than twice as likely to access a disability service provider than their female counterparts.'⁵⁹

The consultation for this report was done using two methods: an online survey, and a series of face-to-face consultations. The survey was available for a three month period and attracted 42 responses. The Commissioner provided grants on a competitive basis to 12 organisations to carry out the face-to-face consultations. These organisations were already working with children and young people, and their families, and so were well placed to facilitate the consultations. The consultations involved 191 children and young people with a disability. They included Aboriginal children and young people in remote communities in the Western Desert and children and young people from the South-West of WA. 'Children and young people involved in the consultations had

55 Commissioner for Children and Young People, [Speaking Out About Disability: the views of Western Australian children and young people with disability](#) Western Australia, November 2013.

56 Ibid., p. 2.

57 Ibid., p. 4.

58 Ibid., p.4.

59 Ibid., p. 4.

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different disabilities, including sensory, mobility and communication impairments, and learning and intellectual disability.⁶⁰

Due to the nature of the disabilities facing many of the children consulted, several communication methodologies were used in the consultations. These included writing, drawing, speaking, online survey, symbol-based and picture-based communication, talking mats and photography.⁶¹

A total of 233 children and young people aged six to 18 years contributed to the research for the report. The report identified six issues that participants identified as most important to them:

- Love and support from their families;
- Enjoying the company of their friends;
- Wanting to be involved and included;
- Wanting to participate in activities;
- Being connected to the community;
- A desire to be independent.⁶²

Participants also emphasised that their disability 'is just one part of their life. They speak about their unique abilities, talent and potential and how they want these attributes to be recognised and to be known for who they are, as a whole person.'⁶³

The body of the report compiles comments from the children and young people across a range of issues. In response to the question, 'What makes life good?', participants pointed to things such as family; pets; inclusion and equality; friends; opportunities to participate in activities; school; and connection to community and technology.⁶⁴

Asked what they would change, participants discussed issues such as access; understanding and acceptance of disability within the community; availability of

60 Commissioner for Children and Young People, [Speaking Out About Disability: the views of Western Australian children and young people with disability](#) Western Australia, November 2013, p. 6.

61 Ibid., p. 7-8.

62 Ibid., p. 4.

63 Ibid., p. 4.

64 Ibid., p. 10-17.

supports for people with disability, especially in regional and remote areas; and access to activities.⁶⁵

With regard to the future, participants had a wide range of hopes, dreams and ambitions. These included a desire to be independent; and to pursue careers, often in caring and helping professions.⁶⁶

The Committee's view

The Committee considers that this report fits under the Commissioner's role as set out by the *Commissioner for Children and Young People Act 2006*, section 19 (c), (h), (l), and (n). Section 19 of the Act states that the function of the Commissioner will include: (c) to promote and monitor the wellbeing of children and young people generally;...(h) to promote public awareness and understanding of matters relating to the wellbeing of children and young people; (i) to conduct, coordinate, sponsor, participate in and promote research into matters relating to the wellbeing of children and young people; and ...(n) to consult with children and young people from a broad range of socio-economic backgrounds and age groups throughout Western Australia each year.⁶⁷

Additionally, this report clearly fulfils the requirement under the Act at section 20(1)(a)(ii), which requires that 'in performing the Commissioner's functions, the Commissioner must give priority to, and have special regard to, the interests and needs of...children and young people who are vulnerable or disadvantaged for any reason'.

During a hearing with the Committee in August 2013, the then acting Commissioner, Ms Michelle Scott, stated that she hoped the report...

*will also help us set some of what are the priority issues for children and young people with a disability. So what some of the challenges are, but also what are some of the positive things that are already happening here in Western Australia. We know there are challenges, and I will be interested to hear from the children and young people themselves, but there are also some very positive things that happen here in WA and, in some areas, we are a leader. It will be interesting to hear their views.*⁶⁸

The Committee recognises the importance of accessing, recording and making public the thoughts, feelings and priorities of children and young people in Western Australia

65 Commissioner for Children and Young People, [Speaking Out About Disability: the views of Western Australian children and young people with disability](#) Western Australia, November 2013, p. 18-21.

66 Ibid., p. 22-23.

67 Section 19, *Commissioner for Children and Young People Act 2006* (Western Australia).

68 Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 7 August 2013, p. 2.

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with a disability. This report provides a good compilation of the perspectives of participants across a range of themes and issues.

The Committee would like to see further analysis of the information obtained in the report to enable it to more effectively inform the development of policy across government, and to impact on the work of service providers. The Committee acknowledges that the Commissioner develops 'policy briefs' on particular issues. It may be feasible to consider developing a policy brief to accompany each 'Speaking Out' report, and ensuring that the two are launched together.

Additionally, the Committee would be interested to see the development of a mechanism to track the impact or utilisation of reports published by the Commissioner such as this one. The importance of such research informing the development of policy cannot be understated. It would therefore be useful to explore ways the Commissioner's office could measure the influence of reports such as 'Speaking Out About Disability'.

Finding 4

The Committee would be interested to see the development of a mechanism to track the use of reports published by the Commissioner and their impact on policy development.

Chapter 4

Speaking Out About Living in Regional and Remote WA: the views of Western Australian children and young people

This chapter provides a review of the Commissioner's report into the perspectives of Western Australian children and young people who live in regional and remote areas.

The Commissioner's report

Of the more than 560,000 children and young people who live in Western Australia, more than 150,000 live in regional and remote communities. The Commissioner is responsible for advocating for the wellbeing of all children and young people in Western Australia, including those in regional and remote areas.

The 'Speaking Out About Living in Regional and Remote WA' report⁶⁹ was published in October 2013, and was produced as part of the Commissioner's regular consultations with children and young people in regional and remote areas. It is the fourth in the Commissioner's *Speaking Out* series, 'which captures and promotes the views of children and young people on particular topics. It is the first publication in the series to focus attention exclusively on the voices of children and young people who live in regional and remote WA.'⁷⁰

The report was developed in collaboration with AWESOME Arts, which ran the consultations with the children and young people involved.

AWESOME Arts runs a year round artist-in-residence program called 'Creative Challenge'. The Creative Challenge program 'places professional artists in regional communities to undertake process-driven arts projects with young people. These residencies aim to spark creative play, independent thinking and storytelling, with our key aspiration being to give voice to young Western Australians living in regional and remote communities.'⁷¹ The Creative Challenge program involves two professional artists undertaking two-week residencies in communities, where they guide children

69 Commissioner for Children and Young People, [Speaking Out About Living in Regional and Remote WA: the views of Western Australian children and young people](#) Western Australia, October 2013.

70 Ibid., p. 5.

71 Ibid., p. 4.

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and young people through a structured creative process. The work created is then displayed for the community.

In 2013, the Commissioner and AWESOME Arts collaborated to include within the program for each residency an opportunity for participants to express their views about their lives and communities. The residencies occurred in the following locations, and involved more than 260 children and young people aged from 4 to 16 years of age.

Table: 4.1: Participant communities in the 2013 Creative Challenge program⁷²

Community	Artists	Host Organisation
Coolgardie	James Berlyn and Lee Kennedy	Coolgardie Primary School
Leonora	Dan Giovannoni and Mel Dodge	Leonora District High School
Kalgoorlie	Bec Massey and Kate Page	East Kalgoorlie Primary School
Gascoyne Junction	Bec Massey and Lewis Horne	Gascoyne Junction Remote Community School
Burringurrah	Sally Stoneman and Chloe King	Burringurrah Remote Community School
Punmu	Jarrad Seng and Leah Tarlo	Rawa Community School
Wickham	Tara Daniel and Fleur Hockey	Shire of Roebourne
Paraburdoo	Calvin Chee and Matt McVeigh	Shire of Ashburton
Tom Price	Calvin Chee and Matt McVeigh	Shire of Ashburton
Newman	Chloe Spiers-Atherden and Alex Last	Newman Senior High School
Mt Magnet	Brenda Murphy and Maylei Hunt	Mt Magnet District High School
Rockingham*	Pala Hart and Minaxi May	Bungaree Primary School

*While Rockingham is part of the Perth metropolitan area, it was selected by AWESOME Arts as one of the 12 Creative Challenge locations.

The children and young people who participated in the consultation program were guided through discussion of the following six questions:

- What is awesome about your community?
- What things would you like to change in your community? How should these changes be made?

72 Commissioner for Children and Young People, [Speaking Out About Living in Regional and Remote WA: the views of Western Australian children and young people](#) Western Australia, October 2013, p. 5

- If you could shine a big spotlight on something in your community so the whole world could see it, what would you choose? This could be something you like and want to tell others about, or a problem you think needs to be solved.
- Who lights up your world? Who inspires you, who do you admire, and why?
- What are your dreams or hopes for the future? These could be for you personally or for your community.
- What are the most important things you need to have a happy and healthy life?⁷³

The report provides a summary of the results of the consultation, which includes the following points:

- Families are the focal points for the lives of children and young people in regional and remote communities;
- Friends and teachers are also important figures;
- ‘children and young people generally enjoy school and the opportunities for learning and social interaction that it brings,’⁷⁴
- ‘the majority of children and young people expressed a strong sense of community and belonging in their towns’. They wished for more recreational facilities and entertainment options. Older children expressed ‘boredom and dissatisfaction with their towns, including around longer-term opportunities for work and study.’⁷⁵
- Children and young people are aware of and concerned by social problems, and some described living conditions where they are vulnerable.
- In response to the question ‘who lights up their world’, children and young people named their families, friends and teachers. They are also inspired by sportspeople, celebrities, musicians, performers and ‘individuals who work to improve their communities’.⁷⁶
- ‘at the core of their dreams and aspirations was a desire for a happy and fulfilling life. Some children and young people spoke about a future focused on having a

73 Commissioner for Children and Young People, [Speaking Out About Living in Regional and Remote WA: the views of Western Australian children and young people](#) Western Australia, October 2013.p. 6.

74 Ibid., p. 7.

75 Ibid.

76 Ibid.

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family while others sought to emulate their heroes. In some communities, children struggled to articulate clear goals and aspirations.⁷⁷

- Most children and young people have a healthy attitude to exercise and nutrition.
- Overall, children and young people reported that they 'lead happy and healthy lives in which they feel loved and protected.'⁷⁸

The report goes on to quote from the input from individual children across the range of topics canvassed above (my town; family; school, friends and teachers; keeping active; leisure and entertainment; heroes; dreams and aspirations; health and happiness). This final section of the report, with quotes in the words of children and young people, makes for interesting and informative reading.

The Committee's view

The Committee considers that this report fits under the Commissioner's functions as set out by Section 19 of the *Commissioner for Children and Young People Act 2006*, particularly s19 (c), (h) and (n). The functions of the Commissioner as set out at section 19 of the Act include that the Commissioner has the function to: (c) promote and monitor the wellbeing of children and young people generally; ... (h) to promote public awareness and understanding of matters relating to the wellbeing of children and young people; (i) to conduct, coordinate, sponsor, participate in and promote research into matters relating to the wellbeing of children and young people; and ... (n) to consult with children and young people from a broad range of socio-economic backgrounds and age groups throughout Western Australia each year.⁷⁹

Given that over 150,000 of the state's children and young people live in regional and remote areas, it is important that their perspectives and issues are regularly canvassed and included in consideration of research and policies relating to children and young people. The Commissioner's report will provide important information for government departments, policy makers and researchers in this area.

The report is, in essence, a compilation of comments from participants. While this is interesting and an effective way for the voices of the participants to be heard, it may be less accessible as a tool for informing the development of policy.

77 Commissioner for Children and Young People, [Speaking Out About Living in Regional and Remote WA: the views of Western Australian children and young people](#) Western Australia, October 2013.

78 Ibid., p. 7.

79 Section 19, *Commissioner for Children and Young People Act 2006* (Western Australia).

As with the 'Speaking Out About Disability' report, the Committee would like to see further analysis of the information obtained in this report to enable it to more effectively inform the development of policy across government, and to impact on the work of service providers.

The Committee acknowledges that the Commissioner has previously developed a 'policy brief' on children and young people living in remote and regional areas as part of the broader Mental Health Inquiry. It may be feasible to consider developing an updated policy brief to accompany this 'Speaking Out' report.

As mentioned in the previous chapter, the Committee would be interested to see the development of a mechanism to track the impact or utilisation of reports published by the Commissioner such as this one. The importance of such research informing the development of policy cannot be understated. It would therefore be useful to explore ways the Commissioner's office could measure the influence of reports such as 'Speaking Out About Living in Regional and Remote WA: the views of Western Australian children and young people'.

The Committee considers it vital to the wellbeing of children and young people in Western Australia that the research conducted by the Commissioner is listened to, and utilised, by the government and non-government agencies responsible for developing policies that impact on children and young people. One way to ensure that this occurs is to monitor the uptake and impact of such reports.

Finding 5

The Committee considers it vital to the wellbeing of children and young people in Western Australia that the research conducted by the Commissioner is listened to, and used, by the government and non-government agencies responsible for developing policies that impact on children and young people



Ms L. L. Baker, MLA
CHAIR

Appendix One

Joint Standing Committee on the Commissioner for Children and Young People - functions and powers

On 22 May 2013, the Joint Standing Committee on the Commissioner for Children and Young People (the Committee) of the 39th Parliament was established pursuant to Section 51 of the *Commissioner for Children and Young People Act 2006* (the Act). In accordance with the Act, the Committee's functions and powers were agreed to between the Houses.

It is the function of the Joint Standing Committee to:

- (i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
- (ii) to examine Annual and other reports of the Commissioner; and
- (iii) to consult regularly with the Commissioner.

A report of the Joint Standing Committee will be presented to the Legislative Assembly and the Legislative Council by members of the Joint Standing Committee nominated by it for that purpose.

The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.