



Joint Standing Committee on the Commissioner for Children and Young People

Annual Report 2011–2012

Report No. 10
September 2012

Legislative Assembly
Parliament of Western Australia

Committee Members

Chair	Hon Dr E Constable, MLA Member for Churchlands
Deputy Chair	Mr M P Whitely, MLA Member for Bassendean
Members	Hon H H Bullock, MLC Member for Mining and Pastoral Region to 11 June 2012
	Hon L R Savage, MLC Member for East Metropolitan Region from 20 June 2012
	Hon N P Goiran, MLC Member for South Metropolitan Region

Committee Staff

Principal Research Officer	Ms Renée Gould (to 3 August 2012)
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**Joint Standing Committee on the
Commissioner for Children and Young
People**

ANNUAL REPORT 2011–2012

Report No. 10

Presented by

Hon Dr E Constable, MLA and Hon N P Goiran, MLC

Laid on the Table of the Legislative Assembly and the Legislative Council on
13 September 2012

Chairman's Foreword

I am pleased to present the tenth report of the Joint Standing Committee on the Commissioner for Children and Young People, the Committee's fourth Annual Report in the 38th Parliament.

In the period covered by this report the Committee continued its review of the Commissioner's report titled, *Report of the Inquiry into the Mental Health and Wellbeing of Children and Young People in Western Australia*. This report, tabled in the Western Australian Parliament in 2011, was the Commissioner's first inquiry undertaken under section 19(f) of the *Commissioner for Children and Young People Act 2006* (WA). The Committee has recently received the government response to the recommendations contained in the Commissioner's report. Consideration of this response will be incorporated into the Committee's review of the Commissioner's report to be tabled later this year.

The Committee has also undertaken a review of the Commissioner's 2010–2011 Annual Report. This review includes a follow-up on matters raised in the Committee's review of the Commissioner's 2009–2010 Annual Report.

The Committee will continue to review the activities of the Commissioner in the coming year.

I would like to acknowledge the ongoing cooperation of the Commissioner for Children and Young People, Ms Michelle Scott, and her staff.

I thank the Members of the Committee for their input in relation to this Report: the Deputy Chairman, Mr Martin Whitely, MLA (Member for Bassendean); Hon Nick Goiran, MLC (Member for South Metropolitan); and Hon L R Savage (Member for East Metropolitan). Thanks must also go to former Committee members: Ms A R Mitchell, MLA (Member for Kingsley) who was Committee Chairman for the entirety of the reporting period, and Hon Helen Bullock, MLC (Member for Mining and Pastoral). I also acknowledge the assistance provided by Ms Renée Gould, the Committee's previous Principal Research Officer and Dr Loraine Abernethie, the Committee's current Principal Research Officer.

HON DR ELIZABETH CONSTABLE, MLA
CHAIRMAN

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Chapter 1

COMMITTEE ACTIVITIES

Introduction

The Joint Standing Committee on the Commissioner for Children and Young People ('the Committee') was re-formed in the 38th Parliament in November 2008. The Committee is tasked with examining the exercise of the functions of the Western Australian Commissioner for Children and Young People ('the Commissioner') as defined by the *Commissioner for Children and Young People Act 2006* ('the Act'). The Commissioner is an independent advocate for children and young people in Western Australia aged 0 to 18 years. Ms Michelle Scott is Western Australia's first Commissioner and was appointed to the role in December 2007.

The Committee's oversight role is significant in preserving the Commissioner's independence given that the Commissioner does not report to a Minister.

During the reporting period the membership of the Committee changed. Hon Helen Bullock, MLC resigned from the Committee on 11 June 2012, and Hon Linda Savage, MLC joined the Committee on 20 June 2012.

This report details the activities of the Committee in the period 1 July 2011 to 30 June 2012. During this time the Committee performed its oversight function through regular hearings and briefings with the Commissioner, and examining the Commissioner's publications and activities.

During the course of this reporting period (Table 1.1), the Committee:

- Held 13 deliberative meetings; and
- Has taken evidence from/or was briefed by 8 persons.

Chapter 1

Table 1.1: Summary of activities of the Joint Standing Committee on the Commissioner for Children and Young People, 1 July 2011–30 June 2012

Description	Activity
Deliberative meetings	13
Formal evidence hearings	7
Witnesses appearing	12
Reports tabled	3
Report findings tabled	9
Report recommendations tabled	3

Public Hearings

Pursuant to Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2011–30 June 2012, the Committee conducted 7 public hearings, taking evidence from 8 witnesses to assist with its investigations (Table 1.2).

Table 1.2: Public Hearings of the Joint Standing Committee on the Commissioner for Children and Young People, 1 July 2011–30 June 2012

Date	Witness	Position	Organisation
10 August 2011	Ms Jenni Perkins	Director General	Department for Communities
	Ms Margaret Dawkins	Executive Director	Department for Communities
17 August 2011	Ms Michelle Scott	Commissioner for Children and Young People	Commissioner for Children and Young People WA
	Ms Caron Irwin	Executive Director Corporate Development	Commissioner for Children and Young People WA
28 September 2011	Mr Chris Field	Western Australian Ombudsman	Office of the Ombudsman
19 October 2011	Mr Terry Murphy	Director General	Department for Child Protection
9 November 2011	Ms Shar Double	State Coordinator	CREATE Foundation WA
	Ms Josie McRandall	Community Facilitator	CREATE Foundation WA
23 November 2011	Ms Michelle Scott	Commissioner for Children and Young People	Commissioner for Children and Young People WA
	Ms Caron Irwin	Executive Director Corporate Development	Commissioner for Children and Young People WA

20 June 2012	Ms Michelle Scott	Commissioner for Children and Young People	Commissioner for Children and Young People WA
	Ms Caron Irwin	Executive Director Corporate Development	Commissioner for Children and Young People WA

Reports Tabled

The Committee tabled three reports during the period 1 July 2011–30 June 2012.

Report No. 7—*Joint Standing Committee on the Commissioner for Children and Young People 2008-2009 Annual Report* was tabled in the Legislative Assembly and the Legislative Council on 29 September 2011.

Report No. 8—*Report on the functions of the Commissioner for Children and Young People: Working with Children Checks* was tabled in the Legislative Assembly on 1 March 2012 and in the Legislative Council on 8 March 2012.

Report No. 9—*Amendment of Finding 5 and Finding 6 from Report No. 8* was tabled in the Legislative Assembly and the Legislative Council on 29 March 2012.

Other Committee Activities

On 14 June 2012 the Committee hosted a presentation to members of parliament by Dr Stuart Shanker, distinguished Professor of Philosophy and Psychology at York University, Toronto Canada.

Dr Shanker is the Commissioner for Children and Young People's 2012 *Thinker in Residence* and discussed the importance of self-regulation to the wellbeing of children and young people. He also highlighted a number of successful evidence based programs run in Canada that strengthen self-regulation in children and young people.

Work in Progress

During 2011–2012, the Committee continued to monitor and review the exercise of the functions of the Commissioner via regular hearings with the Commissioner.

In May 2011 the Commissioner tabled the first inquiry conducted under section 19(f) of the *Commissioner for Children and Young People Act 2006 (WA)* into the mental health and wellbeing of children and young people. The Committee is currently reviewing this Inquiry with respect to the exercise of section 19(f) of the Commissioner's Act. The committee's intends to report to Parliament in 2012.

Chapter 2

FINANCIAL STATEMENT

Financial Statement

The Joint Standing Committee on the Commissioner for Children and Young People does not have its own formal budget. The Committee is funded out of the budget of the Legislative Assembly. Approval for major expenditures is entirely at the discretion of the Speaker and is required on a case-by-case basis.

The Committee's expenditure for the financial year 1 July 2011–30 June 2012 (in accordance with Standing Order 276) is detailed below:

Table 2.1: Expenditure Items of the Joint Standing Committee on the Commissioner for Children and Young People, 1 July 2011–30 June 2012

Expenditure Item	\$
Printing	542
Protocol	340
Miscellaneous	22
Total	\$904

Hon Dr Elizabeth Constable, MLA
Chairman

Appendix One

Committee's functions and powers

On 26 June 2008, the Joint Standing Committee on the Commissioner for Children and Young People ('the Committee') was established pursuant to Section 51 of the *Commissioner for Children and Young People Act 2006* ('the Act'). The Committee was re-formed in the 38th Parliament on 26 November 2008. 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.

Otherwise, the Standing Orders of the Legislative Assembly relating to Standing and Select Committees are also to be followed as far as they can be applied.

The Joint Standing Committee comprises two members of the Legislative Assembly and two members of the Legislative Council.