

*Joint Standing Committee on the Commissioner for Children and Young People — Second Report —
“Review of Selected Reports by the Commissioner for Children and Young People: Changing priorities
in the post-Blaxell environment” — Motion*

Resumed from an earlier stage of the sitting.

Hon SALLY TALBOT: I was drawing the attention of honourable members to the findings and recommendations of the Joint Standing Committee on the Commissioner for Children and Young People contained in the report at page 5. I had gone over the first two.

Finding 3 is that 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. Honourable members will undoubtedly recall that this was one of the groundbreaking studies done by the commissioner. It has a wealth of material in it and such a range of interesting data and findings about the mental health and wellbeing of young people in WA never before collected together in such a form. The committee has spent some time looking at that material. During a recent meeting with the acting commissioner, the committee raised the point that Western Australia would stand to benefit greatly if this work were regularly updated or, if not updated, if there was at least a regular process of reporting on the implementations of some of the findings of that groundbreaking study.

Finding 4 is —

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.

The point is made in the body of the report that the data that is presented in the form of the “Speaking Out” reports is fairly anecdotal, and that although that material is very rich, it would be interesting to see how, and how frequently, that material is used by government policymakers and people in the non-government sector. We would be very interested to see the commission have a look at that matter.

Finding 5 is —

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

I put it to the chamber that that point really should not need to be made. One does not need to be a master tactician to work out why the committee has made that finding. The fact is that too often the work of the commission and the commissioner is not taken into account, particularly when this government is delivering policy, and we think it should be, because it is a very fine body of work and it can make a major contribution to policy development for children and young people in this state.

In the couple of minutes that remain to me I want to talk about the one recommendation that is contained in this report. That is —

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.

As honourable members would know, that statutory review, the requirement for which is contained, of course, in the act, was due in December 2012. The Attorney General did indeed commence that inquiry at the beginning of 2013, as one would expect. The committee has been advised that the Public Sector Commission completed the review, to the extent that it put a draft report on the minister’s desk, in May 2013. Twelve months later, we have yet to see the outcome of that review. I understand, and the committee understands, that some factors have occurred in the intervening months that may well have taken some time and energy to coalesce into a government policy response. The particular event that I am talking about is the St Andrew’s Hostel inquiry, known as the Blaxell inquiry. As far as this joint standing committee is concerned, recommendation 2 of that inquiry is key to what this committee is concerned with. That is the recommendation that a one-stop shop be established, under the auspices of the Commissioner for Children and Young People in Western Australia, to process complaints and concerns by both adults and children about sexual abuse.

We have heard some horrifying stories in the last couple of months since the national royal commission has started. I am told that in Western Australia, authorities are reporting that they are getting about 40 complaints a day about child abuse. That is an astonishingly high amount of activity in this regard. I do recognise, as do other members of the committee, that this is a major policy decision for the government to make. The committee has heard evidence that there are mixed opinions about exactly how this one-stop shop should work. I will explain very broadly what those contrasting opinions are. One opinion is that the commission should operate as the top

of the funnel so that all complaints go to the commission and are then filtered to the various agencies. The other opinion is that the commission should operate as the bottom of the funnel so that someone else does the funnelling. I do not think that the concept of a one-stop shop is that complicated. The government has already said that it will implement all the recommendations of the Blaxell inquiry. Therefore, I cannot fathom why the government is taking so long to come up with its response to this particular recommendation, which I understand from advice provided to the Attorney General will go into the statutory review or into the report that he is preparing. I put it to honourable members that it is unacceptable for that to take this long. We have been given no adequate explanation of what may be causing the delay. We have now been waiting for nearly 18 months to see the result of the statutory review. If we had even an interim report that we could get on with, that would be something. That is just not good enough.

Hon NICK GOIRAN: I rise to contribute to the motion that we note the second report of the Joint Standing Committee on the Commissioner for Children and Young People. I do so because I have just about had enough with this committee. I say “just about” because, believe it or not, I am a patient individual. But my patience has basically run out with this committee. I will start with a fairly administrative matter, but it somewhat goes to show that this committee is not across the detail of its own report. The first page of the report says, “Report No 2 — Presented by Ms L.L. Baker, MLA — Laid on the Table of the Legislative Assembly on 10 April 2014”. Given that this is a joint standing committee, I would have thought that it would not be too difficult for this committee to indicate the name of the member of the Legislative Council who presented the report, and the date on which the report was tabled in the Legislative Council. I note that this committee, like one of the committees on which I serve, does operate on the basis of the standing orders of the Legislative Assembly. Nevertheless, it is common practice on this committee—on which I actually served in the previous Parliament—to indicate the name of the member of the Legislative Council who presented the report, and to indicate the date on which it was tabled in the Legislative Council. That has not been done in this report.

I might add that that is a fairly minor aspect of my aggravation with this committee. The thing that really gets me with this committee is that in this report, the committee takes to task the Attorney General with respect to the tabling of the review of the Commissioner for Children and Young People Act 2006. In fairness to the committee, and in fairness to the honourable member who just made the contribution, I cannot disagree with anything that the honourable member has said about the time line. The honourable member has quite correctly articulated the period of time within which the statutory review was to take place, and has said that the committee feels aggrieved that the report has not been made public. But it is this issue of timeliness and making reports public that aggravates me with this committee. For members who are interested, what the committee has done in this report is provide an analysis on three matters provided by the Commissioner for Children and Young People. Those three matters—which Hon Sally Talbot has just outlined—are all on the public record. The commissioner’s annual report and the two “Speaking Out” reports are available to all and sundry and have been since the time the commissioner made them available.

I contrast that with one matter that is not on the public record and is long overdue for release. I note that on 25 October 2012, the Speaker in the other place said the following —

Members, I rise to present the following statement. It is a referral by the Joint Standing Committee on the Commissioner for Children and Young People to the Commissioner for Children and Young People. Members, I advise that I have received a letter today dated 24 October 2012 from the Chair of the Joint Standing Committee on the Commissioner for Children and Young People. The chair advises that at a meeting on 24 October 2012 the committee resolved the following —

Pursuant to section 19(1) of the *Commissioner for Children and Young People Act 2006*, the Joint Standing Committee for the Commissioner for Children and Young People refers to the Commissioner for Children and Young People the following matters, insofar as they may be relevant to the sexualisation of children, for consideration, and requests the commissioner to make recommendations as to any specific actions required to be taken by the government of Western Australia in relation to these matters in order to better secure the wellbeing of children and young people in Western Australia:

He went on to list a variety of written laws, reports, practices, procedures and other matters that the then committee asked the then Commissioner for Children and Young People to take into account before reporting to the Parliament. I refer members who are interested in what those written laws, reports, practices and procedures are to that part of *Hansard* in the Assembly on 25 October 2012. The Speaker concluded his statement by saying —

Members, the committee has requested that the Commissioner for Children and Young People provide her considerations and recommendations by the close of business on Friday, 11 January 2013. The committee will table its report on this referral in January 2013.

Having been a member of that committee at that time, I can advise members that we were unable to table a report on that referral in 2013 because an individual with the power to do so prorogued the Parliament and dissolved the Assembly, which disbanded the committee and the committee was not in a position to do anything about it. One can only imagine what then transpired, because the committee has been silent on this matter since it formed after the 2013 election. One can only imagine that the diligent then Commissioner for Children and Young People posted to the committee the report on this referral and the matter, I imagine, would have stayed in the committee's letterbox until such time that someone had the capacity to open the letterbox and open the envelope and find out what the report stated. There was no committee, so we had to wait until the thirty-ninth Parliament commenced for members to be appointed to the committee so that they might have the capacity to open the letterbox. Once the letterbox has been opened and the report read, presumably one would recognise that this is a fairly important report on a very important issue—the sexualisation of children and young people. We have spoken about that issue in this chamber before and on a bipartisan basis all agreed it is an important matter. The committee was formed in, without looking at my notes, probably June last year. Here we are in May 2014 and the committee is still silent on this matter.

Hon Ken Travers: Have you raised it with the members?

Hon NICK GOIRAN: I have only three minutes, so I cannot take Hon Ken Travers' interjection. Many people are silent on this issue. For there to be continued silence on a document—I can only assume it exists because why would the Commissioner for Children and Young People not prepare a report in response to the referral?—and for nothing to happen in this space is totally unsatisfactory. I am aggravated by this matter because of the committee's recommendation 1 in this report. Recommendation 1 is pursuant to five findings and I could comment on the findings but I do not have time. Recommendation 1 states —

... 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.

I suggest that prior to the 2014 winter recess of Parliament the committee should open its letterbox, find out what the Commissioner for Children and Young People said on this important issue of the sexualisation of children and tell the rest of us, rather than reporting to us with its second report. Here we are in April 2014 and this committee has done its second report. It has reported to us on three things that are already on the public record. That is terrific! That is fantastic! I hope that the committee is so proud of itself and its performance. In the meantime, people have been seriously pursuing this issue of the sexualisation of children and young people. Presumably, a very important report by the commissioner has been made available to the committee, but none of us have access to it. It is totally unsatisfactory. I still support the noting of this report, but I dearly hope, and really plead with the committee members, that they might do something about this important matter.

Hon KEN TRAVERS: I listened to Hon Nick Goiran and I normally enjoy these sessions with him. I accept that he did not have time to take my interjection. I listened to his frustrations and I interjected to try to understand whether he has raised these matters with the deputy chair of the committee, who sits two chairs along from him, or the chair of the committee, or the member for Perth, Eleni Evangel. I am intrigued to know whether he has raised his concerns with them and —

Hon Nick Goiran: Do you want me to respond by interjection?

Hon KEN TRAVERS: Yes.

Hon Nick Goiran: Assuming for a moment that there might have been some communication between me and the committee, am I able to disclose it?

Hon KEN TRAVERS: As long as it does not go to the deliberations, the member can have privately raised matters about what he thinks the committee should be doing and mention that in the house.

Hon Nick Goiran: Are you familiar with the practice that on many pieces of correspondence there might be something at the bottom that says —

Hon KEN TRAVERS: If the member has formally written to the committee and it has become a document of the committee, no, the member cannot go into the detail.

Hon Nick Goiran: I am not saying whether that has been the case or not.

Hon KEN TRAVERS: I am just using the hypothetical. There is a formal process that the member may engage in; that is, writing to the committee. There is also an informal process. Sometimes those of us who have been members for a while need to point out to members of the house that members can raise those sorts of matters on an informal basis with the members and try to encourage them to do something. I would not want anyone to see what was said today as an extraordinary attack on the members of that committee, particularly if those matters had not been referred. The committee may come back and report to us in due course, but it seems extraordinary

that Hon Nick Goiran would make those comments when those issues have not been raised with the committee. The house is not in the position to understand why that committee may or may not have dealt with the matters that Hon Nick Goiran has raised in the past and in the house this afternoon. This committee is not dominated by either side of the chamber. It would require the cooperation of all members. I think Hon Nick Goiran would understand that in the nature of the committee that he chairs —

Hon Nick Goiran: If that's the case, why are you standing up and talking about this matter when you know nothing about it?

Hon KEN TRAVERS: It is because this afternoon I heard what could be interpreted as an extraordinary attack on a committee.

Hon Nick Goiran: You're making certain assumptions with respect to whether I have or have not consulted members formally or informally and you know nothing about that.

Hon KEN TRAVERS: The reason I stood is that I was trying to find that out by interjection; I am trying to understand whether it was an extraordinary attack that the member made this afternoon.

The DEPUTY CHAIR (Hon Liz Behjat): I draw members' attention to the fact that we are noting the report of the joint standing committee and we need to confine our remarks to that report. I think perhaps we are straying into areas other than that at this moment. I caution members on that.

Hon KEN TRAVERS: I take your point, Madam Deputy Chair, and it is often difficult because when a 10-minute contribution to a debate goes on about certain matters, it tends to set the tone for the remainder of the debate during the afternoon, but I take the point that you make. That is all I wanted to put on the record. I am seeking to get some clarity around that. To be honest, it was quite unusual for Hon Nick Goiran to make his comments in the way in which he did so. He opened with some fairly forceful words compared with his normally moderate contributions to the chamber in response to the motion that the report be noted. I for one was certainly trying to get a clearer understanding of whether Hon Nick Goiran has made those attempts to contact the committee or whether there is some communication mix-up. I leave it at that point and, hopefully, one day it will all be disclosed to the chamber.

Question put and passed.