

JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

REVIEW OF THE FUNCTIONS EXERCISED BY THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 8 NOVEMBER 2017**

Members

**Hon Dr Sally Talbot, MLC (Chair)
Mr K.M. O'Donnell, MLA (Deputy Chair)
Hon Donna Faragher, MLC
Mrs J.M.C. Stojkovski, MLA**

Hearing commenced at 9.21 am

Mr GRAHAME SEARLE

Acting Director General, Department of Communities, examined:

Ms JACKIE TANG

Assistant Director General, Child Protection and Family Support, Department of Communities, examined:

The CHAIR: On behalf of the committee, I would like to thank you both for agreeing to appear today to provide evidence in relation to the committee's review of the exercise of functions of the Commissioner for Children and Young People. It is important that you understand that any deliberate misleading of this committee may be regarded as a contempt of Parliament. Your evidence is protected by parliamentary privilege; however, this privilege does not apply to anything you might say outside of today's proceedings. Today is a public hearing. If during the hearing you feel that the evidence you are about to give should be given confidentially, please let us know so that we can respond to your request appropriately. Before we begin with our questions, do you have any queries about your attendance here today?

The WITNESSES: No.

The CHAIR: Let us jump straight in. Just so that you can pace yourselves, we are aiming to go for about an hour. We can keep going if we need to after that time, but if we have questions that we have not been able to get to, we may just use the formal process of writing to you so that you can get back to us. Of course, there will be plenty of opportunities down the track as we go through this term of government. I wonder whether we could start by asking you to tell us about the problems in Roebourne. In particular, you were part of the group that went up there recently with the commissioner. Could you give us some background to that and give us an idea about what is happening?

Mr SEARLE: Thank you. Roebourne has been a problematic town for a very long time. It has had a very complex and unfortunate history. To some extent over the last 10 or 15 years, Roebourne has become effectively a residualised community. If you live in Roebourne and you get a job, you move out of Roebourne—you do not stay there. We are now at the stage where virtually none of the public servants who works in Roebourne, with the exception of the police, lives in Roebourne. Everybody has chosen to live somewhere else and drive in and drive out, so it has become a very particular community. I have been involved there for over a decade and monitored what has gone on. In the current situation in Roebourne, what we have seen over the last few years is the start of a coalescence amongst the Aboriginal elders within the community to want to stand up and address some of the issues that are in the town. Roebourne, like a lot of the bigger mainly Aboriginal settlements in WA, is actually not one group of people; it is a range of people who have come together for various reasons to live in the one location, so consequently they do not tend to speak with one voice—they tend to be disjointed. Some of the issues around native title claims and mining agreements have made that relationship even more tense, so it has been very hard to get a significant group of elders on the same page about what is important and where they are going as a community.

The recent meeting I attended with the police commissioner and the Commissioner for Children and Young People was probably the biggest gathering of elders that there had been in Roebourne in the last 10 or 15 years that I know of. A lot of elders turned up and a lot of people turned up for the community meeting that followed it. For the first time, I think we have started to see the community itself stand up and, not take responsibility for, but want to positively engage with the government about what is the future of their community and where they are going. A couple of things came out of the day that I thought were really useful. As part of the Aboriginal Regional Services Reform Unit, we have been putting some seed funding, if you like, into trying to establish an elders group within the town and within parts of the Pilbara in particular to try to create some of that leadership within the Aboriginal community. We are starting to see the elders, for instance, put on the table a set of community rules as to how and what they expect of the community and how the community will operate. We also have a realisation that Roebourne in particular was very strongly opposed to the commonwealth cashless debit card and did not want to see it introduced in their community. They were fairly articulate as to why.

There was also some quite strong support from the elders around the need to do something about alcohol and alcohol abuse in Roebourne and in the Pilbara in particular. When you look at the figures around alcohol consumption and pure alcohol consumption, they are virtually double the state average, so it is a fundamental and significant issue. There was also a big push from the community to want to see some sort of residential healing service available for the community for families to work through the issues. People in Roebourne have a complex set of problems, ranging from an education system that has not consistently delivered results for a very long period of time, a significant drug and alcohol problem and a significant percentage of the youth who are disengaged from both their own historical culture and the community in general. The issue about how to re-engage with high school students and to re-engage them with the community, let alone education, is really important, but I do not think anyone has the answers to that. There was also a desire from the elders and community members to get more heavily involved in the actual delivery of services and the specification of services that need to be delivered into the community. I am happy to talk later about the fragmentation of service delivery and what it means. There was also a strong push for the establishment of a Roebourne men's shelter. Family and domestic violence in its various forms is significant in Roebourne. The idea of having somewhere they could take the men when things were going bad in order to provide a break point in that process, and to provide some support and education for the men about a different way of dealing with family and domestic violence, is significantly important to them. There were also some concerns that the current range of police investigations might take a very long time to get through the court process. We are trying to expedite that as quickly as we can so that there is less risk of coercion of victims and some ability for the community to get on with its life. It was a very intense couple of hours. From my point of view, it was probably the most meaningful engagement that community has had with representatives of the bureaucracy in terms of how we can start to find a way forward for the community.

[9.30 am]

The CHAIR: The commissioner has made it clear publicly that he sees it as a failure of service providers to work together, so that whole question about cooperation and the siloing of government services is obviously a big problem. Do you have a view about what historically led to that problem, what we need to do to fix it, and how quickly that can occur?

Mr SEARLE: Roebourne is by no means unusual in terms of the way government services are delivered and the fragmentation of those services. The net effect of it is relatively disastrous in terms of what it actually means on the ground. Some of that is due to the way we administer government.

Some of it is due to the way we contract services. Fundamentally, everything we do in government, from budget bilateral processes on, drives government agencies apart and not together—every single thing. By and large, ministers and departments have single points of accountability, so if you are—I will pick one that I am not responsible to—the Minister for Mental Health, your issue is mental health and you are interested in how those issues are dealt with and how the mental health system responds. Sadly, for many of the cohorts that we are talking about, yes, there is a mental health challenge, but there is often a drug and alcohol challenge, a child protection challenge, a domestic violence challenge, an employment challenge, an education challenge and a health challenge. If you are in a relatively small regional town or community, you could be dealing with 10 or 12 state government agencies, two commonwealth agencies, local government and four or five NGOs, all of which have their own single, specific targets that they are interested in and no-one who is accountable for the outcome.

The CHAIR: We have not just realised that this is a problem, have we? This has been something we have been talking about for decades.

Mr SEARLE: Absolutely, but because of the very nature of that, there are probably a dozen to 15 files across government on any individual family with complex needs, none of which is shared. I know that families get very learnt in the way they respond to departmental questions in order to get the outcomes they want, so my guess is that those 15 files are not actually the same. So there is no single point of truth. Families have to tell their story 15 or 16 times rather than once. I think there are some fundamental issues about the way we do that, and then you have to ask about the way we contract services, because there has been a significant move towards contracting services over the last 10 or 15 years. In some areas, it is almost about how well you write a tender response rather than how well you deliver a service on the ground. Bigger agencies based out of other states are sometimes much more polished in terms of how they prepare tender responses and deal with the numbers, rather than necessarily being connected to service delivery on the ground. When you have policies and contract procedures set in either Canberra or Perth, that does not necessarily deliver the best result on the ground in the Pilbara or the Kimberley.

The CHAIR: That is very interesting. In a sense what I hear you describing is a kind of perfect storm. You have got the problem in terms of service delivery and the outsourcing of services, and you have got the fairly unique nature of the Roebourne community. It leads to disaster.

Mr SEARLE: Let me be really clear: it is nowhere near just Roebourne.

Mr K.M. O'DONNELL: Yes. They are not isolated.

Mr SEARLE: Not by a long chalk. Yes, there are some areas where Roebourne has become more concentrated for a range of reasons, but I can probably name half a dozen communities that are in exactly the same circumstances.

The CHAIR: I will open to other members to ask you questions on this or other things, but before we move off this, have you identified any specific problems with the reporting mechanisms within the agencies that you are managing in Roebourne? One of the things the commissioner talked to us about in a hearing a couple of months ago was the fact that agencies were collecting data in a way that meant that they could arrive at opposing conclusions from considering the same data.

Mr SEARLE: Service delivery in remote communities is a very tricky business. It is very hard to get the right people to go to those locations and to stay there for any period of time. There is a pretty rapid turnover of staff in a lot of these places, particularly senior staff, so local knowledge and community knowledge is pretty hard to come by. I do not think any of the agencies have data systems that you would regard as highly reliable. In terms of the agencies that I am currently

responsible for, I think only one has any substantive mobile computing capacity. The data is so diverse that to try to get a coordinated view of it is almost impossible. We tried to map all the government contracts in the Kimberley and the Pilbara, both state and commonwealth. It took us 18 months and we could not map the extent of very many contracts at all because the data just does not exist. Also, none of the contracts that we looked at had outcome statements, so it was about doing particular work and measuring that—we could be unkind and call some of it busy work—rather than whether the service actually made a difference, which is the question we probably should have been asking all along.

The CHAIR: Have there been any steps towards rectifying that situation? What you have just described is quite shocking.

Mr SEARLE: Yes, there have. The Aboriginal Regional Services Reform Unit has funded a project to work with elders in Roebourne to start identifying, firstly, all the services delivered and, secondly, a local evaluation of whether that service added value and was useful or not. It was trying to put back into the whole process some local evaluation of whether the service was worthwhile or whether there was a better way to achieve the outcome.

The CHAIR: So you actually have to go to the users of the services to ask them what services are available in the community?

Mr SEARLE: We could identify the services available, but we had no idea about the community's respect or otherwise for the service providers and the services they deliver. I think if you look across the whole of government, you would find very little community or customer evaluation of contracted services.

The CHAIR: And presumably a lot of this problem is shared by the commonwealth.

Mr SEARLE: Yes.

The CHAIR: What degree of cooperation do you perceive, in the case of Roebourne particularly, with our commonwealth colleagues?

Mr SEARLE: My view is that over the last 18 months to two years, the commonwealth has been far more willing to recognise the fact that it is very hard to get an answer to these questions in Canberra, and far more willing to recognise that by getting people on the ground and by talking with the state government, they are more likely to get a better outcome. There have been a couple of instances where we have jointly funded projects, which is a significant step from a fairly interesting world of state–federal relationships.

The CHAIR: Do members have any follow-up questions? If not, you have given us a nice segue into one of the areas that is of great interest to the committee, which is the Wellbeing Monitoring Framework that the commissioner is working on. It sounds as though that is very much a step towards resolving the problem you have just outlined for us. Are you familiar with the Wellbeing Monitoring Framework project that the commissioner is working on?

Mr SEARLE: I am aware of the project. I do not know if Jackie is in a better position, but I am not really in a position to comment.

Ms TANG: No, I am not. Because I have only recently come into this position and there was a question about whether I would come to this hearing today, I have been provided with the information about that, but I would be dishonest if I said that I knew it well enough to be able to comment in detail.

The CHAIR: This committee certainly does not want to put anybody on the spot, but it just seems to me that what we have just revealed is an area where we are aware of a significant volume of work

going on and you have just outlined a problem. It seems to me to be obvious that there is some connection between them. Perhaps what I could flag on behalf of the committee is that at some stage, perhaps in the first quarter of next year, given that the commissioner is due to report on this now, as my advisory officer tells me, or by the end of the year, we could give you a couple of months to perhaps digest what that project is.

[9.40 am]

Ms TANG: We would certainly appreciate that, because we do not want to just jump in and give a view.

The CHAIR: Yes. There are a whole lot of things that come in that category. You have just described that problem of managing service delivery in places like Roebourne, and I take my Deputy Chair's point very seriously that Roebourne is not alone in experiencing this. Mr Searle, you would know this very well because of your previous responsibilities and recent firsthand experience. There are a whole lot of areas that the commissioner is working in, such as the engagement in education project. It is groundbreaking work. He is working with TKI, taking the concept of engagement and developing it into a quite sophisticated tool for measuring what happens to children at school, so they have essentially moved away from attendance to engagement. Obviously, the results of that study are going to be of enormous significance. They are also working on a sort of atlas mapping exercise, which is very, very precise. We are going to be able to have a kind of GPS program that will tell you where, if you start lifting up the rocks, you are likely to find things. It is going to be a very precise tool. There are a whole lot of areas there. What I am going to do is to assume that we will come back in about three or four months' time—the first quarter of next year. Perhaps we will even give you some forewarning of the questions. When I talk about the commissioner reporting, this is not just a one-off; he is engaging in a long-term, staged process of research. On that basis, does anybody have any particular areas that they want to talk to the commissioner about?

Hon DONNA FARAGHER: In relation to that aspect?

The CHAIR: In general.

Hon DONNA FARAGHER: Are we going to talk about the machinery-of-government changes?

The CHAIR: Yes. Do you want to?

Hon DONNA FARAGHER: I would like to ask a couple of questions, if I may, in relation to the machinery-of-government changes. First of all, can you detail for me all of the ministers to whom you now report?

Mr SEARLE: Currently, there are five. There is Minister Tinley for housing, youth and veterans issues; Minister Murray for seniors; Minister McGurk for child protection, family support and domestic violence; Minister MacTiernan temporarily around the Aboriginal Regional Services Reform Unit, although I understand that is in the process of being transferred to Minister Tinley; and I also report to the Minister for Disability Services.

Hon DONNA FARAGHER: In relation to the machinery-of-government changes, obviously that has brought together a number of sizeable departments and/or agencies. I think on your website you refer to it cutting red tape and the like and leading to better service delivery. Can I get an understanding of what red tape is actually being reduced? Also, how is the now department working more effectively than under separate departments and/or agencies?

Mr SEARLE: We are at the start of a very long journey. I am not going to say that there have been major changes already, but there have been some, particularly in regional areas and regional locations. Historically, a lot of work that has been done across the agencies was because there were

MOUs established—a formal MOU was signed by a whole range of people and that became the protocol by which agencies worked together. What we are now trying to do is to get away from that and have just sensible regional decision-making. For instance, when the old Department of Child Protection and Family Support needed to house someone in a hurry because of domestic violence and child protection issues, by and large Housing was not all that helpful because that particular cohort was not high on its list in terms of the people it houses. The department had to try to find other arrangements. Now it has been joined together with Housing, its first discussion is with the local housing officer, so it has actually changed the mechanics of how that works and hopefully there will be some sort of cost reduction, because they will be utilising existing housing rather than having to put people up in motels and a range of other things that has happened over the journey. That is one example. I will probably get this wrong, but we have something like three HR systems, four finance systems and three record management systems across the agency. Over time, as that gets resolved, there will clearly be both financial benefits and information-flow benefits. If we try at the moment to consolidate a set of accounts, it is a nightmare. Similarly, just to get a headcount of who is working in the agency is quite complex at the moment. As we try to rationalise those things, we will start to get towards a single response to a family's problems and an understanding of the multiple ways in which we can affect something.

By way of example, the old housing department ran a transitional housing project in Kununurra over the last couple of years. It developed that in conjunction with the Wunan Foundation, which is an Aboriginal organisation in Kununurra. At the moment when you look at housing, it is fundamentally a social welfare program. We devised a program where we built 40 houses in Kununurra. Those 40 houses were for Aboriginal families who were employed—that was the first step of difference. The second was that their kids had to go to school 85 per cent of the time as a condition of their tenancy, and they got some wraparound supports to encourage those things to happen. Last term last year, school attendance in that cohort was 97 per cent against a Kimberley average of 60 per cent, because for the first time we have not looked at housing as just a house but we looked at housing as a means of facilitating the development of success in a family. At the other end of the scale is the old model. I will use Halls Creek as an example, which is one of my favourite test cases for things. There are 1 400 people who live in Halls Creek and there are 26 privately owned houses in the town. One of the roles of Housing is to basically ration public housing. It is a scarce resource and we try to make sure that the right people get it. So under a Perth-based policy, we came up with a program that said that once you get to a certain income level, you get a letter saying that you need to vacate because you are no longer of maximum need. If you are in Halls Creek and you get a job, you would get a letter saying that you had to vacate. There were no houses to go to, so they would quit their job to keep their house. That was the choice—you can have a house or a job but not both because of government policy. That is silliness. Under the previous government we put a moratorium in place that started to change that, but the system itself is impinging on people being successful.

We need to understand the linkages. If parents are getting up to go to work, chances are that the kids are going to go to school. If the parents are up partying because they do not have to get up until lunchtime, the chance of the kids going to school is minimal. Some of these things are not necessarily straight lines. It is trying to understand all the things that cause kids to not go to school. What role does the transition to manhood play in terms of 13 and 14-year-old Aboriginal boys going to school? What role does that initiation play in their attitude to teachers going forward, and particularly female teachers? All of these things have an impact. I do not pretend to understand them all, but I think when we have Perth and Canberra-centric policies, we do not even begin to take them into account.

Hon DONNA FARAGHER: I am interested in what you say there. I appreciate and would support a greater integration of services where it is a better outcome for an individual. I indicate that I personally have some concerns with the size of the department and the fact that you are dealing with some of the most vulnerable people within our community. The last thing we would all want is for something to happen because of a crack in the system. I will allow other members to speak, but with respect to the Disability Services Commission, obviously that was quite a separate area, with a director general, a commission and the like. I suppose this is an example of one department that has been folded into a larger one. There is obviously not a director general there now. I just want to get an understanding of it. Is it the case that the “Disability Services Commission”, albeit that it has now been rolled into a larger department, still operates somewhat independently, if I can put it that way, with an executive director, or whatever the terminology might be for the head person?

[9.50 am]

Mr SEARLE: Yes.

Hon DONNA FARAGHER: How does that actually operate so that people with disability, for example—I will use that particularly because I have background in that area—how does it give confidence to people with disability, service providers and others, that they have still got effectively a Disability Services Commission that they can go to and work with, yet it is part of a larger area?

Mr SEARLE: That is a really good question. One of the things we have been very conscious of in the short term is to leave effectively all of the existing operating procedures in place and untouched. At the front end we have been really clear about—we have an existing cohort of clients out there, whether it is in the Disability Services Commission or any of the other bits, that had a service yesterday, that need a service today and tomorrow, and your first focus in a frontline role is to make sure that service is delivered and that message has been sent very strongly. At a central level, our job then is to sit back and say, “Given the new structures, how can we actually maximise the effectiveness of that? How can we bring together all of the operating bits to get a better result?” To be honest, there are some things out of the old Disability Services Commission, particularly the role local area coordinators have played in that space, which I think are relevant to the way the new department should operate. I think the role that the local area coordinators have played in effectively utilising local knowledge to broker services to families is exactly what this department should be doing in the future across the whole range of activities, not just the disability functions.

Hon DONNA FARAGHER: I would agree with you.

Mr SEARLE: If you are talking about where we are heading in an operating model, I would say that the emphasis will be on local decision-making. We hope to create regional directors so that there will be an SES classified person based in each of the regions who effectively runs the department in that region. The central department will set outcome statements to say, “These are the things we think you need to achieve in your region”, but by region, not on a statewide level, and then try to give as much freedom as possible to that local district director to deliver those outcomes within their particular communities, given local knowledge and local people on the ground. That is a huge change from Perth-based rules, or Canberra-based rules that we have all operated under. When you talk to regional managers, their frustration with being hamstrung, for want of a better word, by rules set in Perth or Canberra rather than stuff that makes sense on the ground, is tangible. Whilst my recent experience is very much in the north west, the same is just as true in places like Albany, because this state is not one single set of economic, social or cultural circumstances. They differ greatly across the state and trying to get to a stage where we start making decisions based on those local circumstances will, I think, bring us far better outcomes over time. That will not be a painless process and we will make mistakes along the way, but I think we have to recognise that what we

are doing now in a lot of cases produces really quite unfortunate outcomes and we can do better than that.

The CHAIR: That is very interesting. Thank you for outlining that. I am reassured by what I have heard you say about the fact that if you are a consumer of services, the machinery-of-government changes have not necessarily impinged on your daily life.

Mr SEARLE: I would be very surprised if there were more than a handful of people who actually noticed in terms of what it meant on the ground. We have been really strong about that across the whole department—if you are on a frontline job in a region, your number one focus is on keeping services going to your customers.

The CHAIR: And at the other end of the service delivery spectrum, I like what you are saying about LACs as well. Right across all the departments, the people who are doing that job would like to have a few more resources than just the boot of their car to be doing it from.

Mr SEARLE: Usually in the boot of their car they have some paper! One of the things that is really clear, particularly in child protection and the little bit I know about youth justice, is that there is no mobile computing capacity. They go out and do their interviews and come back and write it up, and then if there is a letter to be delivered they have to print it out in the office and then drive back out. If you are in the metropolitan area and it is five minutes away, that is one thing, but if it is a three-hour drive either way to get there, that is a day you have just burnt.

The CHAIR: And you have got to climb a tree along the way to get the signal to send the email.

Mr SEARLE: All of that sort of stuff. One of the things I am really interested in is how can we utilise a mobile computing platform to deliver significant gains. We did that in housing about five years ago and got about a 25 per cent productivity improvement by giving staff in the field iPads.

The CHAIR: I note at this point that we have a state member of Parliament living in Halls Creek and she is a font of wisdom about the changes that need to be made. You could do a lot worse than spend a couple of hours sitting with Josie Farrer. Donna?

Hon DONNA FARAGHER: Yes, I could ask many more questions but we have limited time.

The CHAIR: I would like to move to a couple more areas of questions, if I may. First of all, you would be aware that the previous committee produced a report a bit over a year ago that contained a recommendation about a commissioner for Aboriginal children and young people on the model that we have seen in other states, particularly in Victoria I would say. Do you have a view about how that role might assist? If you want to refer back to specific situations like Roebourne or just take the question generally, that is fine.

Mr SEARLE: One of the things that concerns me a bit, I suppose, is that we have an increasing array of oversight agencies as government departments. It gets increasingly difficult to work out who is actually doing what in some of the spaces we deal in. Between the Auditor General, the Ombudsman, the public services commissioner, the Coroner, the Corruption and Crime Commission, the children's commissioner —

Hon DONNA FARAGHER: The list goes on.

Mr SEARLE: The list goes on, and in some cases you are not even quite sure which one—the Ombudsman or the Coroner—is investigating the death of a child in care, for instance. Does the commissioner get it? I think we need clarity in terms of the roles rather than adding a proliferation of roles. I understand that Minister Wyatt has been talking about a broader commissioner for Aboriginal people. Again, what is the relationship there between Mr Pettit as the commissioner for children versus the commissioner for Aboriginal children? It would be useful if clarity of role and

lack of overlap was the fundamental starting point of that discussion. I am not arguing for or against; from my perspective sometimes it just gets really quite confusing about who you are accountable to and for what.

Hon DONNA FARAGHER: That is a very good point.

The CHAIR: Yes, I think we can lead slowly into another area of concern by pursuing this slightly. You will be aware that the significant project that was undertaken by the Commissioner for Aboriginal Children and Young People in Victoria was about children in care. Given that Aboriginal children are hugely over-represented in that cohort, what is your view about the system of child protection and the number of children in care? Looking at the data, it does not seem as though we are on anything like a sustainable trajectory in terms of better outcomes for children who need to leave the care of their parents.

Mr SEARLE: I would agree with that. It is a really complex issue. It would clearly be my preference and everyone else's preference that we never had to take a child into state care. That would be a great outcome. Sadly, that is not the reality of the lives a lot of children live, and one of the toughest decisions I think anyone in the department has to make is that decision to actually take a child into care. I understand that there are a whole range of sensitivities—I accept them all. But there have been a couple of little studies we have done with Aboriginal elders, where we have gone and looked at families in places where we have taken kids and where we did not. Sometimes they would take more kids away than we would in terms of the circumstances. It is always this balancing act about how do you actually get the best outcome for the children. I do not pretend that being in care is a great outcome for kids, but sometimes the circumstances they are living in are far worse than the alternative.

[10.00 am]

The CHAIR: I did some work a couple of years ago with a couple called Uncle Jack and Auntie Tamara on the Armadale train line. They were the Aboriginal transport officers and they spent their whole however many hours a day they worked going up and down the stations on the Armadale–Perth line. The suggestion they made to me was that we should reopen Fremantle Prison and use it to provide hostel accommodation for children. They had a very, very clear idea about how children could best be helped. Yes, I do take that point very seriously. Again, I would urge you, if you have not done so already, to speak to Josie Farrer about some of those outcomes, because while it sounds like a shocking or transgressive thing to say, it is perfectly true that Aboriginal people have a very, very clear idea about how to protect children and it often differs from the concept of care.

Ms TANG: Having worked in Fremantle Prison, that is probably my reaction to it.

Mr SEARLE: I think there are some really complex issues in this. One of the issues that has been in Roebourne for a little while is the concept of us sponsoring a safe house or hostel where when kids are picked up on the street at 2.00 in the morning they can be taken to be safe, so it is somewhere that all kids can go. At one level that is quite appealing. The problem becomes that you have then effectively given all the parents in Roebourne carte blanche to go on the charge because someone else is going to take care of their kids. How do you find that balance between the state taking over parental responsibility and holding parents accountable for what they should be doing as part of their role as parents? That is the challenge. I have been in the job for four months, and I would say that it is very early days, but it seems to me that there is an inherent conflict in that at some point as a state we have to get our heads around: at what level are we going to hold parents accountable for how they deal with and take care of their parental responsibilities versus the state just becoming a de facto—we will keep picking up the pieces and taking responsibility and accountability? I do not

pretend to know the answer to that but it seems to me that that is the fundamental starting point for this discussion.

The CHAIR: I just come back to the point you made about Roebourne that you need to ask the people with authority how to manage the situation. The people with authority are not us or you, with respect.

Ms TANG: That is the leaders in the community.

Mr SEARLE: Again, at some level, in some communities that has broken down significantly, so it becomes even more complex in terms of how you do it. I have learned that it is not simple; I have learned that much. The question is how you actually get shared community understandings of what people's obligations and responsibilities as well as rights are, and I do not know that we have that debate sorted yet.

Ms TANG: I think a lot of the reforms that Emma White started prior to her leaving, over a period of two years, were very much around out-of-home care; how can it be not necessarily early intervention, but earlier for us in that intensive family support for Aboriginal families provided by Aboriginal organisations. We have tenders out in the market at the moment which we are assessing in relation to that work. So recognising that Aboriginal people want to work with other Aboriginal people, also how we engage across the state and understanding who to engage with. At times, my experience, not just in this job but in other positions, is that sometimes we are eager to go to the people we think are the right people to talk to—who we believe are the leaders—but that is not quite how the Aboriginal community sees it: who speaks for them and who has the authority. One of the key elements, I think, in relation to the Noongar settlement is it really sets out the governance and identifies how the Aboriginal community will be represented across the whole of Perth and the southern area. I think that is a real advancement in how government agencies then work with Aboriginal people, because we are sitting at the table with who the community has put up as their recognised leaders.

In relation to the Pilbara and the Kimberley, particularly around the native title processes, you are identifying who is speaking for whom. Even within our politics we are not always happy who speaks for whom and the rest of it, so we cannot expect that there is a pure way that that is done across the state either. It is stepping back and trying to understand it before we jump in and say, "You're the person who's fronted up and said you're speaking for the group." How do we establish that that is true and whether that is the most sanctioned representative, and how do we balance that with then talking to how we co-design and work to deliver services? I know with Grahame's leadership and his exposure to the Kimberley he is really bringing a different light to how we should see engagement with Aboriginal people and coming from a different direction to be able to do that.

The CHAIR: You are talking about the Building a Better Future project and Building Safe and Strong Families?

Ms TANG: Yes.

The CHAIR: Are they continuing?

Ms TANG: Those reforms are continuing because they are because they are fundamental. It is not about just coming in and saying, "No, we're not doing that." There is a strong foundation to that. We have gone out with some tenders in relation to the early intervention in relation to the out-of-home care. We had taken the opportunity of the bringing together of the department, particularly around disability services at what point—there is not a lot of overlap—where it is overlapping. There are significant services provided through disability services and child protection. The last thing we want is for disability services to be seen as a child protection issue. If a child needs services, they

should not then fall under the banner of needing protection. It is how do you balance that and work across those services and the resources to ensure the family is given the best options working together.

My call on the changes in relation to child protection is that it does provide a very direct up-front ability to be at the same table as disability services and housing, because child protection can be a very lonely road. It is seen only as child protection issues and it is really hard to get over that barrier. When you are sitting around the one executive and you are discussing issues which then impact—for example, you might be discussing housing policy—the questions I have around housing policy are quite different to other aspects, because I want to see whether there are unintended consequences to a policy that ultimately might lead to early eviction or consequences for children and families accessing more permanent accommodation. At times there is good robust debate because you actually have the issue in the middle of the table and you have the players around. Now, we do not have health and education at that executive, and I am not saying we go to the—but what it does say is we need to model how we work across the executive and across the department to improve services and then engage. As we do that, we cut into it a bit, in parallel engaging with those other services. From my perspective, the ultimate goal is the safety of children. To me, it brings: yes, some disadvantage in how we work that through, but I can see that for child protection it is not as lonely a road.

The CHAIR: Thank you for that. There is a statutory review going on into the Children and Community Services Act, is there not?

Ms TANG: Yes.

The CHAIR: Is that review document due to be tabled soon?

Ms TANG: Yes, it is. It is with the minister and it is expected to be tabled soon.

The CHAIR: I think we were told before the end of the year.

Ms TANG: Yes. Rather than speak for the minister, I can say that it is with the minister.

The CHAIR: That is fine. As long as it is on track as far as you are concerned.

Does any other member have an area of questioning that they would like to pursue?

Mrs J.M.C. STOJKOVSKI: I have some questions around individual advocacy.

The CHAIR: Okay. I just wanted to quickly refer you to the youth justice services area, because when you went through your list of ministers, which minister now has carriage for youth justice?

Mr SEARLE: At the moment the youth justice portfolio has not come to us yet, because there are legislative changes needed in the act to separate it out.

The CHAIR: So that is another question we had to you about what legislative changes were required.

Mr SEARLE: The work on those legislative changes is being done. I think the intent would then be for the youth justice portfolio to go to one of the existing ministers.

The CHAIR: Thank you.

[10.10 am]

Hon DONNA FARAGHER: Can I just clarify that? I suppose that goes back to the machinery-of-government issues as well. Are there any other legislative changes that are required to formally give effect to the new department? For example, obviously the Disability Services Act is one that comes to my mind immediately. But you have already indicated there might well be at least another. What other, if any, legislative changes are required? You can take that on notice if you like.

Mr SEARLE: Thank you. I would rather take it on notice. But what we have done in the short term is, effectively, I have been appointed to be CEO or director general or whatever the title is in the existing acts. Effectively, those powers are vested in me. That is the way it has been overcome for most of those circumstances. Because the youth justice stuff is embedded in the corrections stuff, it is much harder to pull it apart, and that is the problem. It is not impossible, but it is going to take a little bit of time.

Hon DONNA FARAGHER: Just so that I am clear, then, outside of you effectively taking on the role of the CEO in each of those respective departments and/or agencies, you do not see that there are any other legislative requirements that are needed?

Mr SEARLE: I think there is a lot more work needed before we can say absolutely what changes need to happen. This has all happened relatively quickly.

Hon DONNA FARAGHER: So has that work been done internally within your department or across government? Maybe I will rephrase that: are you part of a working group or some such which is actually looking at legislative requirements across all agencies, because obviously agencies across the board are being talked about?

Mr SEARLE: No, I am not. We are specifically involved in a steering group looking at youth justice stuff, but in terms of whole-of-government stuff, I am not. Just while we are talking about the machinery-of-government changes, one of the interesting things for our leadership group and management team was to sit down when we first started to look at what is the role of the new agency and what are we actually trying to do. It was a bit confronting on a number of levels. At one level, we ended up back with psychology 101 and Maslow's hierarchy of needs. The reality is that is what this department is actually about.

The CHAIR: You have got the bottom fifth of the triangle.

Mr SEARLE: In fact, I would argue we have almost all of the triangle if we do it properly. It is about how do we protect people and make sure they are safe, and leading through to success and self-actualisation. We have taken that sort of philosophical approach to what we are actually there to do. Now, whether it is child protection or disability services, what you are actually trying to achieve is not that different. It is about establishing an environment where people can be safe and succeed.

The CHAIR: That is a great way of putting it, because it changes the whole concept of this kind of silo breaking from the horizontal to the vertical, does it not?

Mr SEARLE: But it also goes towards a strength-based, success-based paradigm rather than a dysfunction paradigm.

The CHAIR: It is great to see your intellectual enthusiasm as well as your practical experience of being involved in these things. I find it very interesting.

With this final area of questioning that we have got time for today, you will be aware that the impetus for the report that I have already referred to from the previous committee was the St Andrew's Hostel incidents and the Blaxell report and this whole idea about the commissioner—because the original recommendation was from the ombudsman—but for there to be some single point of advocacy for children. I am just going to hand over to Jess, who will ask you some more detailed questions about that area.

Mrs J.M.C. STOJKOVSKI: Something that the commissioner has been looking at, and it is something that this committee has taken an interest in and is doing some background research and hearings on, is particularly about image or advocacy for children who have suffered some form of abuse, and really ensuring that they are not being re-traumatised every time they have to tell their story to

child support, police, health or the education department. It is really to get more insight into how you think that might work and, going forward, if you think that is a workable solution.

Mr SEARLE: Since I have been in the role, we have worked very closely with the commissioner on a whole range of projects—everything from education to Roebourne—and that relationship has been very productive and he has been a very keen advocate for children and the voice of children being heard in all those discussions. I absolutely think there is a role for it. The question about whether it is a role of advocacy for individuals or the cohort is an interesting thing. There are a range of other groups who would argue that their role is advocacy for individuals. I do not have a considered view about that, but I think clarity about roles for everybody is going to be increasingly important as we go forward so that people actually understand what their roles and responsibilities are. It gets very clouded sometimes between people who have the ability to report, but no ability to direct and no ability to make decisions. As I mentioned before, for me, a single point of truth around facts and people not having to tell their story 20 times is fundamentally important to sensible government. Sometimes we say that we bring things together, and we are trying to better coordinate et cetera and bring all the agencies together, yet you go to a place like the court in Karratha and you get out of the lift and they have brought seven government departments together. There are seven different counters in front of you when you get out of the lift, so they have not actually brought them together in any sense, other than physical location. I think that a lot of work needs to be done in that space too to simplify people's storytelling, but also making sure that our record keeping is adequate for that information to be appropriately shared across government so that people are not re-traumatised by the multiple telling of stories or do not lose heart on the journey and give up because it is too hard or too complex. Keeping people safe is a really interesting construct. I do not know that you can guarantee people are safe. Whether we take kids into care, they are still exposed to risks. The right people to keep kids safe are families.

Mrs J.M.C. STOJKOVSKI: We have also had some conflicting opinions about where, if we did move towards this individual advocacy, it should sit; whether it should sit with the commissioner himself and his office or whether it should sit with not-for-profit agencies and things like that. Do you have any thoughts on that?

Mr SEARLE: Again, no considered ones. I think it is a really tricky point, because there are a range of NGOs who would argue that they are set up to do advocacy and funded by the state or the commonwealth to do that. I think once government agencies start to advocate for individual people, it gets trickier.

Ms TANG: I think the royal commission's report that is coming soon will no doubt explore this issue as well. In the end, for a child coming through the system and all these services, it is really around what is the best service for that child and how can that child, with support, navigate that, because it is that multiple story. The law and order response is the support response. If it is an Aboriginal child, there is an additional layer of top of that. I do not think the sentiment that a child has someone advocating for them is disputed at all, but what is the most practical way of how the child can access that service without getting caught up in—as we have already talked about today—the significant bureaucracy in oversight and checking and monitoring of everything that is done? I am not saying that it should not be, but I think we will see a lot more of it very soon. Overlaying that again, I suppose, is how do you just settle all that and say, "What is the best response and how can you support a child through that process?" If it is through that office, then that is the way to go. But it is probably a little bit unknown in that so many things are happening, and we are waiting for the dust to settle, whether it ever does, to look at how to approach that. But the sentiment of having child advocacy, as you say, in the community sector, agencies would say that they do that very well and cannot see the role of someone else.

Mr SEARLE: Can I just revisit Roebourne for one second?

The CHAIR: Yes, please do.

Mr SEARLE: Because after the meetings, there were a range of other discussions, as you can imagine, and tours to look at various facilities. One of the things that became really apparent is that whilst we contract a lot of services to be delivered in Roebourne, very few of them are actually delivered from Roebourne and very few are based in Roebourne. So we think there is a real need to try and consolidate that service delivery as much on the ground as possible, and the potential to utilise the ability to dictate where a service is delivered from. For instance, in a place like Roebourne, you have the PCYC and you have Yaandina, which are next door to each other, as the major hubs for youth services, so then in the contracts that all departments write to require the service to be delivered—not who delivers it, but require it to be delivered—out of either Yaandina or the PCYC, makes that location the hub for all things connected to young people. It is just this whole concept of rather than having a new contractor come in and operate out of a building down the other end of town, there is a requirement maybe in some of our contracts to say, yes, you have won the contract, but you have to deliver it out of the PCYC. I think there is something in that in bringing kids to the one location where they know they are going to get help, whichever service it is. Part of the discussion I had with the Commissioner of Police on that trip was around the police trying to reinvigorate PCYCs and have a greater commitment from them to that. I just think there is something in that space for this committee that might be worth thinking about so you have a physical hub for the delivery of services for kids.

[10.20 am]

The CHAIR: I think that is a very productive way of proceeding. It takes me right back to the 80s when the commonwealth government used childcare centres to deliver education services for women returning to the workforce; where you have got the people, you might as well deliver the services there. It is not rocket science, is it?

Hon DONNA FARAGHER: I think also, when you take PCYC, I remember a few years ago there was a suggestion that police would be removed from PCYCs, which was not a view that I shared and I was strongly opposed to that. Whether it is the police or other services, if they are in that one area, the young people actually see those people also in a different way at times; it breaks down some barriers and enables them to hopefully have the confidence to talk to them, whether it is a police officer or child support. You see them in a different context and that authority figure perhaps breaks down a little bit and then they feel more comfortable to raise issues in a supportive environment. That is why I would absolutely support that suggestion in terms of moving forward in the future.

Ms TANG: I think the fundamental issue around Roebourne or similar is that point exactly—the trust. If kids are not reporting, why is that? It is because they do not trust an adult; or, if they do report it, they do not trust that anything is going to be done or that they are going to be the problem. When there is a call for quick responses, trust is not built quickly, and then it is the courage of these children to come forward. Therefore, if we are going to do that, to encourage them to disclose, then you have to provide a service and be there in a trusting environment to respond. Even getting them to disclose is a lengthy process for the police, child protection and others, even getting to that point that they will say that happened to them, and then moving them through that, the trauma and recovery response to that cannot be done quickly; and, if it is, it will fail.

The CHAIR: You also raise the issue about the service providers not living in the town, which is another area where, clearly, government has its hands on those levers to provide those sorts of incentives. It is something I come across in my electorate in quite a different context where the servicers of the tourist industry often cannot afford to live in the areas where the tourists are.

If my colleagues have no more questions, I will move to our closing statement, which is to thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for the correction of minor errors. Any such corrections must be made and the transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary document for the committee's consideration when you return your corrected transcript of evidence. Thanks very much for coming in.

Hearing concluded at 10.23 am
