

# **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, 21 NOVEMBER 2018**

## **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**

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**Hearing commenced at 10.24 am****Mr COLIN PETTIT****Commissioner for Children and Young People, examined:****Mrs PATRICIA HEATH****Director, Policy and Research, Commissioner for Children and Young People, examined:**

**The CHAIR:** On behalf of the committee, I would like to thank you for agreeing to appear today. I think you know who we all are; we have not changed since last time. 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 that you may say outside today's proceedings. Before we begin with our questions, do you have any questions about your attendance here today?

**The WITNESSES:** No, thank you.

**The CHAIR:** We thought we might start by going straight to some questions we have around the six recommendations that arose from your report "Oversight of services for children and young people in Western Australia" in November 2017. The last time we spoke to you about this we did it very much in the context of the pending response by the state to the recommendations of the royal commission. We thought that might be a good place to launch straight into things. The two tranches of questions about that November 2017 report are, first, how are we going with the implementation of the six recommendations that the commissioner made; and, second, how do those six recommendations sit with where we are now in terms of the response to the royal commission?

**Mr Pettit:** Thanks for those. On the first part of your question around the recommendations, we have had no formal response to that by government; however, we do know that the recommendations are being used in discussions around the Royal Commission into Institutional Responses to Child Sexual Abuse and that they are looking at elements of that report in terms of how it matches the oversight needs of both today and in the future. We are mindful of that. We are also mindful that a number of agencies are using the report to assist them in some of their deliberations, but we are yet to see any tangible outcome from that element. That is probably the report.

**Mrs Heath:** I think the number of things that are influencing the uptake of those recommendations are the recommendations from the royal commission. With a lot of the child-safe recommendations in that report, and particularly the oversight recommendations of that report, the commissioner's office is represented on the Department of the Premier and Cabinet subgroup who have carriage of implementing those recommendations. They are trying to bring a number of items together, if you like—the royal commission and the Australian government's ratification of the OPCAT protocol—that all have implications for the oversight of all agencies and the implementation. Trying to coordinate that and bring those things together is the challenge that government has at the moment. I guess we support that because to do it properly and thoroughly is what we all want and to have a really coordinated system of oversight. We struggled a lot in writing that report about how to write up those six recommendations.

**The CHAIR:** These are the six from your November 2017 report?

**Mrs Heath:** Yes, into the oversight report. We focused on it agency by agency because we wanted the agencies to look at it and think for themselves about what could be done in the scheme of the

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work they do to implement. Whereas if we had made general recommendations about improving levels of oversight, I think they would have been a bit lost. We wanted to really focus on particular items of where we saw vulnerability of children. Both the recommendations from the royal commission and the machinery of government changes that have also required agencies to come together and develop new systems internally and allowing them some time to do that before we then come in, whilst also informing them around those things, has actually been quite important for us. I am representing the agency for Colin on the Premier and cabinet subgroup and we are trying to inject as much of that into the conversation around oversight. However, for the oversight part of the recommendations a working group has been set up. Again, we will be on that working group. That working group will start, from Premier and cabinet's process, really looking at the policy model that they are going to be implementing at the beginning of next year. They have planned an 18-month process for that. There is a lot of activity, but really not a lot to show for it at the moment, which is sort of good but a bit frustrating as well from my point of view, because we think there are some things that could be done straightaway but it is relevant to be coordinated in view of all of those other things.

**Mr Pettit:** The heartening thing is that the report has actually been used as part of the process and has been quite insightful in terms of its relationship to the outcomes of the royal commission. I do not think it has been ignored; I think it is just part of that process. It is just not as clear as we would have liked it to have been when we did the report.

[10.30 am]

**Mrs Heath:** The view that we are pushing from the commissioner's perspective is particularly that the oversight system is a comprehensive system that can track children across service delivery systems. At the moment that report identified very clearly that the system was very fragmented. You had people looking at this little bit of youth detention but not the whole part of youth detention. There is some excellent oversight looking at mental health, but they do not track children when they are in the justice system or in the child protection system. It is a very fragmented system. What we would really like to see is a system that is very comprehensive and is able to track children across their service delivery journey. As we have spoken before, the lived experience of those children through an advocacy model is critical to that oversight model. They are the things we are pushing for as those processes are negotiated.

**Mr Pettit:** Just to finish, we have invited both the Office of the Inspector of Custodial Services and the mental health advocacy group to meet with us to have a look at how we might look at that one recommendation and move some of that forward as part of an oversight process. That meeting has been scheduled for December.

**The CHAIR:** Does that pick up the point that you made when we talked with you last time about, for example, the people in the Kath French centre?

**Mr Pettit:** That is exactly what we are aiming to have a look at to see how we can actually improve that service.

**The CHAIR:** There were some interesting aspects of that at estimates last week. The Department of Communities shows that the number of bed nights was down last year but the cost is up. That was partly because of renovations, but there are only six beds there. Apparently for a long time there have been six beds there, so there are still six beds there. That is something else that is of interest to the committee so we may come back to that if we have time.

Just going back to the recommendations that you made in November 2017, you did note specifically that Western Australia has some good things going for it. In some respects we are more developed,

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more sophisticated, than other states, but you did talk about significant gaps and areas for improvement. Are you satisfied that those gaps and areas for improvement, which presumably still exist today, are being actively addressed by those working groups?

**Mr Pettit:** I think the gaps have not changed. As Trish has already indicated, because of the work of the machinery of government and also the royal commission, we have been trying to assist in developing a process that might address some of those gaps. It will be subject to perhaps the way the government releases its response to the way it wants to tackle the royal commission recommendations. We think that some of those will be tied up in that element.

**The CHAIR:** Thank you for that. Let us go to some of the more generic things that we found in the annual report that were interesting to us. In your first area you talk about the Aboriginal children and young people toolkit, the advisory committees and Digi.me. Can you give us a brief overview on those three aspects of the commission's work?

**Mr Pettit:** The Aboriginal tool kit was part of the Vulnerability Speaker series and we thought we would have a look at how we could showcase, if you like, how agencies and others could look at developing young Aboriginal leaders. So we invited four<sup>1</sup> schools to be part of the program, and those schools were actively engaged in that program. I think it was four originally. I am just trying to remember that number. I can get you that number anyway. There are approximately 12 young people who joined this. We ran the process using the tool kit so that it could be refined, and that now has been refined as a result of the program. The tool kit is now on the website, in terms of being available to other agencies. We have had a number of schools contact us for use of it, and so we are hopeful that they could see the benefit of that into the future.

The second element you mentioned just escaped me.

**The CHAIR:** Digi.me.

**Mr Pettit:** Digi.me continues; it is a slow burn, to be honest. It is not something that we have thousands of young people doing. We promote it every time we go out to visit, particularly schools and others, and we then get a spike from that point. We will have three or four days without anything and then we might have 40 or 50 young people put in their responses, so we continue to do that. We are also exploring a way of using Digi.me in holiday sessions perhaps at either places like Scitech, shopping centres or the like, where large numbers of young people are and as an activity capture their voice in a point in time. We are quite hopeful. It is still providing us with really good information and we update it on a regular basis in terms of the questions.

**The CHAIR:** Once somebody has created their Digi.me identity, is that then a feedback mechanism for you to canvass their views about things? Is it a relationship they establish with the commission?

**Mr Pettit:** It is not a continuous arrangement. What we tend to do is—Digi.me is always centred around a particular question. The question this year, or this particular time is around a child's rights and what they understand about child's rights. The intent is that they get online, connect to Digi.me, create an image that they think is representative of them and their feelings at that time. Before they can submit it, they have to then answer the question. The question is currently around child's rights and that is the information that comes back to us on a regular basis. We then get a collection, for a month if you like, about what the children who have bothered to go on to Digi.me —

**The CHAIR:** So it is a survey tool?

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<sup>1</sup> A letter of clarification about this part of the transcript can be accessed on the committee webpage.

**Mr Pettit:** It is like a survey tool, but it does keep us connected with a whole range of activity, and we are finding that schools, when I visit, are very interested in it, so we end up with classes getting on and providing information.

**Mrs Heath:** It is more really an engagement tool for us. We are using it in a few different ways. As the commissioner was saying, one of the really good ways that we have used it is when Colin has gone out to visit a school, sending information to the school about using it. With that class group, they go on, they create their Digi.me; they talk about an issue that they might have. It is quite a fun way for them to interact, and then when Colin is before them, he can talk to them about that information. It is a nice sort of icebreaking activity that has engaged them, but we cannot track or communicate with individual children through it, so it is not an enduring image of them. If they go back on next time, they might create a different image and it will be a different child, but we cannot connect with them through it, so it is used more as an engagement tool and a brief survey tool that then initiates further engagement with the office, if we can.

**The CHAIR:** The third one was about the advisory committees.

**Mr Pettit:** Yes, we have a final wrap-up of our advisory committee in the metropolitan area the week after next. As you know, both advisory committees—one in the metro and one in Bunbury—were centred around LGBTI and the issues related to children and young people here who either identify or support those young people who are identified as LGBTI. The end result is that we have had several meetings at both Bunbury and also Perth. We have also held two seminars—one in Bunbury and one in Perth—conducted by the children and young people themselves. The one in Bunbury had approximately 80 people turn up from all walks of life. We had something like 14 teachers, a couple of pastors. We had some parents who were interested. We had a whole range of different backgrounds attend. The young people conducted those seminars and the feedback has been amazing. The response from the participants has been really quite outstanding. The one at Perth was held at the Perth library and we had approximately 120 people there. Again, the overwhelming response was that it was extremely positive, very informative and very helpful. As a result of that, the two working advisory committees recommended that we should develop a video. That video ended up being developed into four small videos. The videos were housed around what is it like to be an LGBTI young person, what are the issues that they face. The second one is: how can you be an ally to a young person who has deemed themselves as LGBTI? The third one was a message of hope from children who are LGBTI. They are all very short videos of about three to four minutes. The last one we did in partnership, not only with the advisory committee but also—I have forgotten the name of the group —

[10.40 am]

**Mrs Heath:** The Freedom Centre.

**Mr Pettit:** — the Freedom Centre and one other to develop a video for teachers, and it was through the voice of children and young people. Those four videos will be available within about two weeks. We have just refined them—went through them again yesterday, and they are now ready to be released. Because they are through the eyes of children and young people themselves, we have road-tested them in a range of areas and most people find them quite informative, because they were not expecting young people to be in that space. So we are quite hopeful. The young people themselves have been really, really excited by the fact that their videos are going to be shown. They will be released, as I said, publicly on our website. We have already had a number of schools and organisations saying, “Can we use them for our training purposes?” and so forth. We are talking to groups like the education department for their psychologists and others to say, “Look, this might be something you might want to have a look at to support children and young people going through

it.” What is interesting is in both seminars we had collectively over 20 educators in both seminars and all of them came up and said, anecdotally, particularly in secondary, since the same-sex marriage debate was aired, the number of children presenting as LGBTI has increased incredibly quickly and each of the schools are now starting to struggle with how they deal with children in that space. It is not because they do not want to; it is because they have not been geared for it and they have not been prepared for it. So these videos, hopefully, will help that out. The awakening from the advisory committees is timely and we only mentioned that yesterday. It is not only timely; it is appropriate that that information is put out.

**The CHAIR:** Is the work of those advisory groups now done? Do you wind them up?

**Mr Pettit:** As advisory committees, we only run them for 12 months, but these two advisory committees have such strong messages, we have put them in touch with other agencies and other groups, so a number of them have now been picked up in the YACWA advisory committee, which will expand their time period, if you like, through to 25. But not only YACWA but also the Freedom Centre and others, and I know that certain government political people have said, “Can we actually have access to some of their information, and some of them, if they are willing to come and talk to us.”

**The CHAIR:** Where would a teacher access the materials? Is it just from your website or is it going to be available for them in their sort of professional development?

**Mr Pettit:** That is a really good question. A couple of things we are doing is we are talking to the statewide services under the Department of Education to see how they can embed it into some of their training. We are also talking to the professional learning institute—I am not sure what the name of it is now, but it used to be called that—where all professional learning is undertaken on behalf of the department about how they could use it. They are very interested in looking at it. We are also meeting with the executive of the department to say these are available, and available to use. We will also put it out on our network, which we reach just about every school now, to say that they are available to all the staff. So we will go as broadly as we can because I think they are such rich pieces of information and the videos themselves are very sharp, very easy to understand and will challenge some thinking.

**The CHAIR:** I must say that my personal view is it was a very fine report you put out about six months ago.

**Mr Pettit:** Just on that, we will put out a final report from the two advisory committees as well, which we do every year. We just have not got to that as yet. Given the time of the year, it is probably released very early next year, about the response and the evaluation of both of those advisory committees and the activities they undertook. That in itself we know gets picked up by several hundred people.

**Hon DONNA FARAGHER:** I would like to ask with respect to the advisory groups or committees, just so that I am clear—they are advisory committees that are set up for the year.

**Mr Pettit:** Yes.

**Hon DONNA FARAGHER:** Forgive me, the ones in 2017—so you have referred to the ones in 2018, and both, from what you are telling me, had a particular focus on LGBTQI; is that is correct?

**Mr Pettit:** So, 2018 did; 2017 —

**Hon DONNA FARAGHER:** In 2017, what was their particular focus?

**Mr Pettit:** They looked at mental health. So every year we traditionally—traditionally always sounds like you have done it forever. It used to be the case that we would allow the young people to select

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the topic. What we have now done, coming off our work plan, is that we have actually said, “Here are thing things I am really interested in”, and then we put it out to all schools—generally secondary. They respond and then we do a selection process to select the schools and the topic. We try to run the same topic, for convenience more than anything else, across each one. So last year was mental health, the year before that was the Aboriginal children, and the year before that was sensory, motor skills and disability. So every year there is a different topic that we pick, and it is trying to highlight, if you like, issues that particular groups of young people face.

**Hon DONNA FARAGHER:** Do you have a general advisory committee, if I can put it that way, that you can call upon to raise whatever issue it might be for children and young people? I appreciate the focus with respect to particular issues, and that is a good thing insomuch as there is a particular focus. But there are many issues that are raised where you might want to seek some views on. Obviously, you have got your other work that you undertake as part of that, but I am keen to understand—because I had actually thought that originally that that was to be the case, that there was to be a general advisory council. Maybe there was and that sort of changed over a period of time to see what works better—I am not sure—but I am interested in your views.

**Mrs Heath:** From the historical point of view, it has always been a real challenge actually to work out the best way to do this. Originally, I guess, the thought was the commissioner would form an advisory committee that would advise all of her work. But given the breadth of issues and the range of children and young people, forming a committee that we could keep busy enough with general questions was always going to be a very difficult challenge, just in thinking about the age groups, the regional component and the ethnicity components. It was actually quite unwieldy when we started trying to work out what this committee or committees would look like, and then how would we keep them busy in between when we had questions or we did not have questions? I guess what we started off doing is forming two committees every year—one sort of more younger children and one more older children, where we would ask for—it is already established groups, whether they be a school, a youth centre or any other sort of existing group that we could tap into to become the commissioner’s advisory committee for that year. What we originally asked them to do was a project of their choosing, to tell the commissioner about their community or their issue. Then we would also use them as issues came up in the course of the work plan to provide advice and to comment.

That worked to a certain degree. It was often quite tricky depending on what the work plan was and the timing of the committee and when things were getting together to actually get that advice, so there was certainly some very practical logistical challenges with doing that that we experienced. We were also finding that we were having to go out and consult with children about every issue, and that is always the basis of any work that we do. If we need to comment on an issue; we want to look for comment from children and young people. I can mention a few projects in that regard in a minute. But then we changed it a little bit because we tended to get a lot of just the same sort of stuff from the groups around their communities, and the projects were quite fraught. Then, under Colin’s commissionership, we decided to shift to a project-based, a topic-based, group where they could provide, again, a depth of information for us around a topic of particular interest to them. That was just more engaging for the young people and children involved. But, again, we wanted to go for a couple of groups, so we tend to have one regional and one metro group. Again, we tried to work through existing organisations like schools, or in this case one was a school and one was the Freedom Centre, where they can provide an additional level of support and actually some endurance to that. For example, the Bunbury group is an existing group at Bunbury high school that focuses on diversity. That group will continue to meet and continue to be a part of that; it is not just for the 12 months. But, certainly, they have provided great advice to the commissioner’s office around that topic.

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[10.50 am]

I think we constantly toy with the idea of whether we could have a set advisory group; but, for example, this year we have done a small consultation with kids around family law, because we are wanting to respond to the law reform review with the Family Law Act at a federal level. So we have gone out and they are a notoriously difficult group to access, but we ended up with 13 young people from different walks of life, commenting around their experiences of the family law system. We did fairly intensive one-on-one interviews with those kids. We are doing another one around adoption because, again, the adoption act is up for review in Western Australia. Again, it is a very specific topic that if you went out generally, you would not get very valuable information, so it needs to be quite focused. Then, using things like the Digi.me tool when we are consulting with kids more broadly about general issues, we can ask those sorts of more broad questions. So it is a very mixed bag, but consultation with children and young people needs to be because they are so diverse.

**Hon DONNA FARAGHER:** What is the 2019 advisory committee, or have you not determined that yet? I know we are talking about the annual report, which is not in that area, but I am keen —

**Mrs Heath:** It depends on who is going to win!

**Hon DONNA FARAGHER:** Okay! An interesting question then.

**Mr Pettit:** Just looking at the work plan now, there are two or three things that we are looking at. One is certainly transition, based on our school and learning consultation—the transition of year 7s from primary to high school. That has certainly been raised to us not only through children, but in a range of other areas, and we are interested to see what impact that has had on young people themselves. We are looking at that. We are also looking at things around children who are being excluded from the schooling system. Again, it has come from the school and learning process. There are a couple of topics there that we are looking to, but they have come directly out of that school and learning.

**The CHAIR:** Will you have the same process of putting up three topics and letting the —

**Mr Pettit:** We generally put out a number of topics, saying these are what we need to concentrate on and what would you like to bring to it. What we have found with that is that we have had more schools applying since we have done that model because it gives them a focus and, obviously, there is an interest in that location. So, each year we have had, using that process, more and more schools applying.

**The CHAIR:** Do you have non-government schools as well as government schools?

**Mr Pettit:** Yes, we do. Just to follow up, just a final point, it is a problem about making sure every child is heard. As Trish said, we get out to schools a lot and, as you would have seen in the annual report, we got to about 4 500 young people last year and asked them a range of pieces of information. Digi.me, as Trish said—and the further point is around the survey that we will probably talk about later for next year is trying to make sure that we do capture, as much as we can and as broadly as we can, information from young people. But where we needed to go into specifics, we will then challenge a group to say, “Can you provide specific advice?” That is normally in the way of consultation. As Trish said, it is a range of information we gather, not from just one group.

**The CHAIR:** We will move on to your second key platform area, which is monitoring and advocacy. We note in the annual report that you make reference to the biennial survey to monitor the way government agencies deal with complaints and trends in complaints being deferred until the second half of 2018. Are you currently doing that?



**Mr Pettit:** We are currently doing that. We have written to all the agencies that we would normally write to and are in the process of gaining most of the information that has already come back. There are still a few who we are waiting on and chasing up. That report we are hoping to have towards the end of this year, but it would certainly be by January at the very latest.

**The CHAIR:** So then you put out a report?

**Mr Pettit:** We do put a report out. The reason we extended that, as I think I said last time, was with the machinery of government and with so many changes, we wanted to make sure that we were not putting a further burden on the agencies, particularly those who had changed. We have now written to, as I said, all of them and they have sent in that information. That will be put into a report, as we normally do, and instead of having a biannual report, I think it is about two and a half years since the last one. We are trying to get back on track.

**The CHAIR:** So how many of these have we done? Will this be the second?

**Mrs Heath:** Third.

**The CHAIR:** This will be the third. Did you see an improvement between one and two?

**Mr Pettit:** Yes. The second report indicated and identified a number of improvements, both at agency level and within practice. So, we were quite heartened by that. We are still a long way to where we think it should be and, of course, the biggest part of any complaint process is making sure that young people themselves know that it actually exists and are then supported to actually get their complaint listened to. But there are other things that we are also looking at in terms of how they record those complaints, how they manage them, how they follow them through, what information they give back—all of those things we look at as part of that process.

**The CHAIR:** We know that you monitor the activities of this committee closely, so we hope that we have played our small part in raising consciousness amongst some of your agencies.

**Mr Pettit:** Thank you.

**The CHAIR:** Key platform 3 is “Prioritising the needs of disadvantaged and vulnerable children and young people”. I wanted to ask you about the work that you are doing with homelessness and young people. Do you have any sort of status update of the development of those recommendations that you have worked on?

**Mr Pettit:** I will get Trish to fill in some more detail, but the homelessness report was completed and we are using it as part of the total vulnerability process both this year and next year. It is one of the many elements that we look at in terms of what creates vulnerability for children and young people. So, the report is being used in that manner. It has not gone too much further from our perspective than that.

**Mrs Heath:** I think that the homelessness report has done a few things for us. I mean, it is really focused our attention on the specific policy challenges but those have been incorporated into other areas of work around the child protection agenda, around the youth-at-risk agenda and some of those. It is informing our policy work in that area. Also, as Colin said, the purpose of the vulnerability series was to draw together those issues that create the vulnerability that cause different problems, and rather than dealing with the problems in isolation, try to coordinate those pathways and responses out of and what needed to inform that. So there will be more development on that as we report on the vulnerability series as a way of addressing these issues that undersit. Particularly that homelessness issue was important.

**The CHAIR:** Did you find that homelessness was an element you picked up in the school and learning consultation?

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**Mr Pettit:** No, not to the extent that we would report on it. What did come up was that in our visits, going back to an earlier question, when we were out and about, particularly finding, I think, it was in the south west, we were confronted by a number of social workers, but also a number of young people, who claimed that homelessness was well and truly on the rise, but they described it more in terms of younger people not being recognised, but couch surfing and that there were no facilities down there. That is why we actually started the work on “What is the extent of homelessness in the area?” and then that contributes to the vulnerable speakers approach.

**Mrs Heath:** The other area we are picking up on—because the data is incredibly hard to find, particularly with those young people who are hidden homeless, because they are moving around and nobody is really identifying them as homeless. There is a lot of cultural issues around particularly Aboriginal children’s identification with homelessness because they tend to be more transient and moving between households anyway. In the wellbeing survey that we have been developing, that has been a good example of how it has been informing networks. So, there are questions in the survey around housing and housing stability that we have agonised over how we word them so that they will relate to children and young people and those sorts of experiences, bearing in mind that we also cannot ask questions about everything in that survey because it is a big piece of work. We are having to be a bit mindful as to the proof of concept one, with the limited resources we have that we keep it in a contained way. That is really important because we need to know more about “What are the experiences of children in relation to their broader wellbeing?” and how housing and housing instability is affecting that for their ability to engage in education or participate in other activities that contribute to their wellbeing.

**The CHAIR:** It will be interesting to see whether that data changes if we do manage to shift to an opt-out mechanism for the consultation as well. I hardly think that somebody who is homeless is going to have someone go through their schoolbag to fish the form out. Thank you for that.

You gave us some case studies in the annual report about some of your significant projects. This is a question that we have to ask you. Did you read our report on your school and learning consultation; and, if so —

**Mr Pettit:** Of course, we read it.

**The CHAIR:** Would you like to make any comments on the findings?

**Mrs Heath:** I thought it was fabulous.

**The CHAIR:** There is a right and a wrong answer to this.

[11.00 am]

**Mr Pettit:** We will put the right answer on the table! In all seriousness, we did read it and we appreciated the support that came from the committee based on that. We are in full agreement with your report.

**The CHAIR:** I have to say that I think I speak for all members of the committee that we were genuinely impressed by the quality, the calibre, of the feedback we got from the groups, both government and non-government schools. People had obviously done their homework and one likes to think that that is because of the significance of the report, not just because they got called in to talk to us. But there seemed to be real depth and integrity in their responses.

**Mr Pettit:** Certainly, we have been quite heartened by the fact that it has been taken seriously and again, anecdotally, we have had a number of schools ring us, both private and government, saying what an influence it has had on their practice, and some of them are very significant high fee-paying schools. They have said it has changed things like the way they talk about young people in their

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staffroom. We have not canvassed that; they have actually rung us and said, "This is what's happened."

**The CHAIR:** Do you know when you are going to do the next one?

**Mr Pettit:** The next survey on school and learning or generally?

**The CHAIR:** Yes.

**Mr Pettit:** School and learning I will come back to, but in terms of the survey on wellbeing, we have approval now from the Department of Education to do the opt-out. We are still awaiting the final decision on where the Catholic education system will sit, and they have some challenges that they find a bit difficult for us.

**The CHAIR:** They did raise those with us.

**Mr Pettit:** So we will work through that as it comes. But that particular survey will house inside it a number of the questions from the school and learning survey itself, and we will be able to do some comparative information on that. It will be limited, but we will be able to do some of that comparative work. It will also, hopefully, show us a little bit more about where we might need to target the next survey if we need to do a survey around school and learning, particularly around those children who are severely disadvantaged. So, we did not get, for example, into too many locations that had large numbers of children with disability, and that was just because of resource more than anything else. The second one, we did not get into areas where there were children in alternate education settings, like CARE schools and the like. We need to have a look at how we might do that, but that certainly could not be done next year. They are on our radar to look at. We are hopeful that the wellbeing survey will throw up a lot more information that we can then target into the future.

**The CHAIR:** So the wellbeing survey and the school and learning consultation are in a sense informing each other?

**Mr Pettit:** They will be, yes.

**Mrs Heath:** The school and learning consultation, how we did that, apart from the fact that we were very interested in engagement in school and learning, was the New Zealand survey that we based the wellbeing survey on asked a lot of those questions about school engagement. What we thought we would do is just an in-house, manageable piece of work to test that process or to just select out the school and learning ones from those questions. That actually was almost like a trial mini-pilot of one section of the wellbeing survey. When we do the wellbeing survey again to incorporate those questions, that will give us the repeat data in future years, hopefully, if we can continue to operate that. The other thing in doing the school and learning consultation and in doing the monitoring framework that we have developed as well around indicators of wellbeing that the survey will inform is in working with the education department, the data that they are already collecting on— Colin, you might remember —

**Mr Pettit:** NSOS.

**Mrs Heath:** It was NSOS data. You might remember what that actually stands for. What was really interesting to us is the data that we have looked at from that survey is incredibly consistent with the data that we have got around those questions from our survey. So, in some ways, if the schools are already doing that survey, we do not need to repeat those because we know that that is an ongoing source that we have good confidence in. It is going to tell us what we need to know in regard to those questions. We are all for minimising the amount of duplication we have to do if we

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can access that information from other areas and actually help to improve the NSOS data and how they capture it, and the questions they ask and that sort of stuff.

**Mrs J.M.C. STOJKOVSKI:** One of the things that struck me about the engagement piece of work that you did was the voice of children and actually asking them and listening to what they say. Subsequently, through going to various different organisations that deal with children, we have realised that some of them do not actually do that. Is there any work being done by your office to advocate for them to be doing that?

**Mr Pettit:** Yes. It is a really interesting question because one of the learnings we had through the school and learning process was the number of teachers who were in the room with us, as a supervising agent from that particular school, who regularly said to me, “This is such great information; can we have it?” Our response consistently was, “You’ve got the children every day; you can ask them anything you like, really. It’s about you taking that lead.” To demonstrate the interest that has been shown, a few facts and figures that are not in the annual report but will be next year: to date, we have nearly 5 000 people at over 53 events—whether it be conferences or seminars—purely on school and learning. We have been asked to talk to, within those 53 events, something like 15 conferences. That ranges from both educators through to parents, and we even had one group of school nurses who wanted information on what children thought. We have been getting that message out quite a lot. We have had almost a thousand downloads of the report itself as well as sending it to every school. We think we have pushed it as much as we possibly can, and inside that is always the message that the strength of this document is that it is the voice of children and we need to start to listen to them.

**Mrs J.M.C. STOJKOVSKI:** I guess my question is less about the actual document and the report and more about the process of getting organisations, not just schools, to talk to children. Obviously, there are lots of different organisations that deal with children—hospitals being one of them—getting them to actually talk to the children who are their clients or who they are servicing.

**Mr Pettit:** Yes. As I said, we have had schools and others ring us and say that is what they are doing now because of the report. At every presentation we make, irrespective of who makes it from the office, that message about listening to the voice of children is absolutely crucial. We try and encourage that with any groups. I spoke to the newly formed communities department and all of their senior managers—I think they had 200 from across the state—and that was the key message I gave them. Anywhere we can, we keep pushing that word that if you listen to the voice of kids, they are not being unreasonable, and that is a comment we often use. If you listen, you can actually make a big difference.

**Mrs Heath:** We have got our resources—the participation toolkit—that we promote heavily, and the Aboriginal toolkit was to actually do that to make sure that people did it well with Aboriginal children and young people as well. We provide those resources. I think the other comment that is worthwhile making in that regard, Colin, is the child-safe standards that all organisations working with children will need to apply under the recommendations from the royal commission that we are working towards. An element of that is about making sure that you empower children in your organisation and give them a voice. With all the work we have done around child-safe organisations, we have pushed heavily that you must engage with children at a very important and practical level to give them a voice around issues, because that is what creates safety if they feel that they can speak up. That is about all issues. If they do not feel safe about asking a question about something fairly benign, they are certainly not going to feel safe asking a question or speaking up about something that is a bit more controversial. That is a very important part of that work.

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**The CHAIR:** You have made several comments about the vulnerability seminar series, which I thought was fantastic. I think my colleagues would join me in that. Are you going to do it again next year?

[11.10 am]

**Mr Pettit:** I might say yes, but I think I would get outside and be in trouble—not just with Trish; it would be the whole staff! It is an interesting question and thank you for your feedback. Can I also thank each one of the members for being so generous with their time and being involved with that process. It was a trial to move away from the thinker-in-residence approach to see if we could actually have a bigger impact. We have yet to fully evaluate it, and there will be a report on it hopefully, if not at the end of this year, it will be very early next year. We have been overwhelmed by the number of not-for-profits and also other government agencies who have picked up the concepts being raised throughout the year and have pushed them into seminars and conferences of their own. They have actually used a number of our speakers that we had come across and they have come back and done other work with those groups. So we are quite heartened by the approach. We have yet to fully evaluate whether in fact it has worked. We believe it will probably go again. It will probably not be next year, given that most of our resources in the first half of the year will be focusing on the survey itself. Given that we have to get to 150 sites across the state, it will be a challenge for the small team we have to get it done in a timely way. In terms of next year, I can categorically say that no, we probably will not be doing a full series. There may be the odd event that will come out of the report that we will definitely want to follow up, but we will probably start early next year planning for the year after.

**The CHAIR:** My personal observation was that over the year you got some really impressive people coming as members of the audience. Just my anecdotal observation was that that increased over the year. By the one you had a couple of weeks ago, you had a couple of directors general and some very senior people who came to listen to see what was going on. That has to be a good sign.

**Mr Pettit:** I think if we were to run it again, we would get more people along to it because I think they saw, and certainly the feedback we have had is that they saw, the value of what we are trying to achieve, which they may not have seen in the first half of the year, but as the year built.

**The CHAIR:** I want to move on to a couple of your ongoing projects. One of the most important, of course, is the one about harmful sexual behaviours. Where are you up to with that and where does it go from here?

**Mr Pettit:** As you know, the harmful sexual behaviours is a response as part of the recommendations of the royal commission. We have taken the lead on that in the last 12 to 18 months and have put together a number of papers and support materials that we are hoping to continue to work with government agencies on, in particular around education, because we are mindful that harmful sexual behaviours tend to, not always but generally, show up in a school setting, so we need to work with education in particular. We are doing that on a range of levels, in particular with not only DGs, but also with their student services group around how they can use our materials. We continue to do some work on that in relation to child-safe organisations or child-safe standards, so that information is also used in that space. As we do more and more seminars, which we have done throughout the year, that information is also given to a range of agencies. The work continues and we are hopeful that it will be continually picked up as it rolls out with the royal commission.

**The CHAIR:** It has been drawn to the committee's attention that there is a vast discrepancy in the way that harmful sexual behaviour is dealt with by agencies so that some young people seem to be immediately channelled into a kind of justice area while others are channelled off into a therapeutic area. Is that something you are giving consideration to?

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**Mr Pettit:** That is the reason we started the work on harmful sexual behaviours before the royal commission actually handed down its finding. We knew from the royal commission that it was coming. But we also had a range of, I suppose, concerns raised with our people in the office about things that were happening that were different in every location. Equally, we had schools saying, "We don't know how to deal with it." We were talking to police and they were saying, "The child's under 10; we can't touch them." There was a lot of misinformation, so that is why we started on that journey and did the research. But we are continually working with that group, and we have had a reference group with a whole range of agencies working with us to try to help inform them to change their practice, and we will continue to do that.

**The CHAIR:** Where do you think the work still needs to be done? What are a couple of the significant areas where work still needs to be done on managing this issue?

**Mr Pettit:** In this space?

**The CHAIR:** Yes.

**Mr Pettit:** I will start and then I am sure Trish will have a few other points. Certainly, within education it needs to be looked at, but I think there needs to be, as a result of the royal commission, a response from government about how it sees its policy development from this point on for all agencies, across all agencies, because it is not always refined to one location, as we know. We need to have a look at how all agencies are consistently approaching this issue, which is a significant issue in our society. Schools, anecdotally again, tell us that they are concerned that this is on the rise because of factors outside of their control, like access to pornography et cetera. We are mindful that we have to keep doing that, but we think it is now waiting for the state government to respond with its approach to how those recommendations are going to be picked up. That is the first level. The second level is around the practicality. How do you change the policy in each of the agencies to make people aware that this is a significant issue and it has far-reaching implications for young people's future and we need to address it at a range of stages as quickly as we can? We are looking at working with that group on that.

**Mrs Heath:** It is one of the priority areas of the implementation of the recommendations of the royal commission. The Department of Communities is the lead agency on developing the responses to those recommendations and we are working closely with the Department of Communities to use the information we already have. I think that the royal commission really highlighted the absolute dearth of specialist therapeutic services. What we have seen and what initially concerned us most about harmful sexual behaviours was, as Colin said, there was either a justice response or no response. I think partly that was because there just simply are not the services there for people to refer to; there is not the body of expertise. That is one of the things that is on our horizon, and as we work through this with the Department of Communities, it might be that some of the things that we look at around having some expert series and bringing some experts into Western Australia will be around building the awareness and expertise of people around managing harmful sexual behaviours, particularly in a therapeutic response, because if you are a teacher in a school and you observe some of these issues or you have a concern, you are very limited in what you can actually refer to at the moment in terms of getting people help, particularly at that earlier stage, rather than letting it get to the point where it becomes a significant issue and a criminal matter. The criminal justice response is really not a terribly helpful one to what is, in fact, a therapeutic issue. I think that we want to really progress that and build that expertise in this state because we certainly need it here.

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**The CHAIR:** Have you perceived any link between harmful sexual behaviours and that group of children and young people that we define as having challenging behaviours, particularly the kids in care—that very small group who are a danger to themselves and others?

**Mr Pettit:** There is certainly a link between those children who are exposed to abuse, whether it be by adults or by other children, that their life outcomes are greatly affected. There is certainly that link, and we have been very mindful of that to try to support agencies to act on that as quickly as possible. The other thing I did omit was that earlier this year—around mid-year—we did host a harmful sexual behaviours seminar where we did bring in some people from New South Wales and Victoria who were probably three steps ahead of us at the time. We had over 150 people attend that session from all the agencies, and the feedback from that was, “We didn’t know most of these things and we need to actually do something about it.”

**The CHAIR:** So WA is a bit behind the eight ball here?

[11.20 am]

**Mr Pettit:** Compared with some agencies in some other states. I am always hesitant to say that we are behind, because in some things there are pockets in our state where we are doing terrific work. I would not like to cast the whole state as not being up to speed, but what we found was that in New South Wales and Victoria in particular, there were two or three groups who were well and truly ahead on this particular issue and were doing some really outstanding work. We wanted to make sure that that was showcased to say this is how it could actually be tackled.

**The CHAIR:** We might at some stage come back to you offline and ask you about those agencies in the eastern states.

**Mrs J.M.C. STOJKOVSKI:** This is a quick follow-up question on that. Obviously, you have identified New South Wales and Victoria. Are there any other jurisdictions or places around the world that are managing harmful sexual behaviours well that you are aware of?

**Mr Pettit:** No more than anyone else. This is not new, but it seems to be new in terms of the agenda. I think we are all, to be honest, trying to find a way forward in a very quick way, because it has been highlighted now through the royal commission that it is probably as significant an issue as anything else that we have ever come across, so we need to do something.

**The CHAIR:** I have one very, very quick question about the Auditor General being a bit grumpy about your assessment of who comes to what. Have you got a way of dealing with that?

**Mr Pettit:** I am pleased you asked that. We have had a major disagreement with the Auditor General and do not agree with her findings. In fairness, she was in the chair for only a week when she had to sign that letter and I did meet with her and explain the situation. The way it is described on, I think, page 36 in the document is we had actually set up a new KPI process and the auditor could not quite get their understanding around the process we are using. Basically, we were going to conferences and seminars run by other people. We would ask the group who were coordinating it, “How many people have you got in the room?”, they would tell us and that was the response we had. Now, the only thing we did not do was have them put it in writing. Since the discussion with the auditor, we now have an extra step in our process, which emails the organiser and says, “How many people were in the room?” and they email that back and that is, apparently, enough evidence. They do not trust the word of the office, or particularly the commissioner, in that space.

**The CHAIR:** We thought you might like to put that on the record, so thank you for that.

**Mr Pettit:** Thank you very much.

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**The CHAIR:** I am going to suggest that for the last five minutes we move into closed session because we had some questions for you around the move to start an office for advocacy and accountability in Aboriginal affairs. We have been having some private conversations about this, so we thought we might move into closed session. Would you be happy to do that?

**Mr Pettit:** Yes, we are happy to do that.

**[The committee took evidence in closed session]**

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