



Ms Lisa Baker, MLA
Chair of the Joint Standing Committee on
The Commissioner for Children and Young People
Parliament of Western Australia
Parliament House, Perth
Western Australia, 6000

CACS Submission 16



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Dear Committee

Thankyou for the invitation to make a submission to the Joint Standing Committee on the Commissioner for Children and Young People (CCYP) regarding the Review of the *Commissioner for Children and Young People Act 2006*.

We have consulted our colleagues including Professor Fiona Stanley AC (Founder, Telethon Kids Institute), Dr Melissa O'Donnell (NHMRC Research Fellow, Developmental Pathways Project, Telethon Kids Institute) and Tanyana Jackiewicz (Program Manager, Collaboration for Applied Research and Evaluation, Telethon Kids Institute) on this matter.

The view of Telethon Kids is that while a child abuse complaints function may be an appropriate acute response to the issue of child abuse; prevention of child abuse should be centre stage of the government's work in this area. Telethon Kids proposes that the Commissioner have a role in preventing child abuse through advocating for a prevention focus across all relevant areas of government. We also recommend that the government revisits the establishment of an Office of Early Childhood that works to address downstream factors associated with child abuse such as providing support to vulnerable families and to those families who may be at risk of child abuse.

In regard to the amendments that provide the Commissioner with additional responsibility in managing a central child abuse complaints role, Telethon Kids expresses a number of concerns. A major area of concern relates to increasing the level and degree of responsibility of the Commissioner's office and the impact that these new functions will have on existing functions. The Commissioner has, in Section 19 of the *Commissioner of Children and Young People Act 2006*, the mandate to promote the well-being of *all* West Australian children and young people. A complaints function has the potential to shift the Commissioner's focus and effort potentially to the detriment of other important functions that may be of benefit to a broader group of children and young people.

We are concerned about the lack of clarity as to what this complaints function will involve. Such as what complaints, how complaints will be received, by whom and how much information will be collected. If the amendments are approved, we would like to see in place clearly defined standard operating procedures developed in consultation with stakeholders from within the child protection area and approved by the Commissioner.

Discover. Prevent. Cure.



We are also concerned about appropriate disclosure and recognise a need for the Commissioner to strike a balance between the rights of the young person who may be making a report and the need for specific information regarding the complaint to enable appropriate referral. Concerns about potential contamination of a child's disclosure also need to be addressed. A considered and consultative approach to resolving these sensitive and complex issues will be needed.

We are also concerned that the complaints function will not meet the needs of those that need it the most, that is, Aboriginal and Torres Strait Islander, those who are in care, and culturally and linguistically diverse children and young people. This may be seen as another failure of the child protection system. To avoid this, significant investment will be needed to develop and implement specific protocols to deal with complaints by these specific groups to ensure the approach is culturally sensitive and appropriate and that an outcome can be achieved for that young person.

If the amendments are approved, we recommend that the Commissioner's office has a clear and consistent protocol in place that advises people who make contact with the Commissioner through this function that i) another agency will be providing primary support, ii) that when appropriate the Commissioner will be updated on the progress of support administered by supporting agencies.

Further, if the Commission is to fulfil this function adequately, it needs to be staffed by appropriately trained personnel with specific expertise, and this function needs to be fully resourced with additional funding. We question the expertise of existing staff of the Commission in fulfilling this role and recommend the creation of numerous new positions within the Office. We recommend that the Commissioner, if she or he so chooses, is given the power to retain oversight and tracking of cases of complaints received by the Commissioner's office. Protocols will need to be put in place to assist decision-making in this regard.

In the event that the amendments are approved, we also recommend that in the interests of a well-functioning child protection system, the Commissioner convenes a regular meeting with stakeholders in the child protection system including Department of Child Protection, Ombudsman's office, State Solicitors Office, Health Department and other stakeholders including religious organisations. This intersectoral communication forum could be used to discuss the Commissioner's role and experience in fulfilling this role as well as follow up on specific cases where appropriate. Sufficient commitment will be needed from all these stakeholders to attend this meeting which could be held bi-yearly.

Further, if the Commission were to take on this role, a well-resourced communication strategy will need to be developed for all children and young people, as well as separate culturally appropriate and acceptable communication strategies for Aboriginal children and young people as well as culturally and linguistically diverse children and young people and other specific groups.

We also recommend, that if the amendments are approved, that *Recommendation 13* be amended to extend beyond "government agencies" and "service providers" to include non-government organisations including religious and community based organisations.

In conclusion, although Telethon Kids does not support these amendments, if they were to be approved, additional and realistic resources will need to accompany the proposed legislative changes so that the Commissioner can continue the good work of the office as well as fulfil the new complaints function; and the amendments provide sufficient clarity to enable the Commissioner to undertake this role successfully as an advocate for the interests of children and young people.

We trust that our comments will be considered by the Committee.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'J. Carapetis', with a large loop at the start and a horizontal line extending to the right.

Professor Jonathan Carapetis

Director, Telethon Kids Institute.