

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE BILL 2005

Council's Amendments

Amendments made by the Council now considered.

Consideration in Detail

The amendments made by the Council were as follows -

No 1

Clause 3, page 2, line 11 - To insert after "children" -
and young people

No 2

Clause 4, page 2, lines 16 to 22 - To delete the lines and insert instead -

- (a) children and young people are entitled to live in a caring and nurturing environment and to be protected from harm and exploitation;
- (b) the contributions made by children and young people to the community should be recognised for their value and merit;
- (c) the views of children and young people on all matters affecting them should be given serious consideration and taken into account;
- (d) parents, families and communities have the primary role in safeguarding and promoting the wellbeing of their children and young people and should be supported in carrying out their role.

No 3

Clause 5, page 2, line 27 - To delete the line and insert instead -

"children and young people" means people under 18 years of age, and **"child or young person"** has a corresponding meaning;

No 4

Clause 5, page 3, lines 14 to 19 - To delete all words after the word "agency".

No 5

Clause 5, page 3, after line 25 - To insert -

"Standing Committee" means the committee referred to in section 50.

No 6

Clause 5, page 3, line 26 - To insert after "children" -
and young people

No 7

Clause 5, page 3, line 27 - To insert after "children" -
and young people

No 8

Clause 7, page 4, lines 12 to 14 - To delete the lines and insert instead -

7. Appointment and Selection of Commissioner

- (1) A person is to be appointed to the office of Commissioner for Children and Young People by the Governor by commission under the Public Seal of the State on the recommendation of the Premier.
- (2) Before making a recommendation under subsection (1) the Premier shall -
 - (a) advertise throughout Australia for expressions of interest from people with professional qualifications and substantive experience in matters affecting children;

Extract from Hansard

[ASSEMBLY - Tuesday, 26 September 2006]

p6661b-6672a

Mr David Templeman; Mr Colin Barnett; Mr Grant Woodhams

(b) consult with the leader of any political party with at least 2 members in either House.

(3) Children and young people must be involved in the selection process.

No 9

Clause 11, page 5, lines 16 to 28 - To delete the lines.

No 10

Clause 13, page 6, line 26 - To delete "Minister" and insert instead -
Governor

No 11

Clause 13, page 7, line 3 - To delete "Minister" and insert instead -
Governor

No 12

Clause 18, page 9, line 4 - To insert after "children" -
and young people

No 13

Clause 18, page 9, line 5 - To insert after "children" -
and young people

No 14

Clause 18, page 9, line 8 - To insert after "children" -
and young people

No 15

Clause 18, page 9, line 10 - To insert after "children" -
and young people

No 16

Clause 18, page 9, lines 11 and 12 - To delete "and to monitor the trends in complaints made by and on behalf of children".

No 17

Clause 18, page 9, after line 12 - To insert -

(d) to monitor the way in which a government agency investigates or otherwise deals with a complaint made by a child or young person and the outcome of the complaint;

(e) to monitor the trends in complaints made by children and young people to government agencies;

No 18

Clause 18, page 9, line 15 - To insert after "children" -
and young people

No 19

Clause 18, page 9, line 18 - To insert after "children" -
and young people

No 20

Clause 18, page 9, line 20 - To insert after "children" -
and young people

No 21

Clause 18, page 9, line 23 - To insert after "children" -
and young people

No 22

Clause 18, page 9, line 26 - To insert after "Minister" the first time it occurs -
or the Standing Committee

No 23

Clause 18, page 9, line 27 - To insert after "children" -
and young people

No 24

Clause 18, page 9, line 31 - To insert after "children" -
and young people

No 25

Clause 18, page 9, line 32 - To insert after "Minister" -
or the Standing Committee

No 26

Clause 18, page 10, after line 3 - To insert -

- (l) to consult with children and young people from a broad range of socio-economic backgrounds and age groups throughout Western Australia each year;
- (m) to do anything which the Commissioner considers is necessary or convenient to further the principle in section 3 or any of the guiding principles in section 4.

No 27

Clause 19, page 10, line 9 - To insert after "children" -
and young people

No 28

Clause 19, page 10, line 10 - To insert after "children" -
and young people

No 29

Clause 19, page 10, line 11 - To insert after "children" -
and young people

No 30

Clause 19, page 10, line 15 - To insert after "children" -
and young people

No 31

Clause 19, page 10, after line 16 - To insert -

- (d) develop guidelines for government agencies and non-government agencies regarding the participation by children and young people in decisions which affect them;

No 32

Clause 19, page 10, line 17 - To delete "as far as practicable, ".

No 33

Clause 19, page 10, line 19 - To insert after "children" -
and young people

No 34

Clause 19, page 10, line 20 - To delete "children's participation" and insert instead -
the participation of children and young people

No 35

Clause 19, page 10, line 27 - To insert after "**children**" -

and young people

No 36

Clause 19, page 10, line 27 - To insert after "children" -
and young people

No 37

Clause 19, page 10, line 29 - To insert after "**children**" -
and young people

No 38

Clause 19, page 10, line 29 - To insert after "children" -
and young people

No 39

Clause 21, page 11, line 21 - To delete "law" and insert instead -
prescribed written enactment

No 40

Clause 22, page 12, line 4 - To insert after "child" -
or young person

No 41

Clause 22, page 12, line 6 - To delete "a child's" and insert instead
young person or his or her

No 42

Clause 22, page 12, line 9 - To delete "a child's" and insert instead -
young person or his or her

No 43

Clause 22, page 12, line 12 - To insert after "children" -
and young people

No 44

Clause 22, page 12, line 13 - To insert after "child" -
or young person

No 45

Clause 25, page 13, line 14 - To delete "exceptional circumstances" and insert instead -
reasonable grounds

No 46

Clause 26, page 13, line 26 to page 14, line 13 - To delete the lines and insert instead -

- (1) The Minister may request the Commissioner -
 - (a) to furnish information in the possession of the Commissioner to the Minister;
or
 - (b) to give the Minister access to such information.
- (2) The Commissioner must comply with a request under subsection (1) unless, in the Commissioner's opinion, there are reasonable grounds for not complying with the request.
- (3) If the Commissioner decides to comply with a request under subsection (1), the Commissioner must make the Commissioner's staff and facilities available to the Minister for the purposes of obtaining the information and furnishing it to the Minister.

No 47

- No 48 Clause 26, page 14, lines 15 to 17 - To delete the lines.
- No 49 Clause 28, page 15, line 5 - To insert after “children” -
and young people
- No 50 Clause 28, page 15, lines 6 and 7 - To delete the lines and insert instead -
(2) Before conducting a special inquiry the Commissioner must inform the Minister in writing of his or her intention to do so.
- No 51 Clause 30, page 16, lines 4 and 5 - To delete “children’s participation in, and” and insert instead -
the participation of children and young people in, and their
- No 52 Clause 35, page 17, line 28 to page 18, line 2 - To delete the lines and insert instead -
(1) Subject to subsection (2), nothing in this Part prevents a person from refusing to give an answer or produce a document because the answer would relate to, or the document contains, information in respect of which the person claims legal professional privilege.
(2) A government agency, or an employee or officer of a government agency, may not refuse to answer a question or produce a document on the ground that the answer or the document is subject to legal professional privilege.
(3) If a government agency, or an employee or officer of a government agency, answers a question or produces a document which is claimed to be subject to legal professional privilege the Commissioner may not include the answer or document or the substance of the answer or document, in any report to Parliament but may report the answer or document confidentially to the Standing Committee.
(4) If the Commissioner reports an answer or document confidentially to the Standing Committee under subsection (3) the Standing Committee must consider in private session whether the answer or question should be reported to Parliament, and, if the Standing Committee considers it appropriate, the Standing Committee may report the answer or document to the Parliament.
- No 53 Clause 45, page 21, line 5 - To insert after “children” -
and young people
- No 54 Clause 47, page 21, line 15 - To delete “require” and insert instead -
request
- No 55 Clause 47, page 21, lines 16 and 17 - To delete “, and the Commissioner must comply with the requirement”.
- No 56 Clause 47, page 21, lines 18 to 22 - To delete the lines and insert instead -
(4) The Commissioner is not required to -
(a) undertake consultation in response to a request under subsection (3); or
(b) make changes to a draft report as a result of any comments issued under subsection (2) or consultation undertaken in response to a request under subsection (3).

Clause 49, page 22, lines 7 to 9 - To delete “that, to the extent the Commissioner considers appropriate, is suitable for children” and insert instead -

suitable for children and young people unless the Commissioner considers that it is not appropriate to do so

No 57

Clause 49, page 22, after line 12 - To insert -

(2) The version referred to in subsection (1)(a) may consist of the whole report or such parts of the report as the Commissioner considers appropriate.

No 58

Clause 50, page 23, lines 3 to 14 - To delete the lines and insert instead -

(1) Subject to subsection (2), the Commissioner may establish advisory committees and reference groups to assist in the performance of the Commissioner’s functions.

(2) The Commissioner must establish advisory committees consisting of children and young people, who the Commissioner considers are from a broad range of socio-economic and cultural backgrounds and age groups, to assist in the performance of the Commissioner’s functions. These committees should be established in regional areas as well as the metropolitan area.

(3) The membership of advisory committees and reference groups should include representatives of non-government agencies concerned with the rights, interests and wellbeing of children.

(4) The Commissioner may discharge, alter or reconstitute an advisory committee.

(5) Subject to subsection (2), an advisory committee is to consist of such people as the Commissioner determines.

No 59

Clause 51, page 23, lines 20 to 23 - To delete “, relevant to children, in one or more of the fields of health, education, child protection, child advocacy, child development, disabilities, law, employment, sport and recreation, and culture and arts.” and insert instead -

in a field that the Commissioner considers relevant to the wellbeing of children and young people.

No 60

Clause 51, page 23, lines 24 to 26 - To delete the lines.

No 61

Clause 52, page 23, line 28 - To delete “(a) and (b)”.

No 62

Clause 57, page 26, line 1 - To insert after “Act” -

, the *Public Interest Disclosure Act 2003*

No 63

Clause 58, page 26, line 19 - To delete “or 48”.

No 64

Clause 58, page 26, line 23 - To delete “or the Commissioner, as the case requires, ”.

No 65

Clause 58, page 26, after line 24 - To insert -

(2) If -

(a) at the commencement of a period referred to in section 48(1) in respect of a document a House of Parliament is not sitting; and

(b) the Commissioner is of the opinion that that House will not sit during that period,

the Commissioner must transmit a copy of the document to the Clerk of that House.

No 66

New clause 8, page 4, after line 14 - To insert the following new clause -

8. Removal or suspension of Commissioner

- (1) The Commissioner may, at any time, be suspended or removed from his office by the Governor on addresses from both Houses of Parliament.
- (2) Where the Governor is satisfied that the Commissioner -
 - (a) is incapable of properly performing the duties of his office;
 - (b) has shown himself incompetent properly to perform, or has neglected, those duties;
 - (c) has applied to take, or has taken, advantage of any law relating to bankruptcy, or has compounded, or entered into any arrangement, with his creditors; or
 - (d) has been guilty of misconduct,he may suspend the Commissioner from his office.
- (3) When the Commissioner has been suspended from his office under subsection (2) he shall be restored to office unless -
 - (a) a statement of the grounds of his suspension is laid before each House of Parliament during the 7 sitting days of that House following the suspension; and
 - (b) each House of Parliament, during the session in which the statement is so laid, and within 30 sitting days of that statement being so laid, passes an address praying for his removal.

No 67

New clause 55, page 25, after line 1 - To insert the following new clause -

55. Recommendations by the Standing Committee

In the determination of the budget for the Commissioner for a financial year regard is to be had to any recommendation as to that budget made to the Treasurer by the Standing Committee.

No 68

New Part 7, page 22, after line 12 - To insert the following new Part -

Part 7 - Standing Committee

50. Standing committee of Houses of Parliament

- (1) The Houses of Parliament are to establish a joint standing committee comprising an equal number of members appointed by each House.
- (2) The functions and powers of the Standing Committee are determined by agreement between the Houses and are not justiciable.

Leave denied for the amendments to be considered together.

Mr D.A. TEMPLEMAN: I move -

That amendment 1 made by the Council be agreed to.

Mr C.J. BARNETT: We will not delay these amendments because they were agreed to by members in the upper house. They certainly improve the bill. I want to place on record - I am not being pedantic - my congratulations to Hon Barbara Scott, who has championed the cause of a children's commissioner for at least four or five years. It needs to be placed on the public record that the Labor Party frustrated her efforts for years. Maybe it had a philosophical difference about the commissioner. What really galled me was when the previous minister tried to claim credit for introducing a children's commissioner bill. This place demands a bit of honesty and integrity from time to time. I am pleased that the Labor Party has finally agreed to the provision of a children's commissioner. The bill is not as strong as we would have liked, but this house should record the work that Hon Barbara Scott has done for years in protecting children and bringing this bill about. I hope that the minister is more gracious than his predecessor.

Question put and passed; the Council's amendment agreed to.

Mr D.A. TEMPLEMAN: I move -

That amendment 2 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Leave granted for amendments 3 to 7 to be considered together.

Mr D.A. TEMPLEMAN: I move -

That amendments 3 to 7 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to

Mr D.A. TEMPLEMAN: I move -

That amendment 8 made by the Council be agreed to.

Mr C.J. BARNETT: I ask the minister to explain this changed clause.

Mr D.A. TEMPLEMAN: Amendment 8 relates to the appointment and selection of the commissioner. The amendment requires that the Parliament must concur with the removal of the commissioner. This is consistent with the process for removal of the Corruption and Crime Commissioner, the Ombudsman, the Auditor General, the Commissioner for Public Sector Standards, the Information Commissioner and the Electoral Commissioner. It is important to note that the amendment is not worded in gender neutral language, assuming the commissioner and Governor are relying on the interpretation of the act.

These amendments introduce a series of procedural requirements. Clause 7 currently provides for the appointment of the commissioner by the Governor. The amendment will now require this to be done under public seal of the state, which is similar to provisions applicable to the appointment of the Parliamentary Inspector of the Corruption and Crime Commission. There is a procedural step and, apart from adding to the process, it does not affect the substance of the appointment process. The appointee will have a commission signed by the Governor and bear the state seal. New subclause 2(a) introduces two additional requirements, including the requirement to advertise the position throughout Australia. Of course, the government supports that provision. The only other legislative example of a commissioner's position having to be advertised can be found in the Corruption and Crime Commission Act. New clause 7(2)(b) also requires the Premier to consult with the leader of any political party with at least two members in either house. This is similar to the formulation in the Corruption and Crime Commission Act, which requires that the Premier consult with the standing committee, if one exists. If a standing committee does not exist, he must consult with the Leader of the Opposition and with the leader of each political party that has at least five members in either house. New clause 7(3) requires that children be involved in the selection process. That sentiment, which was expressed very strongly by Hon Barbara Scott and others in the other place, is supported by the government.

Question put and passed; the Council's amendment agreed to.

Leave granted for amendments 9 to 16 to be considered together.

Mr D.A. TEMPLEMAN: I move -

That amendments 9 to 16 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Mr D.A. TEMPLEMAN: I move -

That amendment 17 made by the Council be agreed to.

Mr C.J. BARNETT: Will the minister explain what is sought to be achieved by this amendment?

Mr D.A. TEMPLEMAN: Clause 18(d) and (e), as contained in amendment 17, will allow the commissioner to monitor individual complaints made by children that are being investigated by other agencies. The new paragraphs were agreed to by the government following negotiations with the opposition and the Greens (WA). They seek to make it explicit that the commissioner can monitor how complaints by children are dealt with by complaint-handling agencies. They include both an individual child's complaint and the general trend in dealing with children's complaints. This is a compromise to address calls by the Western Australian Council of Social Service and the Greens for the commissioner to investigate individual complaints. The amendment to insert clause 18(d) will mean that the commissioner's functions will include developing guidelines for both government and non-government agencies regarding the participation of children in decision making. Although the government does not oppose this provision, it believes that the same result is achieved in clause 18(b).

Mr C.J. BARNETT: My understanding of this amendment, taking it literally, is that it will allow the commissioner to monitor the way in which a government agency investigates; that is, the commissioner will look

at the processes and procedures of the department or monitor trends in complaints made by children. Presumably, that will require some sort of statistical series and an interpretation of that. What is missing is the ability of the commissioner to investigate the case of a particular child or incident. It is my understanding that - the minister can correct me if I am wrong - had a commissioner for children and young people already been established, he or she would not have been able to investigate the Wade Scale case as an individual case.

Mr D.A. TEMPLEMAN: In response to the member for Cottesloe, the government has been resolute in resisting attempts to weaken the commissioner's role, which would have resulted from the combination of two incompatible functions; namely, the investigative role in relation to individual complaints and the role of an advocate for children. The government's position is very strong; the commissioner will have a strong advocacy role. The view that we should not create conflict between the two roles is shared by the Ombudsman. The commissioner will perform the role of advocate for children and young people. The government believes that that role should not be compromised by the commissioner also having to perform an investigative role in individual complaints. To spell out this conflict in roles, if the commissioner were asked to investigate or stand in judgment on a complaint by a child or a young person, he or she could not at the same time be viewed as an independent and credible advocate on behalf of children and young people. The government's position about the role of the commissioner is strong. The commissioner should have a strong advocacy position.

Mr C.J. BARNETT: I disagree with that position. No-one in Parliament is suggesting that the commissioner investigate every case or a large number of cases that come along. However, understanding issues to do with children - or issues to do with anything - requires the investigation of particular cases. If it is thought that something is amiss in the raising of children - this could be in the area of health or education, or it may involve abuse - the only way to get to the bottom of the issue would be to take some examples and follow them through. If the Commissioner for Children and Young People is constrained from doing that, he or she will not be able to do the job as well as could be. The commissioner must be able to follow through examples of individual situations, no matter what the area. This amendment unnecessarily constrains the activities of the commissioner. Relying on generalities or the advice and comments of public servants and agencies will be inadequate. Recently there was a serious issue involving the Department for Community Development, but cases may arise involving the Department of Education and Training or safety on the road. The commissioner must have the freedom to look at a selected number of incidents in detail. That is the nature of investigation and it is the nature of understanding what is really happening. The commissioner must be able to draw conclusions after considering actual cases. The government is constraining the commissioner from doing that. No-one is suggesting that the commissioner be an investigator on a daily basis. However, the commissioner must be able to pursue example cases to get to the truth.

Mr D.A. TEMPLEMAN: I refer the member for Cottesloe to clause 22, which does not preclude the commissioner from doing a range of things, including referring a child or a child's family to other agencies or services. Clause 22(2)(c) highlights the commissioner's ability to refer any child to a particular agency or organisation if there is an issue regarding his or her wellbeing. The concerns raised are of absolute importance. The concern is that if the commissioner were to have an investigative role, there would be the real risk that his or her advocacy role will be overridden and that he or she will become swamped with the task of responding to or assessing individual cases. Certain agencies already in place have investigative responsibilities, and we do not seek to duplicate the investigative responsibilities of other agencies.

Question put and passed; the Council's amendment agreed to.

Leave granted for amendments 18 to 21 to be considered together.

Mr D.A. TEMPLEMAN: I move -

That amendments 18 to 21 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Mr D.A. TEMPLEMAN: I move -

That amendment 22 made by the Council be agreed to.

Mr C.J. BARNETT: Clause 18 states -

The Commissioner has the following functions -

If the amendment is agreed to, paragraph (i) will read -

on the Commissioner's own initiative or at the request of the Minister or the Standing Committee, to advise the Minister on any matter relating to the wellbeing of children;

I seek some explanation of what the minister sees as the relationship between the commissioner and the standing committee in this instance. Where is the line of reporting and authority?

Mr D.A. TEMPLEMAN: In response, the first point I make is that the amendment, as made by the Council, will allow the standing committee to request advice from the children's commissioner, or refer reports etc to the children's commissioner. That will be one role or relationship that the standing committee will have. However, I refer the member to new clause 50 in new part 7, which determines the setting up of the standing committee and its role. It is broad. New clause 50(2) states -

The functions and powers of the Standing Committee are determined by agreement between the Houses . . .

Therefore, I envisage that the standing committee will set its agenda and its functions. However, the relationship will be one in which the standing committee will be able to seek information from the children's commissioner on a range of issues that may be of interest to the standing committee. I hope that clarifies that relationship element.

Mr C.J. BARNETT: I am curious about the role the minister will play in that. If the standing committee seeks advice from the commissioner or vice versa, will the minister come into that relationship, or will the commissioner be able to deal with the standing committee totally independently of the minister?

Mr D.A. TEMPLEMAN: In answer to the member for Cottesloe's question, nothing in this legislation prevents the standing committee from having a direct relationship with the commissioner.

Mr C.J. BARNETT: Is there anything that prevents the minister from interfering with that relationship?

Mr D.A. TEMPLEMAN: The intention of the bill is very clear in that the commissioner will act independently. In part 4 of the bill, clause 24 states -

. . . the Commissioner is not subject to direction by the Minister or any other person in the performance of the Commissioner's functions.

Question put and passed; the Council's amendment agreed to.

Leave granted for amendments 23 to 45 to be considered together.

Mr D.A. TEMPLEMAN: I move -

That amendments 23 to 45 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Mr D.A. TEMPLEMAN: I move -

That amendment 46 made by the Council be agreed to.

Mr C.J. BARNETT: I wonder what this amendment is all about. It states -

- (1) The Minister may request the Commissioner -
 - (a) to furnish information . . . or
 - (b) to give the Minister access to such information.

The standing committee may be looking at an issue that may be to the embarrassment of the minister. Will the commissioner simply divulge to the minister the workings of a standing committee that is looking into an issue? It seems to me that that would be inappropriate, certainly from a parliamentary point of view.

Mr D.A. TEMPLEMAN: Under this clause, it is important to be aware that there will be times when the minister will need to answer questions in Parliament, and therefore will seek information from the commissioner to ensure that those questions are answered appropriately.

Mr C.J. Barnett: No, that is not an appropriate role for the commissioner; that is not appropriate at all.

Mr D.A. TEMPLEMAN: That is an example of a time when the minister would request information with which to answer a question. Clause 26 is amended - this may answer the member's question - to indicate that although the minister may request information in the hands of the commissioner, the commissioner may refuse such a request if there are reasonable grounds to do so. This will have the effect of ensuring that the commissioner can decline to comply with a request for information from the minister, which again underpins the independence of the commissioner.

Mr C.J. BARNETT: I am a bit curious about what the minister said. He said that the commissioner might need to help the minister answer questions in Parliament. I believe that is a totally inappropriate comment to be made.

Mr D.A. Templeman: I didn't say that.

Mr C.J. BARNETT: That is the effect of what the minister said. It is totally inappropriate that the commissioner, who is meant to be essentially an independent officer, although not as independent as we would

like, looking after the welfare and the condition of children, and the aspirations for our children, should in some way be couched in this role of helping the minister answer questions. The minister has ministerial staff to do that. There may well be some factual information, but I certainly hope that we will not see a situation in which the commissioner is giving parliamentary advice to a minister. I do not care which side of politics it is on; that would be totally inappropriate, and it would immediately compromise any independence of the commissioner.

Mr G. WOODHAMS: Following on from the member for Cottesloe's concerns and questions to the minister, one of the concerns that the Nationals have is about the commissioner not being compelled to comply with a request to provide information to the minister, if the commissioner believes that there are reasonable grounds for not complying. Perhaps the minister could, by way of example, provide the house with what might be a reasonable ground for not complying with what we on this side believe would be a reasonable request. I look forward to receiving perhaps an example from the minister.

Mr D.A. TEMPLEMAN: One such example is that there may be confidentiality issues when the commissioner is dealing with a particular issue. There may be some confidential information that relates to a certain person or persons whom the commissioner may have been engaging with or having discussions with. That is one such example. Clause 26(2), as amended, would clearly allow the commissioner to not comply with a request for information on the same terms as the commissioner can elect to not comply with a policy direction, when there are reasonable grounds to do so. I think the aim of this clause is, when appropriate, to allow information to be gained if it is within reasonable grounds. Again, it is up to the commissioner, in terms of his independence, to use his discretion. If he decides that it is not appropriate, that is what the legislation allows him to do.

Question put and passed; the Council's amendment agreed to.

Leave granted for amendments 47 to 68 to be considered together.

Mr D.A. TEMPLEMAN: I move -

That amendments 47 to 68 made by the Council be agreed to.

There is no doubt that this legislation is historic in the state of Western Australia. We are about to achieve having a Commissioner for Children and Young People. I acknowledge members of the upper house, including Hon Barbara Scott, Hon Giz Watson and Hon Kate Doust, for their contribution. Clearly, the importance of this legislation is something that the government recognises. It is important that we understand that the legislation clearly sets up a commissioner who will be independent and able to advocate very strongly on behalf of children and young people in Western Australia. The role of the commissioner is very clear. Obviously, the capacity of the commissioner to do his job in the future is one that we all support. The debate and negotiation that has taken place between government and opposition members has been rigorous. It has achieved strong legislation. As we are aware, this legislation includes a review clause. We are keen to ensure that elements of the new structure that is being established will be reviewed at the appropriate time. I want to highlight the work of parliamentary counsel and interested members of Parliament. It has seen a robust bill passed by this Parliament. People who have advocated strongly will see a Commissioner for Children and Young People. The commissioner will join other such commissioners who are established in Queensland, New South Wales and Tasmania. We look forward to ensuring that the position of Commissioner for Children and Young People is established as soon as possible.

Mr C.J. BARNETT: I note that the minister has acknowledged some of the history of this bill. I place on the public record my congratulations to Hon Barbara Scott. I recognise that members in both houses and from all sides have, at various stages, played a role. Hon Barbara Scott introduced a private member's bill in 2004 to create a children's commissioner. That was prior to the last election. The Labor Party went to that election opposing a children's commissioner. That is the history. The Labor Party was quite scathing of the concept. I hope that it has had a change of heart. I also sincerely hope that the new minister is sincere and genuine in setting up the office of the children's commissioner to make it work. It is a new venture. It is a historic piece of legislation that affects not only the welfare of children, but also their development in the areas of education, health, choices, safety and opportunities they are presented within Western Australia. We have always seen this as positive legislation that looks at the broader aspects of children's policy and elevates the status of children into mainstream policy within Western Australia and this Parliament.

I conclude by congratulating Hon Barbara Scott on the creation of this office, just as she persevered to get kindergarten and preprimary education in this state. I was fortunate enough to be involved as the then Minister for Education, but I have always made it clear that it was her leadership that made that possible. She has now, albeit through a Labor government, achieved the creation of a children's commissioner. I wish the appointment well and I wish the minister well in overseeing something that should rise above day-to-day politics in the interests of children in Western Australia.

Extract from *Hansard*

[ASSEMBLY - Tuesday, 26 September 2006]

p6661b-6672a

Mr David Templeman; Mr Colin Barnett; Mr Grant Woodhams

Mr G. WOODHAMS: I place on the record of behalf of the National Party our support for this legislation. I am confident that members on both sides of the house will support it. A lot of work was done before this legislation came to this house. As the member for Cottesloe said, members in the other house have played a major role in developing this legislation.

When this bill is passed and enacted there will be a lot of children in regional Western Australia who will need this bill to protect them in many instances. I ask the minister, in taking this forward and in his dealings with the advisory committees - which is what I think he is calling them - that there be a strong representation of people from regional Western Australia.

Question put and passed; the Council's amendments agreed to.

The Council acquainted accordingly.