

JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

**INQUIRY INTO THE MONITORING AND ENFORCING
OF CHILD SAFE STANDARDS**



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 10 APRIL 2019**

Members

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

Hearing commenced at 9.40 am

MS MICHELLE ANDREWS

Director General, Department of Communities, examined:

MS HELEN NYS

Assistant Director General, Policy and Service Design, Department of Communities, examined:

MR BRAD JOLLY

Assistant Director General, Commissioning and Sector Engagement, Department of Communities, examined:

MS MARION JUNE HAILES-MACDONALD

Assistant Director General, Disability Services, Department of Communities, examined:

MR MARK CROFTS

Director, Standards and Integrity, Department of Communities, examined:

MS RENEÉ GIOFFRE

General Manager, Policy and Service Design, Department of Communities, examined:

MR MAYNARD RYE

Manager, Strategic Procurement, Department of Communities, examined:

MS SIMONE BASTIN

Director, Inclusion Policy and Service Design, Department of Communities, examined:

Mrs J.M.C. STOJKOVSKI: Good morning. Thank you for coming. Dr Sally Talbot, who is the Chair of this committee, is running a little bit late, so I will be running the hearing until she gets here. My name is Jessica Stojkovski and I am the member for Kingsley. I will start by reading the opening statement.

On behalf of the committee, I would like to thank you for agreeing to appear here today to provide evidence in relation to the Joint Standing Committee on the Commissioner for Children and Young People's inquiry into the monitoring and enforcement of child safe standards. As I said, Dr Sally Talbot, the Chair of the committee, is running late. She is hoping to be here by about 10.00 am.

Hon DONNA FARAGHER: I am Donna Faragher, member for the East Metropolitan Region.

Mrs J.M.C. STOJKOVSKI: We also have apologies from Kyran O'Donnell, member for Kalgoorlie, who is unfortunately not able to join us today.

It is important that you understand that any deliberate misleading of the 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 might say outside of today's proceedings. Before we begin, do you have any questions about your attendance here today?

Ms Andrews: No.

Mrs J.M.C. STOJKOVSKI: Do you have an opening statement?

Ms Andrews: I do.

Mrs J.M.C. STOJKOVSKI: It would be great if you would like to start with that.

Ms Andrews: Thank you very much. In providing my opening statement to the committee I first acknowledge the traditional owners and custodians of the land upon which we meet today, the Whadjuk people of the Noongar nation, and pay our deep respect to their elders, past, present and future. We thank the committee for the opportunity to represent the Department of Communities. I am here with my colleagues to provide an update on the progress that Communities has made on the implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, and progress on other matters related to the recommendations that have been put forward by the Commissioner for Children and Young People in his 2017 report, "Oversight of Services for Children and Young People in Western Australia".

As you know, the Department of Communities is a multifunction human services agency, established in July 2017 as part of the major machinery-of-government changes. I commenced in the role of director general, and really interim director general, early February when the previous director general, Grahame Searle, resigned from the public sector. Hence, that speaks to one aspect. Given I have been in the role for only two months, I thought it was important for the committee to bring the members of the corporate executive who are responsible for the business areas where your interests reach into; Helen, Brad and Marion are all members of the department's corporate executive.

The second thing was we come here with an absolute intention to answer your questions to the extent we can and really to minimise the ones that we need to take on notice. We have brought some of the available senior officers in the different business units, so that if there are more detailed questions, we can draw on them today. Lastly, we have also invited some of the team because we think it is an important learning and development opportunity for some of our officers working in the different business areas and they have put a lot of effort into preparing for the hearing today. It is not meant to send anything other than a good message to the committee about how seriously we take the broad issue and want to be a support to you in the process you are undertaking at the moment.

I will just step through some overview comments that I hope will be helpful to the committee, about the department and about the approach we have taken up to this point; then, of course, we will be here to answer your questions.

Firstly, everything that we do as a department, as this new Department of Communities, is directed at people, place and home. That is a quite deliberately formed statement of our strategic intent and speaks to what was intended through the machinery-of-government changes. "People" reflects our focus on the needs and aspirations of the people we serve. We support people to be the best that they can be and to live a good and meaningful life, a life of opportunity. "Place" relates to a collective sense of self and how and where people connect to the world around them. "Home" is more than a building; it has a deep emotional meaning. While home is different for everyone, it should provide both the physical and emotional security that everyone has a right to.

Our purpose is to collaborate as a department to create the pathways that enable individual, family and community wellbeing. It is against this backdrop, and informed by our values, courage, respect, empathy, accountability, trust and empowerment, that we are responding to the recommendations of the royal Commission and the report. Specifically, how do we support those who have been abused, how do we prevent others from being abused, and how do we ensure a swift response for people who have been abused? The planning and implementation of the royal commission recommendations is overseen, as I am sure you are aware, by the Community Safety and Family

Support Cabinet Sub-committee and being coordinated out of the Department of the Premier and Cabinet, as quite importantly, this must be, needs to be, a whole-of-government response.

Implementation of the royal commission's recommendations is expected to be a five to 10-year program of reform requiring engagement and cooperation across government at state and national levels, and with our partner organisations. The Department of Communities is leading 104 of the royal commission recommendations across the three actions areas; 17 recommendations have been completed and work has commenced on the remaining 87 recommendations. The key priorities in 2019–20 year ahead that Communities is leading on include implementation of child safe standards, improving access to early intervention, appropriate assessment and therapeutic responses to harmful sexual behaviours, improving working with children check screening, improving information sharing, improving data on child sexual abuse, increasing the range of professionals obliged to report child sexual abuse, and improving advocacy, treatment and support for survivors of child sexual abuse through an integrated model of advocacy and support and counselling for children and adults.

Communities has established an interagency working group to implement the recommendations. The Commissioner for Children and Young People is represented by Ms Trish Heath, Director of Policy and Research, and Ms Natalie Hall, the principal policy officer.

We thought it would be useful at the front end here for the committee if we provide you just with a brief overview of some of those things I just listed. Firstly, implementation of child safe standards. As you are probably aware, Western Australia has a voluntary approach to child safe organisations, and the Commissioner for Children and Young People has enabling legislation to raise awareness, provide capacity building, training and resources, and to consult with children.

Communities is leading on the implementation of child safe standards through the existing regulatory and legislative frameworks and funding agreements. We are doing this in partnership with the commissioner. The Department of the Premier and Cabinet is leading the implementation of the independent oversight of child safe standards. As a key first step, Communities is working with other state government agencies to identify the institutions that are funded, receive grants or operate under a commercial contract, who will be required to comply with child safe standards. This information will then be used to implement the child safe standards via those funding agreements. It will also be used to inform the oversight of child safe standards in the development of a reportable conduct scheme. The national principles for child safe organisations—we refer to those as the national principles—were endorsed by the Council of Australian Governments in February 2019. The commonwealth has commenced implementing national principles into all funding agreements through their new child safe framework.

To support a consistent approach, Communities and partner agencies, including the Commissioner for Children and Young People, are considering whether to implement the commonwealth child safe framework. To support the implementation of those national principles, a range of practice tools and resources have been developed and Communities and other government agencies, including the commissioner, are reviewing the existing resources we have aimed at creating child safe organisations to align and support that objective of national consistency. Communities is also building on the work initiated by the Commissioner for Children and Young People with independent schools, and is working with the Department of Education to consider how the school review process for public schools could be used to report and monitor child safe standards. Communities will implement the child safe standards in all funded contracts, through either the contract renewal process or through a variation to contract, or through new contracts. The Department of Education has agreed to trial the monitoring and reporting of child safe standards.

The next topic is improving responses to harmful sexual behaviours. The reasons children sexually harm other children are complex, varied and not always obvious. Children with harmful sexual behaviours require a different response to adults who perpetrate child sexual abuse.

[9.50 am]

If children with harmful sexual behaviours are supported through early intervention, appropriate assessment and therapeutic treatment responses tailored to their individual needs and circumstances, the behaviours are more likely to cease and less likely to escalate. Harmful sexual behaviours is an emerging area of practice and there is only a small body of research currently available on different models of clinical practices and effective interventions. The Commissioner for Children and Young People completed some valuable work on harmful sexual behaviours in the form of a discussion paper, a mapping report and a continuum of responses that provides a strong foundation for us to build a comprehensive understanding of the existing approaches available to children and families.

Communities is building on this work and expanding the scope of the commissioner's mapping to include service capacity, waitlist management, treatment interventions, staff qualifications and supervision and training. The first phase of engagement and consultation with the Child Sexual Abuse Therapeutic Services was completed during February and March 2019. Further consultation with other targeted agencies and services will commence this month. Communities is developing a plan for the provision of specialist and general services for children with harmful sexual behaviours. This will include culturally responsive services to meet the diverse needs of Aboriginal children and families and those from other culturally diverse communities.

Communities is working closely with the commonwealth and other state and territory jurisdictions to support the development and implementation of the national strategy to prevent child sexual abuse, led by the National Office for Child Safety. Implementing these recommendations will require long-term commitment to build the capacity in the existing service system.

Improving working with children check screening: Communities is progressing with amendments to the working with children act from 2004 that will, amongst other things, partially or fully implement the nine recommendations, including requiring the Teacher Registration Board of Western Australia to report certain findings to the Department of Communities. Communities is also supporting the development of a national database to exchange information across Australia about working with children check outcomes. The national database is scheduled to become operational from July 2019.

Increasing the range of professionals obliged to report child sexual abuse: Communities has commenced work to expand the mandatory reporting scheme and is working with the government on the policy direction they want to take.

Disability: Communities has a longstanding and robust quality and safeguards system in place to uphold the health and wellbeing of Western Australians with disability, including children and young people. These mechanisms are being maintained during WA's transition to the National Disability Insurance Scheme. Communities is leading WA's implementation of the National Disability Insurance Scheme Quality and Safeguarding Framework which will establish independent oversight and regulations of NDIS services and supports for people with disability, including children and young people in WA. Most of the quality and safeguarding functions in the NDIS will be undertaken by the NDIS Quality and Safeguards Commission, an independent commonwealth body that will commence operations in WA in July 2020. Under the NDIS, the WA government will be responsible for the administration of worker screening which will include pre-employment screening and ongoing monitoring of a broad range of workers, and the development and implementation of an authorisation framework for the use of restrictive practices for people with disability.

Communities is currently consulting with a broad range of stakeholders in relation to the state disability functions that fall outside of the National Disability Insurance Scheme, and the establishment of state-based oversight mechanisms to enhance safeguarding for Western Australians who access state services, including children and young people with disability.

In closing, the reforms being implemented across government will ensure a safer Western Australia for all children. These priorities will progress in consultation with all relevant stakeholders across government and non-government institutions. I would like to thank the committee for your time today and we are very happy to answer all of your questions. Thank you.

Mrs J.M.C. STOJKOVSKI: Thank you for that very comprehensive opening statement.

Hon DONNA FARAGHER: I do have some general questions. We may come back to these when the Chair arrives. You mentioned in relation to disability services a national body that will be overseeing child safety. What exactly will that commonwealth body be?

Ms Hailes-MacDonald: There are two areas that oversight the National Disability Insurance Scheme. One is the National Disability Insurance Agency which is responsible for all the individual funding; the other is the National Disability Quality and Safeguards Commission. That has three prongs to it. One is the registration of services, one is regulation of restrictive practices and the third area is managing complaints. Under the registration process, there will be a requirement for providers to register. They have to comply with specific practice standards. They will oversee the delivery of those practice standards. Given that the National Disability Insurance Scheme covers everybody under 65, that is zero to 65, that will obviously cover children as well.

Hon DONNA FARAGHER: Would the Quality and Safeguards Commission have representatives here in Western Australia?

Ms Hailes-MacDonald: At this stage, we do not know.

Hon DONNA FARAGHER: Right. Are they operating now?

Ms Hailes-MacDonald: They were established in July 2017.

Hon DONNA FARAGHER: Where is their base?

Ms Hailes-MacDonald: Their base is in New South Wales. They are establishing their national framework at the moment. They are due to implement from July 2019 which is a couple of months, in New South Wales and South Australia. As yet, they have not actually implemented. Because West Australia only rolls into the National Disability Insurance Scheme fully from July 2020, the impact of the National Disability Quality and Safeguards Commission will only be in place from that time onwards.

Hon DONNA FARAGHER: Obviously there are sites within Western Australia that are already accessing the NDIS. Who do those areas come under now?

Ms Hailes-MacDonald: The commonwealth government and the state government have an agreement that until such time as the commonwealth body takes over, as in the Quality and Safeguards Commission, Western Australia is responsible for the quality and safeguarding of all West Australians regardless of whether they are in the National Disability Insurance Scheme or not.

Hon DONNA FARAGHER: With respect to standards and safeguarding quality assurance, all those sorts of things is still falling within the remit of the state?

Ms Hailes-MacDonald: At this stage, yes.

Hon DONNA FARAGHER: But come 2020, you are going to hand it over to the commonwealth?

Ms Hailes-MacDonald: Yes.

Hon DONNA FARAGHER: At this stage, we do not know whether the commonwealth will have anybody here in Western Australia?

Ms Hailes-MacDonald: Have offices here? No.

Hon DONNA FARAGHER: Does that concern you?

Ms Andrews: Our work with the commonwealth so far has been very constructive. They have been very appreciative and respectful of the system that is operating here in Western Australia.

Hon DONNA FARAGHER: We did have a good scheme.

Ms Andrews: They have shown every intention of wanting to maintain and build on those standards.

Hon DONNA FARAGHER: But you do not have a commitment that they will have people based here in Western Australia? It is quite important from my point of view with respect to issues surrounding standards and quality for some of our most vulnerable.

Ms Bastin: There is a commitment they will be based in Western Australia. We will be able to provide more information about locations —

[10.00 am]

Hon DONNA FARAGHER: This could perhaps be taken on notice, but what level of commitments has already been provided by the commonwealth? I appreciate it is probably still a work in progress—I understand state—but I think it would be helpful for us to know what level of commitment has actually been provided at this point in time from the commonwealth.

Ms Andrews: Yes. We will get you some more information on that.

Mrs J.M.C. STOJKOVSKI: As you are aware, one of the jumping off points for this inquiry for the committee has been the commissioner's 2017 oversight report. In that report, the commissioner identified six specific areas for development and provided six intentionally broad recommendations. We are just going to bring them up on the screen. Would you like to provide comment on these recommendations, and specifically recommendation 1 to start?

Ms Nys: We would be very supportive of that recommendation. We are committed to implementing the recommendations from the commissioner's report. The intent is that they be implemented alongside the royal commission into child sexual abuse recommendations because, in a sense, the royal commission has, to some degree, overtaken the commissioner's report. We are ensuring that the implementation of the royal commission does also take on those recommendations. We are supportive of them and will be implementing them.

Mrs J.M.C. STOJKOVSKI: Recommendation 6?

Hon DONNA FARAGHER: Could I just ask: with respect to the notion of independent oversight, do you have a particular view as to who or what organisation should take on that role?

Ms Nys: The agreement is that Department of the Premier and Cabinet is leading on the oversight. I think that would be a question for them. In relation to recommendation 6, I probably should have qualified my earlier statement that we are supporting all the recommendations. In relation to one of the recommendations around having a commissioner for children with disabilities, or an independent advocate for children with disabilities, we believe that that recommendation obviously preceded the national disability oversight arrangements, and it is important for Western Australia to comply with the national oversight arrangements. We think that the national oversight arrangements do actually meet the requirements outlined by the Commissioner for Children and Young People, and probably to a greater degree. We believe that that recommendation would be taken up by the national arrangements that are being designed at the moment.

Mrs J.M.C. STOJKOVSKI: There has been commentary around individual advocacy and systemic advocacy, and whether they can be housed together or should be separated out. Do you have any comments on that?

Ms Nys: I think they are very different functions. As I am sure the committee would understand, independent advocacy in that sense is supporting an individual person to challenge a decision. That is often a one-by-one approach and organisations are funded to do that. Systemic advocacy is more about addressing issues within the wider service system, not about a particular person. I think they are very different programs. I think they can actually be delivered by the same organisation, but the contracting and procurement approach has to be very specific about what you are looking for in both streams.

Mrs J.M.C. STOJKOVSKI: One of the things we have been asking people to do as they have come in is to address some dot points that were outlined in an Australian Law Reform Commission report. It is over 20 years old now, but it still has some relevance. We will just bring those up on the screen. Some of them will not be relevant to you, such as the first one, being statutory independence, but if you could talk to each of the dot points as we move through.

Hon DONNA FARAGHER: These were obviously areas that were identified with regard to having good characteristics in terms of advocacy and the like. These have been put to both agencies as well as other groups.

Mr Crofts: In terms of those features of any process going forward?

Hon DONNA FARAGHER: We are interested in what your current processes are. So statutory independence is perhaps not quite so relevant.

Mrs J.M.C. STOJKOVSKI: If we could start with adequate resources.

Mr Crofts: There is a range of resources across a number of agencies within government. It is not exclusive to Communities. Certainly, the Ombudsman of Western Australia has a particular involvement with children and young people in care. Communities has its own resources in the complaints space and the advocate for children in care space. With respect to investigative powers, once again the Ombudsman will always say that it has the powers of a royal commission under certain circumstances, so in terms of external oversight, external advocacy, it is a very powerful body. Communities has a very strong relationship with the Ombudsman in terms of the powers of Communities. If it is a child in care, obviously Communities has quite extensive powers to investigate what is happening in that space.

With respect to active participation from children, obviously we are dealing with children ranging from newborns to people ageing out of care at 17. Communities has a range of different processes in place to engage with children and young people. There is regular planning. There is regular use of a computer application, for want of a better word. A lot of feedback from children and young people is, "Actually, I don't want to talk to you per se. I feel in a safer space just texting you or working in a more virtual environment." On the points of good relationships and decision-making bodies concerned with issues affecting children, Communities works quite closely with the Commissioner for Children and Young People, as we said. We obviously have relationships with the Department for Education and the health department. Even though these might not be higher-level decision-making bodies affecting children, we have relationships with our community service organisations that we work with. There are many, many children placed with the community services sector, so engagement with that sector is very important.

On regional and local representation, obviously we have a footprint across Western Australia. That has its challenges in terms of trying to have place-based responses and making sure that it is done

appropriately. Access to research and statistics relevant to children—we have a lot to do with the Telethon Institute, commonwealth datasets, and internal to government agencies.

Ms Andrews: I will add one aspect around the good relationship with decision-making bodies and regional and local representation. One of the initiatives over the last five to seven years is what are now called district leadership groups. They were originally formed by the human service managers at a regional level, who would come together on a regular basis, so across various organisations that are interacting with children. They have now grown into the district leadership groups. The forums themselves are not formal decision-making forums, but they bring the decision-makers together on a regular basis. By all accounts, from those involved, it has been one of the significant ways of improving the interaction at a local and regional level across government and with the organisations we partner with.

Mrs J.M.C. STOJKOVSKI: You brought up data there. That is something we have discussed with other hearings. Can you provide some commentary about your data collection and data sharing across the government agencies? It has come up a couple of times.

[10.10 am]

Ms Andrews: I think there has been ready acknowledgement that data sharing at this point in time can be strengthened. Under our legislation, we have quite significant powers in terms of sharing data around children. There are other limitations across government that all take different forms. Some of them are statutory limitations. Others you will often hear spoken about can be just current practice and cultural. In terms of going forward, we do see that data sharing and matching, particularly around our more vulnerable children, is going to be very powerful for us—if I can frame it in simple terms at this point—around the predicting pathways for children and then the interventions taken with those children. There is great opportunity for us to be doing much more with the data that we have—“we” being Communities, matching our data with Education, matching our data with Health, and, as I said quite simplistically, framing it around those two areas of prediction and intervention. That process has been initiated this year under the Our Priorities plan that the government launched earlier this year. For the relevant directors general who are overseeing the different priority areas in the tier 2 groups, this is a focus for us. It is, if you like, almost a prerequisite to then planning where we go under Our Priorities. That is just a general snapshot. Some of the team may have some more specific information around research and statistics relevant to children that are worth expanding on, in the work that is going on at the moment.

Hon DONNA FARAGHER: With respect to the priorities that you referred to, are they specific priorities to the Department of Communities?

Ms Andrews: Every one of the six areas go beyond—none of them are owned by just one department. The point is that they reach beyond one department. It is about purposeful, required collaboration across government agencies. Certainly at least four of those six priority areas are very relevant to our business. We are very enthusiastic. Did you want some more information around that?

Hon DONNA FARAGHER: Could you please provide, perhaps on notice, those six priority areas and any other detail that might be relevant?

Ms Andrews: There is quite a bit of information that is already publicly available on the DPC website. They are coordinating the implementation of these priorities. To make it easy, we can certainly send you through some of that information. We can also give you a snapshot. For example, four members of the corporate executive actually sit on the tier 2 SES groups that have been formed—across

government groups—around those priorities. Four members of our corporate executive are sitting on those groups as well, which really speak to the ones that are significant for our business.

Hon DONNA FARAGHER: With respect to the data sharing, you indicated that there is work underway between yourselves and the Department of Education, for example. I want to hear from you where you might see the actual gaps that are currently there with respect to data sharing amongst agencies, and where you can see that they can be strengthened or improved. I suppose I am interested to hear where you actually see the key gaps being at this point in time in terms of data sharing between agencies.

Ms Andrews: Gaps or opportunity, if you like. I can give you an indication of the discussions that the head of Health and the head of Education and myself have been having. All of these things need to be worked through our teams who have got both subject matters. I am going to qualify this, but it is to just give you an indication of where we see opportunities sitting.

Hon DONNA FARAGHER: I want to be clear. I understand opportunities, but we also need to know what the actual gap is and, therefore, what you are seeking to address. As long as it is answered in that way.

Ms Andrews: Yes. I think we are talking around the same thing. If you were to take the recent AEDC reporting around children that has come out, it is really highlighting the spectrum of children from on track through to extremely vulnerable. Clearly, we are very interested in focusing on those kids who are already being identified as being vulnerable. What we do not do at this point in time is match—in fact, education, or at least the teachers, can probably name those children. We do not have an established systemic process at the moment where those children are named and then the data around those children that sits in Communities or sits in Health is brought together to tell us what that holistic story looks like for that child. Does that make sense? It is just an example where that is the opportunity I am pointing to. With the changing technology, changing intent and expectation around departments and DGs, these sorts of things are going to be put in the CEO performance agreements, that we have to deliver on.

It is going to get us asking different questions and pursuing either whether there are gaps or opportunities, where we have data, but by bringing it together is going to give us much richer information around, as I said, predictors and then interventions.

Mrs J.M.C. STOJKOVSKI: You mentioned health and education. We are also aware that some of the vulnerable children that sit in communities in out-of-home care do cycle through the justice system as well. What is your data sharing with justice?

Ms Andrews: Current state? Is there anyone else who can talk about what the current state looks like?

Ms Nys: I think current state in terms of regular exchange of information across the board is something we would like to progress further. In terms of actually sharing information about an individual child when we both have contact, they are good relationships on an individual basis. There is a commitment from both agencies to share data where the legislation allows. We absolutely do that on an individual basis. Do we routinely share data that could be shared collectively? We do not have that in place. My understanding is there would be some legislative changes required to enable that.

Mrs J.M.C. STOJKOVSKI: Is there any work being done to progress that further?

Ms Gioffre: Under the Children and Community Services Act, we have the broadest enabling legislation in relation to the exchange of information. We have the legislative framework already in place. Some of our limitations may be more evident in terms of other states and territories. The only

limitation we have is being able to share information between non-government organisations. We have that legislative power in place. We will be looking at that to see if we will be able to strengthen our legislative provisions to be able to share between government and non-government. The framework of child safe standards is within that, so non-government organisations being able to be required to comply with that would fit hand in glove together with the capacity to exchange information.

There is always this tricky balance between exchanging information about children and vulnerability. You need a degree of risk to be able to exchange that information. Our legislative provisions allow us to do that without consent. In most circumstances, we try and work from consent.

Mrs J.M.C. STOJKOVSKI: I would like to take you back to the individual advocacy aspect. I know you have identified that the Ombudsman has a role to play. Is there any other part of your department or other service provider you can identify that provides the individual advocacy for children and young people in the out-of-home care space?

Ms Andrews: I would like to invite Mark to speak to that.

[10.20 am]

Mr Crofts: The department has an advocate for children in care. It is a senior position reporting to an assistant director general in service delivery. Any young person in care, anyone significant in their life, can approach the advocate over any matter and get their support. The advocate, in some way, provides an enhanced complaints function. Rather than just responding to a complaint, they can work with the young person and assist them work with the districts to try and get their matter addressed.

We were talking before about IT applications through our Viewpoint program. That is how a number of young people elect to get in contact with the advocate. Often, it is carers or parents of children who have come into care who also contact the advocate. It is not just children directly contacting her, it is often other adults contacting the advocate on their four or five-year old's behalf, because we deal with such an age range. That is internal to communities, as opposed to external.

Hon DONNA FARAGHER: They are a departmental officer?

Mr Crofts: Yes, a departmental officer.

Mrs J.M.C. STOJKOVSKI: That segues right into the next question I had. If this person is internal, how independent can they be as an advocate for children?

Mr Crofts: The way we try to structure the position and reporting to the assistant director general is they bypass any district directors or any other management structure. They can have quite a different opinion to the child protection worker, the district director, the executive director and they can go straight to the assistant director general and advocate on their behalf. There is the compromise of having an officer within communities as opposed to having someone external to communities. Externality would probably be complementary, but it is advantageous having someone within the organisation who has immediate access, quite easy to access all those sorts of things and get around to the services quite easily.

Mrs J.M.C. STOJKOVSKI: If there was an external advocate on an individual basis, how do you see your advocate then fitting in with that?

Mr Crofts: As a child in care, you can make a choice. You may want to approach someone internally or you may want to approach someone externally. If we compare it to a complaints process, using that as an analogy, some people come to Communities and want to make a complaint to

Communities, other people want to go to the Ombudsman, and yet other people might want to go to Fin WA. Rather than having one place you can go to, it is about having choice. Some people want to give Communities the first go as the first opportunity to resolve the issue, while other people are not confident in that and do not think that is appropriate and would like to go externally.

Ms Andrews: What is worth flagging with you, this is one of those areas where, in the context of forming a new department as well as having an approach of continuous improvement and always looking at what is best practice, an example of some work I initiated last week which is looking at how we are setting ourselves up internally in the new Department of Communities. Is that appropriate for this new department? What would be considered best practice, and really testing a number of different reports and recommendations that speak to us. There are things we can be doing better internally now. We do not need to wait for broader issues to be progressed. That is an example of obviously a way of working within Communities. There is a current practice that is operating within one business unit. I think there is some work we can do to look at it from a whole-of-department perspective: are we managing complaints and advocacy in a way that really meets the needs? Then is the broader context. If you would like Renee to speak to the broader policy work that is going on?

Hon DONNA FARAGHER: On this particular aspect, we have heard some things in other contexts about children's knowledge of how to make a complaint and knowing when to make a complaint and who to make a complaint to. I was not aware that there was an advocate for children in care. It is not a space I have been in before, so that would be understandable. I note what you have said with regard to parents and carers also being able to make contact with the advocate, but how do children in care come to know about the advocate?

Mr Crofts: The department has a charter of rights for children in care. There is a legislative requirement. Every child receives a charter of rights. On our management information system for every child we confirm that has occurred. Part of that role is promoting the advocate for children in care. If you go out to our residential services, there are posters and material there. In a Viewpoint survey that people do, there is information about complaints and advocate, those sorts of things, so there is promotion in that sense. The advocate occasionally gets around to services. There is a range of three different sorts of promotional material pitched at the different age groups, or the different developmental ages of children. That material is also made available to children.

If you go to the website, there is a page to do with the advocate for children in care. It is really that internal promotion. Obviously for the younger children, it does not connect, pre-primary. For the older children, there is more of a connection. That would be the main approach.

Hon DONNA FARAGHER: For my benefit and the committee's as well, can we take on notice if you can provide some of the examples of the sorts of materials that is provided and that is placed within various services so we can see what that is. I appreciate sometimes these sorts of things are perhaps not as formal, but with respect to contact with the advocate, are statistics kept with respect to the number of times each year, or financial year, that contact is made with the advocate, both child as well as parent/carer contact? Is that information available?

Mr Crofts: Yes.

Ms Gioffre: For example, in 2016–2017, the advocate was contacted by or on behalf of 334 children in care. Of this group, 39 per cent were Aboriginal and 3 per cent were from a cultural or linguistically diverse background.

Hon DONNA FARAGHER: Can that 334 be further broken down with respect to child contact versus parent/carer contact?

Ms Gioffre: We would need to take that on notice.

Hon DONNA FARAGHER: If you could take that on notice, I would be keen to see what the breakdown is with regard to that.

Mrs J.M.C. STOJKOVSKI: From what you have been saying, I gather the advocate is one person, compared to how many children you have in care?

Mr Crofts: That is correct.

Mrs J.M.C. STOJKOVSKI: Is that enough, one person?

Hon DONNA FARAGHER: How many children are currently in care?

Ms Andrews: Just over 5 000.

Mrs J.M.C. STOJKOVSKI: One advocate for 5 000 children?

Ms Gioffre: Going back to Michelle's point, the legislative review recommended that the advocate be external to the department. We said we would progress that work through the royal commission, through the Department of the Premier and Cabinet external oversight group. That is because of the alignment issues that are required in relation to all of those external oversight mechanisms. What Communities is doing is considering interim options such as additional resources and culturally appropriate resources to expand the capacity of the advocate for children in care and to provide more outreach services to children in care. We are very much taking that approach to progress these in parallel to the work of the independent oversight so we are not waiting for decisions to be made. We are progressing it in that way.

Hon DONNA FARAGHER: Again, this might need to be taken on notice, you mentioned—thank you very much—the statistics for 2016–17. If they are available, could we also have them for 2017–18, as well as a breakdown with respect to contact? You mentioned that on occasion the advocate actually will go out as part of an outreach service. Does the department, the advocate, keep statistics with regard to how many in each year—you can take just those two years—that they have undertaken a visit? Are those visits unannounced or is pre-warning provided?

Mrs J.M.C. STOJKOVSKI: Further to that, how is it determined where the advocate will do visits?

Hon DONNA FARAGHER: That might be easier to take it on notice. There is a bit in that.

Ms Andrews: Yes, some more statistics and look at the follow-up action they take in terms of visits and then how they prioritise?

Mrs J.M.C. STOJKOVSKI: Yes.

[10.30 am]

Hon DONNA FARAGHER: Yes, I am particularly interested with regard to whether the visits are unannounced or planned, and from that, how they are actually determined as to where they go.

Mrs J.M.C. STOJKOVSKI: Quickly going back to the department and how you are working within the new department, some criticisms we have heard in the past is that government are particularly siloed. Has there been any change working in this new government department and how are you addressing that issue? Often, especially vulnerable children, will have contact with various different departments within the department. That can be quite frustrating for them and their carers and parents.

Ms Andrews: It speaks to the strategic intent. Your question is really what was always the intention of the Department of Communities, which was to bring those services together and to be putting the child and the family at the centre of how we then design the services around them. None of us

will sit here today and say that job is done. We are still partway through. Even in the building of the Department of Communities, we are taking really what is a five-year approach to that as well. There is work going on and there are already practical real examples of the value of bringing the functions together in terms of housing, family support services and children. Some of the team here can give you some of those examples if you are interested in them. There is still work going on to look at what a service model looks like so we operate it as one department, in terms of how we present at that local level and at that regional level.

I was up in the Kimberley two weeks ago visiting our teams in Broome and in Kununurra and, importantly, also meeting with our partner agencies across government and partner organisations outside, meeting with TOs and local governments. Not surprisingly, I think this happens in any reform agenda, you see on the ground, because once the staff on the ground feel they have been authorised to do it, actually get the practical working relations actually happening. That, in itself, gives a degree of authority to work differently at that regional and local level. It is a five-year journey for us to be setting up that way. The silos across government are equally significant. A significant part of our reform program is looking at how we work across other government agencies. I could talk to a number of things there. Unless there are specific elements to that, I will leave it there.

Mrs J.M.C. STOJKOVSKI: I would be interested to hear if you have a specific example of how this joined-up department serves the community better. If you have specific examples, that would be beneficial.

Ms Andrews: Would it be useful if we sent some through to you? We have lots of case studies that we have been quite deliberately collecting. They really help with our staff, and also with our partner organisations. We can compile some of those case studies for you. They are pretty powerful.

Mrs J.M.C. STOJKOVSKI: Thank you.

Mr Jolly: I was going to expand on Michelle's comments about how we connect with other organisations. Michelle mentioned earlier on the role the district leadership groups play. They have become an important mechanism for certainly the large service delivery agencies like Education, Health, Communities and Police, to connect and coordinate their activities locally. We are placing a high degree of strategic importance on the formation and operation of those district leadership groups to the extent that each one of our corporate executive members is sponsoring one of those district leadership groups around the state in order to provide them not only with some guidance, but also to act as a conduit to help remove any barriers that might get in the way of them doing the things they need to do.

Hon DONNA FARAGHER: This is relevant to the issue of the formation of this mega-department, specifically in and around disability services. Can I get some clarity around disability services, noting the decision with regard to the NDIS to go commonwealth. I want an understanding of where disability services now sits, notwithstanding there has not been the full transition to the commonwealth at this point in time. What is now the role of the disability services area? Obviously it was discrete before; it has its own legislation. I understand that might go at some stage, but that is another matter. What is the role of disability services now and what do you see in that five-year transition you have talked about which ultimately will move straight into when the commonwealth takes that role?

Ms Andrews: The very point in the question you are asking, you can see in the structure the way the organisation is structured right now. It is effectively, if you like, a temporary business unit that Marion is heading up, which is the disability services space. All the work going on in the business there is about the transition we are working through with the commonwealth, but transitioning to this new department. The long-term view for the Department of Communities is there will not be a

separate business unit for disability services. Marion and others will speak to what that is going to look like, to give you confidence that that is not a reduction in protection and services. All the work going on around that is there to support better outcomes.

Ms Hailes-MacDonald: I often describe my role as two areas of transition: one is transitioning the people who are connected with individual funding and specialist disability services into the National Disability Insurance Scheme. The other part of it, because the Disability Services Act 1993 covers much more than just individual funding, is working through the transition of those functions into the Department of Communities, or wherever government chooses to take that. The reason I say that is there are some areas such as our disability justice service, where government will need to make a decision as to where it is best suited. We will obviously advocate for that, as to where it might be best suited. There is a functional review occurring within the Department of Communities across disability services which is looking at what are the non-NDIS services, where they might best be placed and what the state will continue to support as a state-funded service.

In that respect, if I look at the functions that we, as in the Department of Communities or disability services, is still a provider of services as well. You might recall some of our disability professional services, generally known as therapy services. Some of our accommodation services like group homes, supported community living, is within the Department of Communities, the divisions or branches within the department are set up so there are service-delivery divisions. One is the metropolitan service division and the other is a regional service division. Our services will fall under those particular services. That is effectively how they will transition.

Helen's area, which is policy and service design, all of the disability services policy will fall under, and is now under what we call the access and inclusion branch of that division. Again, disability services' policy does not fall away, but becomes much broader in scope and inclusion of people with disabilities. The other area that has been very much at the forefront of growing both the market and the services for people with disabilities is what is now within the department of sector engagement which is our procurement function, our contact management function and our quality and safeguarding function. Those areas fall within the commissioning and sector engagement area of the Department of Communities. In fact, all of the areas actually link up. In many respects, as you will see through some of the case scenarios when they are brought forward, we actually have some better outcomes because of our easier links with what were formerly Department of Housing and Department of Child Protection.

[10.40 am]

Hon DONNA FARAGHER: Thank you for that. I appreciate you going through that. I just want to be clear, though, from what you are telling me, in terms of the way forward, and you are still working through all of that, there is unlikely to be a discrete area that will, in the future, be relevant to disabilities; rather, it will be across a range of areas? I appreciate you cannot be categorical because you are still working through it, but what I am hearing is there is not going to be a discrete area where there will be officers who specifically have responsibility for disability services, as such, and for those areas that you still maintain responsibility for, as well as contact with the commonwealth to make sure they are doing the NDIS properly. All those sorts of things is more going to be generic. Is that what I am hearing?

Ms Hailes-MacDonald: That is probably across the whole division of Department of Communities. We are constantly focused on people, place and home. That gives every one of our former departments a word or a link with what was their former department because we are now the Department of Communities. In fact, whilst child protection is a function, it is not an entity; whilst housing is a function, it is not an entity; equally, disability the same. Hence our tagline of people,

place and home, because everything is focused towards people having a place they can call home and a person-centred approach within their family or their kinship unit.

Ms Andrews: In going through this process, in my first two months in talking through the principles around the organisation's strategic intent, often questions will be asked by people with some anxiety about a loss of expertise, if I can put it that way. Everything I have seen since I started within the organisation is that that is absolutely front of mind and that that will not be compromised. In fact, there is an intention to ensure that that is strengthened. I had a meeting yesterday with an extraordinary woman who is in the foster care space, Faye. She is still reconciling child protection being part of a bigger department. I took a lot on from her about her anxieties around it getting lost in this big department. I have come into the department and I see the intent. We do not have all the process and procedures but it is about children actually being at the centre of everything we are doing and what we are prioritising and how we are thinking about why we get up in the morning. We have a lot of work to do, to work with all our stakeholders, but also to think about how we maintain and build the capabilities we need within the organisation across those different areas that will always be critical to us being effective.

Hon DONNA FARAGHER: You are dealing with the most vulnerable people in our community across all areas.

Ms Andrews: That is right, yes.

Hon DONNA FARAGHER: I am asking the question quite genuinely. It always tends to be an issue where legitimate concerns will be raised with regard to once you incorporate—and I am not just specifically referring to your department—but, inevitably, when you incorporate other sections and it becomes much broader in scope, questions are asked as to whether or not there are competing interests for officers to be taken from one thing to do another, those sorts of things. At the end of the day, in your case, your responsibility is for those most vulnerable.

Ms Andrews: Yes.

Hon DONNA FARAGHER: I understand and share those anxieties that others will have, to make sure you have those processes in place, that people and children are safe.

Ms Andrews: I can speak as someone who has been in the chair for a short period of time, in this position I am totally focused on those government priorities which we will send you some information on. That is an extraordinarily powerful thing as a DG because in those priorities, it speaks to exactly the point you are making. When you are in a leadership position, the authority that gives you around where we focus our effort is extraordinary. It is so much more powerful because there are real targets sitting there. What is today? What do we want? Where do we want to shift it in five years' time in relation to kids, in relation to recidivism, youth, and Aboriginal wellbeing targets sitting in there. Having those as a basis on which I prioritise the effort across a big department of 6 000 people with a huge reach across the state makes an enormous difference.

The second thing is I welcome, and as long as I am in this chair, will be expediting the areas you are focusing on around advocacy and accountability within and outside. In any role I have had previously, I welcome and embrace my internal audit team, my audit and risk committee. Whether it is the role of the Attorney General, the Ombudsman, all of that is about making the process work well. We can never deliver these reforms on our own. Those accountability mechanisms are essential. The last element that we were touching on is around data-sharing, the analysis of the data. We can be doing so much more. Is something slipping, is there an emerging issue here we are not attending to, particularly in those most vulnerable groups. The reform program, to be successful, needs all those elements working well.

Ms Hailes-MacDonald: In terms of resourcing, there is an efficiency to be gained in us joining together. I talk about it from a perspective of commissioning, where we work with different providers to actually provide. At the moment, in our former areas we had, if you like, three contracts with one organisation. That was three lots of resource from different departments. If we now look at moving forward from the Department of Communities, we can look at having a head agreement with that organisation. They will not have three lots of reporting because it will be one agreement. They will also be able to focus on a more cohesive approach rather than thinking, "I have to report this bit and this bit and this bit", but rather about what is the outcome we are trying to deliver. I believe there are certainly better outcomes to be achieved through a joined-up approach.

Mrs J.M.C. STOJKOVSKI: On the advocacy side for disability, is there anybody currently providing individual advocacy for children and young people with disability, and their interaction with disability services?

Ms Nys: Yes. There are a number of organisations. Advocacy has always been a service that the former Disability Services Commission, and now the Department of Communities, has contracted for. There are a number of organisations that have contracts provided for individual advocacy, four or five at least. Marion can speak to that. There is a commitment that that would be a function which is ongoing, required and supported.

Mrs J.M.C. STOJKOVSKI: Children in out-of-home care have internal advocacy, but children with disabilities have more external advocacies?

Ms Nys: They do, yes. Children and adults. The people who fund and provide individual advocacy would be providing that service across both.

Mrs J.M.C. STOJKOVSKI: Do those services that provide this individual advocacy have other functions as well, in terms of providing therapeutic services and things like that, or is it just advocacy?

Ms Hailes-MacDonald: It is just advocacy. It has been a conscious decision of the department to have advocacy separate from service delivery.

Hon DONNA FARAGHER: Could we get a list of the current services that are receiving funding from the Department of Communities?

Ms Nys: For advocacy?

Hon DONNA FARAGHER: Yes.

Ms Hailes-MacDonald: Apart from the independent advocacy organisations, where a service is being delivered by a non-government organisation and there could be a complaint put to the non-government organisation, it is first of all expected they will resolve that, but if it cannot be resolved, it can go to the Health and Disabilities Services Complaints Office. They are an independent body that will investigate complaints.

Mrs J.M.C. STOJKOVSKI: Given we are over an hour into this, do we need to have a short break or are you happy to push on?

Ms Andrews: I am fine.

[10.50 am]

Mrs J.M.C. STOJKOVSKI: In the Commissioner for Children and Young People's submission to this inquiry, he states that despite the best efforts of current oversight agencies, where they do operate, there have not been any discernible improvements in the quality of care or wellbeing outcomes of these children and young people overall, with many oversight reports repeatedly highlighting the

same concerns and recommendations over a significant period of time. Obviously we have become very good at creating reports, but I think he is suggesting there has not been any discernible increase in the outcomes. Is this an observation you would share?

Ms Nys: In terms of actual outcomes of time, possibly Mark Croft could speak to that, then we could speak to the oversight going forward, noting, of course, that it is actually DPC who is looking at oversight.

Mr Crofts: In terms of reports there is a standards monitoring process for children in care and for the front-end child protection work of the commission. So if there is a child safety concern and the person is not in care, Communities needs to investigate. There is a range of standards called Better Care, Better Services standards. They were developed by the community services sector around 2006. Internally, that is the main continuous improvement mechanism that communities follows. On a two-yearly basis, districts are assessed against those standards. For placement services, on a three-yearly basis, services are assessed against those standards. Those standards identify required actions that a service or district must implement. Opportunities for service and improvement which are not critical but would improve the standard of service and identifies commendations for what the service is doing really well.

As we have progressed over time, we have raised the bar. What would have been acceptable in 2007 and 2008 is no longer viewed as acceptable. We have tried to build that in as a continuous improvement strategy. There are still some key areas that communities struggles in.

Mrs J.M.C. STOJKOVSKI: How do you know that it is improving? Is it something where you look at what has been delivered and that shows improvement, or you are actually looking at the outcomes for the children?

Mr Crofts: The major focus in the early years was not as outcome-focused; it was more on deliverables. It has moved to experience from children in care, experience from parents and caregivers because the standards monitoring approach is not just focused on children in care, it is obviously focused on parents and caregivers, reunification involvement, a whole range of things. There has been that shift over time, trying to raise the expectations.

Mrs J.M.C. STOJKOVSKI: Something the committee has been concerned about is that often it will be about the delivery of a service: how we have delivered, we have done this and we have done that—but what is the outcome for the children?

Hon DONNA FARAGHER: What is the outcome?

Mrs J.M.C. STOJKOVSKI: Whether it is reunification with their family or whether it is not cycling through the justice system, do you focus your improvements around outcomes?

Ms Andrews: Would it be useful to speak to the work going on around that outcomes framework?

Ms Gioffre: Maybe also nationally, what is happening in terms of children in out-of-home care.

Ms Andrews: Brad, did you want to speak to the outcomes work going on?

Mr Jolly: As part of the development of the organisation, Communities has established five key outcome areas which align to broader government priority outcome areas. One of the key strategic planks, and I think it goes directly to the observation you have just made, is in relation to the services the department has historically purchased or funded over time, we have tended to fund those services on the basis of outputs being delivered in the way you have described. We are changing the way we undertake those tasks now. We are in the very early stages of implementing a commissioning-for-outcomes approach across the organisation which will essentially transition us from that model where we have block funding services, to deliver particular prescribed outputs,

getting into a space where we are working with not only the service providers, but the service users, to be clearer around what the issues are and co-designing and co-producing services with them to address a specific identified set of outcomes, then having a performance management framework in place that manages those providers in relation to the delivery and achievement of those outcomes.

It is early days for us because it is a big program of change, not only within the organisation but also, as you can imagine, external to the organisation. We have a roadmap mapped out that will progressively transition us. Certainly we will not be waiting five years, but within five years' time, you would expect to see all of the services we are engaging would be under an outcomes-based commissioning model. We will be progressively phasing that in over the next five years.

Mrs J.M.C. STOJKOVSKI: How do you now plan to collect and store this data so you have good benchmarks? Obviously it has not happened to a great extent up to now. I assume you have some data now to benchmark. How are you going to store and monitor that data going forward?

Mr Jolly: There is some working happening within the organisation now to identify the various data sources within the organisation, to be able to bring those data sources together to the extent it lives within the four walls, if you like, of the department presently. One of the challenges for us as a new organisation, when we formed on 1 July 2017 was that each of the former departments had their own information and business systems. There was no single source of truth from any set of data, whether it is financial, human resources or records management. It was very fragmented. There has been some work going on that was identified and prioritised very early on in that process to start a program of work to bring together the department's information. That work is continuing. In relation to the people we are working with, that only gives us a cross-section of the information that relates to them.

They are obviously also engaged with organisations outside the four walls of the department. The information they collect is also relevant to help us to start to inform what might be the best service response to address those individuals' particular needs. That goes to the comment Michelle made earlier on about some of the work that is occurring through the six priority areas and the data-gathering that is going on in those priority areas to support some of that work.

Ms Gioffre: The other part to that is you were focused on children in out-of-home care. At a national level, under the National Framework for Protecting Australia's Children, there is a range of initiatives, so caring, including a permanency outcome performance framework being developed. In these types of things, Communities would be keen to see progress through the Department of the Premier and Cabinet's oversight working group to consider how data will be integrated to enhance the oversight mechanism.

[11.00 am]

Mrs J.M.C. STOJKOVSKI: We will move now to the royal commission recommendations. The state government has implemented a framework for adopting our whole-of-government approach to achieving the intent of the royal commission recommendations, and that you play a very important supporting role. Can you give us commentary around how you are supporting in the implementation of the recommendations of the framework?

Hon DONNA FARAGHER: What areas is Department of Communities specifically leading on?

Mrs J.M.C. STOJKOVSKI: I think it was harmful sexual behaviours. If you highlight that as well?

Ms Nys: I can give an overview. Reneé is absolutely leading on this work. She will be able to give you some specific answers. The Department of Communities is responsible for implementing 108¹ of the recommendations, so a substantial proportion of those. That includes child safe standards. It also includes children's harmful sexual behaviours. They are two of the priorities. With such a number, we have taken a very strategic approach. It is a five and up to 10-year work program to implement all the recommendations. Child safe standards and the harmful sexual behaviours are two of the areas of early priority. We are working on those now. Also the working with children checks and the national alignment of those checks is the other priority area.

Hon DONNA FARAGHER: With respect to the working with children checks, in the opening statement that Ms Andrews referred to, there is work underway with respect to amendments to the working with children checks. Are you able to give a time frame with respect to those amendments? I am presuming that would be amendment to the legislation. Secondly, you mentioned you were looking to increase the number of professions required to report. I presume that could be done through regulation rather than the act, but I am happy to be told otherwise. If so, what is the time frame, whether it is through regulation or through a change in the act, with respect to that part as well.

Mr Jolly: I might start with a bit of context. The royal commission's recommendations for changes to working with children schemes nationally apply in a context where most jurisdictions, most state and territories, are operating schemes presently. South Australia presently do not. Recommendation 2 of the commission in relation to the report that specifically dealt with the working with children scheme was for South Australia to implement a scheme. The recommendations are made in an environment where you have multiple schemes operating across multiple jurisdictions. None of those schemes are consistent. They are all different in scope and practice. A number of the recommendations of the royal commission went to address that issue, the fragmentation of the system that applies presently, through the development of some nationally consistent standards, and also to the development of information sharing systems to enable states and territories to improve the rigour of the checking system by enabling states and territories to more readily access information held within their datasets.

In relation to that particular issue, Western Australia is quite well advanced. In the discussions between states and territories about how that information sharing recommendation might best be addressed, to exchange all of the data held in each of the systems in each of the states and territories is incredibly complex because they are coming from different starting points in terms of scope and practice et cetera. The discussion focused on what could be the most meaningful data sharing that would improve and strengthen the system nationally and that could be done administratively quite simply. The response to that was for states and territories to share information about adverse findings. In the case of Western Australia, that is where it results in a negative assessment of an individual, so someone who is prohibited from undertaking child-related work.

There is work well underway to create a database that will warehouse information from each of the states and territories that will incorporate those adverse findings, once that is in place. Western Australia is probably leading the pack. The intention was that particular database become operable in July of this year. We have pretty well already got our ducks lined up in order to be able to feed our information into that database.

Hon DONNA FARAGHER: You do not require any further legislative amendments to allow that to occur?

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

Mr Jolly: No. Correct. The legislation already provides for that. That is an important piece in addressing the information sharing. From there, jurisdictions will then continue to work on a national referencing system or database to say, "How might we share some of the other data to, again, strengthen the checking processes going forward?" In relation to legislative amendments, the commission made a number of recommendations that go to the development of national standards, or nationally consistent standards. As you would no doubt appreciate, getting eight jurisdictions to agree to a national set of standards is not always a straightforward task. That work has been going on behind the scenes. Certainly from a WA perspective, we have been contributing to the development of a set of national standards.

We are at a point now where there is a level of consensus about what the national standards might look like. For Western Australia, we already meet or exceed a number of those national standards in relation to the existing legislative scheme. Certainly, it would not be the intention to dilute or weaken those protections where they are stronger than the minimum standard, if you like, that will be imposed nationally. For a number of the recommendations that link to national standards, we would already satisfy those requirements. There are other recommendations that go to the strengthening of the scheme, and again, consistency—so, common definition of child-related work and these sorts of things.

Where they require legislative change, we are intending to address those through two tranches of amendment. The first tranche of work is reasonably well developed in the sense we are quite well progressed in developing a package of amendments that will implement fully or partially nine of the recommendations. There were 36 recommendations in total that related specifically to working with children. Two of those, like the one I referred to that was specifically aimed at South Australia, do not apply. Of the 34 that are relevant, the first tranche of amendments would address fully or partially nine of those recommendations. We would then propose to work on a second tranche of recommendations where the policy requirements associated with the recommendations will require a little bit more work.

A good example of that would be standardising the definition of child-related work, which on the face of it seems like a relatively straightforward thing to do, but it has many, many components and then gives rise to potentially a whole range of unintended consequences. We have to step through each one of those things and then, again, hopefully apply it in a way that is nationally consistent.

Hon DONNA FARAGHER: That brings in that point with regard to the number of professions that would fall within the requirements, or potentially increasing the number where they would be required to have a check. Is that a fair statement?

Mr Jolly: Yes. I think the comment Michelle made earlier on may have related to the requirement that will be imposed on the Teacher Registration Board. Presently, they are not required to provide information that can be taken into account for the assessment in relation to disciplinary or misconduct matters falling within the remit of the Teacher Registration Board. In the first tranche of amendments we will be seeking to progress, there will be an amendment within there that specifically addresses one of the recommendations, I think recommendation 19 off the top of my head, that seeks to expand the scheme to take account of professional misconduct and the like.

[11.10 am]

Hon DONNA FARAGHER: Do you have legislative priority already with respect to that first tranche?

Mr Jolly: I do not think I can speak to cabinet matters.

Hon DONNA FARAGHER: I will put it in a more general sense, and I am happy for this to be taken on notice, I would be keen to understand what the time frame is with regard to certainly the first

tranche, appreciating the second tranche involves other matters which are dependent on other things happening. You indicated you were fairly well advanced with respect to the first tranche. I would be keen to understand where it sits and the time frame, if you are able to provide that. You may need to be generic, I understand that.

Ms Andrews: So certainly I can confirm today that it is part of the government's legislative program; that is confirmed. I am going to see whether anyone has any more specific information they can share today around expected time frames.

Ms Gioffre: Before, you were referring to increasing the number of reporters obliged to report mandatory reporting. At the moment in the first tranche we are progressing with ministers of religion. We went back to the royal commission intent which was to deal with under-reporting and closed environments. We are prioritising where there was clear evidence provided to the royal commission of ministers of religion where sexual abuse was not reported. We are going through that process. The royal commission will likely be given a priority, and we are hoping to implement by June 2020.

Mrs J.M.C. STOJKOVSKI: Moving to harmful sexual behaviours, could you please advise us what actions you are taking to achieve some movement in the harmful sexual behaviours area? I understand that is one of the department's priorities.

Ms Andrews: It is. Helen will start.

Ms Nys: Harmful sexual behaviours is absolutely one of our priorities. I think it is fair to say it is an emerging area of practice. In terms of actually looking at what are effective models of harmful sexual behaviour and what particularly would be an effective model within Western Australia, which has a particular regional and rural context as well. We are looking to other jurisdictions and across the world to look at best practice, then put some considered thought and seek advice on which models would work best within Western Australia. There is actually only a very small body of research available on different models of clinical practice, particularly across culture and some of the cultures within Western Australia.

The Commissioner for Children and Young People has completed some really valuable work on harmful sexual behaviours. It is an area that he has long prosecuted for improvements in services. That has been very useful to us and the royal commission. It has given us a very strong foundation to build on the work done by the commissioner, understanding the existing approaches available and what we need to grow and what we need to develop. We are working to develop a plan for the provision of more specialist and specific services for children with harmful sexual behaviour. There has been some very excellent work already done within the non-government sector. You are possibly aware of the work done by the George Jones Child Advocacy Centre running out of Parkerville. That has been a real example of, I think, best practice in this space. We are continuing to work with them.

We are also working with the commonwealth to support the development and implementation of the national strategy to prevent child sexual abuse. You may be aware that the commonwealth government had made an announcement about developing a national centre of excellence in this area. We are very supportive of that because all jurisdictions recognise this is an area of expertise that we really need to grow in Australia. We are looking at New South Wales and Victoria who are perhaps more advanced and have developed this work further. We are seeking to learn from them. Reneé is available to answer more specific questions if you have them.

Mrs J.M.C. STOJKOVSKI: The committee was made aware that there is not a standard approach to dealing with harmful sexual behaviours. It can be very varied. Some children may get a therapeutic

response and some people may get a justice-driven response. Is any work being done around standardising approaches or making sure that all children are given the option of a therapeutic response before they head towards justice?

Ms Gioffre: As part of the consultation process, we are consulting on the best practice principles for therapeutic interventions recommended by the royal commission. As Michelle said in her opening statement, we have consulted, in February and March, the child sexual abuse therapeutic services. All of those services were very positive about those best-practice principles. That is a key aspect of our consultation.

Hon DONNA FARAGHER: Pointing back to the opening remarks, with respect to harmful sexual behaviours, you referred to treatment, intervention and therapeutic services. Obviously when we are dealing with this, we are also dealing with situations with child-on-child victims. What supports and mechanisms are there for victims? I am specifically referring to that child-on-child circumstance. We are talking obviously about therapeutic services and intervention and treatment. In that context we talk about the child who would be undertaking this. With respect to the victim, I am keen to hear more about that as well.

Ms Gioffre: Services are provided both to the victim child and also the child who is demonstrating those behaviours. It is important they both receive a service. I think that is where we will learn from New South Wales and Victoria in relation to that. The Commissioner for Children and Young People facilitated, through the vulnerability series, those contacts. We met with Lisa from Victoria and Dale Tolliday. As part of our consultation process, we will go back to them. Also, New South Wales is willing to chair an intergovernmental group. Those learnings from those jurisdictions further ahead from us will be really useful. It is really important to bring to the fore some of the challenges of our regional and remote areas and think about solutions that will work best for Western Australia as well.

Mrs J.M.C. STOJKOVSKI: Acknowledging this is an emerging issue, as we have said, and you have identified New South Wales and Victoria, has there been any best practice you have identified internationally?

Ms Gioffre: I think we can provide some of that on notice. It is still an area that is very emerging.

Mrs J.M.C. STOJKOVSKI: I understand.

Ms Gioffre: Obviously the royal commission has recommended a preventive education strategy. I think that is a critical aspect in relation to harmful sexual behaviours. As the royal commission picked up, children do not necessarily identify abuse by another child. They quoted the high statistics. That prevention education strategy will be really important to frame up that knowledge of harmful sexual behaviours, in that it is quite different from adult perpetrators of child sexual abuse. It is really important to be able to focus on the needs of the child demonstrating those behaviours and be able to seek treatment to reduce those behaviours or, if possible, eradicate those behaviours as well as providing the services to the child, or the victim, of those behaviours.

Hon DONNA FARAGHER: Obviously there is the more policy-driven side of this, but at the core, at the individual level where something may be occurring, and again, I am happy for you to take it on notice, what are the protocols in place with regard to data sharing between Communities now, Police, Education and any other agencies that may be involved where you may have a situation where, within a school, obviously, there will be a situation where there is this child-on-child situation occurring? Are you able to give a little bit of detail in relation to that, or are you happy to take that on notice, given the time frame?

Ms Andrews: Yes. I think we need to take that one on notice.

Mrs J.M.C. STOJKOVSKI: Are there any further statements you would like to make?

Ms Andrews: Nothing further from myself.

Mrs J.M.C. STOJKOVSKI: Thank you for your very comprehensive today. Clearly, the Chair has been detained longer than she anticipated. Our apologies for that.

Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. The committee will write to you also with the questions that you have taken on notice. New material cannot be added via the corrections made to the transcript, and the sense of your evidence cannot be altered. Should you wish to provide additional information, however, or elaborate on a particular point, please include this as a supplementary document for the committee's consideration when you return your corrected transcript of evidence.

Hearing concluded at 11.19 am
