

# **JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE**

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



**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
WEDNESDAY, 21 MARCH 2018**

## **Members**

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

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**Hearing commenced at 9.54 am****Mr COLIN PETTIT****Commissioner for Children and Young People, examined:****Ms TRISH HEATH****Director Policy and Research, Commissioner for Children and Young People, examined:**

**The CHAIR:** On behalf of the committee, I would like to thank you, commissioner, for agreeing to appear today to provide evidence in relation to this committee's review of the functions exercised by your office. As you know, my name is Hon Dr Sally Talbot, MLC, member for South West, and I am the Chair of the joint standing committee. I do not know that you need the other members to introduce themselves; they are exactly the same as they were on the previous two occasions when you visited us.

It is important, commissioner, that you understand that any deliberate misleading of this committee may be regarded as a contempt of Parliament. Your evidence is protected by parliamentary privilege. However, this privilege does not apply to anything that you might say outside of today's hearing. Today is a public hearing. If during the course of the hearing you feel that the evidence you are about to give should be provided confidentially, please let us know, so that we can respond appropriately. Before we start with our questions, do you have any questions about your attendance today?

**The WITNESSES:** No.

**The CHAIR:** Would you like to make any sort of opening statement?

**Mr PETTIT:** Just a very quick one, if I can, thanks, Chair. Thank you to every member of the joint standing committee for their support in both the Vulnerability Speaker Series and the We are 10 function last night. It was great to have representation right across the board from the whole committee, so thank you for your support.

**The CHAIR:** You are very welcome. Perhaps that is a good place to start; did it go well last night? I am sorry I was not able to attend.

**Mr PETTIT:** I think it went very well. It was a very casual evening, as it was designed to be. I think a number of the members were quite impressed with the work that children and young people have done in putting together that particular report.

**The CHAIR:** I understand that it was a bit politician heavy. Are you saying that that was the object of the evening?

**Mr PETTIT:** That was the object, yes.

**The CHAIR:** So it was an outreach to members of Parliament.

**Mr PETTIT:** It was, yes.

**The CHAIR:** Thanks, commissioner. You have done an extraordinary amount of work since we last spoke to you in November and, of course, we have also had several major developments on the national scene. We probably have about an hour and a half left and I am going to try to cover all these areas. We will proceed as we usually do, but I will lead the questions and my colleagues will jump in if there are areas that they want to explore further, and we will see whether we can cover most of these topics.

If we can go first to the school and learning consultation. Jessica and I were able to come to the original briefing you did for stakeholders, which was fantastic, but I wonder whether you would like to give us an overview for the members of the committee and our research staff who were not able to be briefed yet?

**Mr PETTIT:** Certainly. Thank you, Chair. We have, as you know, released the publications. There were two publications released to Parliament on 30 January. One was a technical report and the second was a summary report. Both of them contained the seven findings and the 14 recommendations, which I will extend to later. To date, we have had six presentations to over 650 people, mainly through education, and there is a growing interest in that. We have three public sessions. One is starting this evening, which we have approximately 100 people attending. We have also had downloads of the reports themselves—well over 400 of the summary report and well over 150 of the technical report—so we think it is starting to reach far and wide. I have also presented to the Minister for Education on the actual paper itself. We have written to all MPs and provided them with a copy. We have gone as broad as we can in terms of trying to make sure that the message from the report is widely understood and is available to as many people as possible. In the public seminars we are going to record one of them—I think it was at the request of this group—to make sure that we can reach out to regional locations. So there will be a video presentation available on the website for all regional locations, but I have indicated to regions that if I am invited, I am happy go and talk to them around this issue, if it can fit in with the work plan.

In terms of the report itself, as I said, it has seven findings and 14 recommendations. We are starting to monitor those recommendations. In fact, recommendation 9 indicates that we are calling on the federal government and all state ministers to review the Melbourne declaration for education. That particular document was released in 2008. Certainly feedback from children and young people throughout the course of the consultation was that they felt that the curriculum was not as interesting as it could be in many cases and should be looked at. That then translated into whether they found classrooms interesting. Given that the Melbourne declaration is 10 years old, it is probably timely for it to be at least reviewed to see that the next 10 years are appropriate for our children and young people. We have started that work and have written to those ministers only this week.

We are also looking at all the other recommendations and we have been invited by the Department of Education to sit down with them and work through how they might support us in translating those recommendations into practice wherever practical. We are scheduling that meeting for the next few weeks. We are doing that. We are also doing a range of policy briefs to support the document itself. The first one is around a document called “Children and young people speak out about education and safety” that was released on the day of our presentation. The reason for that is that this was a key issue that obviously the media picked up and we wanted to support schools, in particular, in developing sound policies and practices. These particular policy briefs have been developed on a regular basis. The second one will be out in May. We are also doing some other work. We are hoping to release next month a support document for parents, because quite a bit of feedback on parents through the report from children and young people was that their engagement was as critical as anything else to their learning, and so we are going to put out some tips for parents to support parents. We will do that in two ways. Through, obviously, our website and our Twitter feeds et cetera, and, secondly, through education systems. That will be released in April and we are hoping to build a bank of supporting documents. I am happy to table that document if you have not seen it.

**The CHAIR:** Yes.

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**Mr PETTIT:** In terms of education, I think we are on the right path. We are still in that phase of trying to make sure that people understand the document fully. We have been asked to present to a range of conferences leading up to and including August. In fact, I am doing a presentation on Friday morning to a group out at the Swan Valley. I think there is a genuine interest. We are in that phase of trying to make sure that people understand what the children and young people have said, but, equally, we are making sure that the recommendations are starting to be heard and acted upon wherever possible.

**The CHAIR:** How are you managing the cross-agency matters that are the subject of some of the findings and recommendations? Because I did notice at the briefing that there were a couple of bureaucrats who leapt up and said, "This is not our problem."

**Mr PETTIT:** Yes. We encounter that approach on a range of issues and, obviously, I understand why that happens. In this particular case, we are looking at having all the agencies invited to a meeting. In fact, we will be leading some of the work around children identifying as having a disability or learning difficulty, and we are going to try to get all the players in one place, including, not just education, groups like health and others, because we think they have a lot to contribute in that space.

**The CHAIR:** Have you got the stage at which you can identify what you think is the most important recommendation? I talk about a stage, because I imagine that some of that assessment is gauged on the sorts of responses that you got.

**Mr PETTIT:** Yes. I think there are some recommendations that are easily achieved if they are accepted and I think would make a significant difference. Recommendation 1, for example, talks a lot about looking at the national survey of schools, which is an agreed mandatory process for all schools across the nation. Schools are currently doing it, but the surveys themselves are very clunky and very difficult to actually analyse, and it relies on each individual school to do that analysis. We think, with very little effort, the state minister could look at using some technology to do the analysis for schools. Then, once they have done that, they could also use the analysis to report publicly, not about individual schools, but about the system more generally. When I say "system", I am talking about all school systems not just government; it is Catholic and independent as well. I think with the changes to agencies in which the two non-government school sectors are involved with the Department of Education now, I think that could be easily managed. That alone would bring about a huge difference in terms of confidence for parents about what children and young people think about their education, it would give some really strong evidence for systems and schools about what needs to change on a fairly regular basis and it is something they are doing anyway. With improved technology I think we can get better at reporting it for schools. It will still rely on schools to analyse what the data is actually saying and how they can make improvements at a school-by-school level, but I think there is some system-level data that would help the system as well.

**The CHAIR:** So this is about information sharing?

**Mr PETTIT:** Yes. Well, it is about information gathering first. There are three parts of the survey. There is a parent survey, a child survey and a teacher survey. They are done independently in the school. The reports are independent of each other and it is up to the school currently to have a look at how they relate the similar questions, if not the same questions. What we are saying is that if they are like that, why could we not have them analysed for the school and handed back to the school to then start doing some work on them? We think that efficiency would create a lot of positive energy in terms of learning, a lot of positive work towards making schools better places, but also improving the system.

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**The CHAIR:** When you briefed the stakeholders on the report, you made reference to the opt in, opt-out mechanism as it is applied by the Department of Education. How does the NSOS work?

**Mr PETTIT:** Because it has been agreed to by governments it is administered directly from a national group, through ACARA, and because all states have signed up it is an opt-out process.

**The CHAIR:** Okay. So we do have opt-out voting in some parts of the system?

**Mr PETTIT:** Yes. NAPLAN, for example, is an opt out. There are models within our systems that are agreed nationally that that is the process you use.

**The CHAIR:** How much of an issue is it for the commission that this survey—this report that we are talking about—was done on an opt-in basis?

**Mr PETTIT:** We always address the beginning of each of the meetings with a caveat that because it is opt in we do not believe we have the full spectrum of children in a balanced way. We did have some children from all parts of the learning curve, if you like, but we are not sure —

**The CHAIR:** So you are just within a small sample to make sure that you have the right cohort?

**Mr PETTIT:** Yes, as much as we could. However, because of the opt in we could not guarantee that that sample was the representative sample of the entire population. We know that when you opt in that most researchers will tell you that your percentage terms will be between 10 per cent and 20 per cent, whereas for opt out it is up over 90 per cent.

**The CHAIR:** I think at that stakeholders meeting you gave us some data—some numbers. Can you share that with the committee now? I am sorry to land that on you.

**Mr PETTIT:** I cannot recall the numbers at the moment.

**The CHAIR:** We can take it on notice, if you like. Could you give us the percentage, I think? If you could let Renee know, that would be great.

**Mr PETTIT:** Yes. I will do that.

**The CHAIR:** Have you raised that matter with the minister?

**Mr PETTIT:** We have raised it with the minister. Of course, if we are to do future research of this nature where it is to be population research, we have tried to raise it with minister to say that it should be an opt out. At the moment, the minister is saying that the current policy, unless it can be proved for reasons otherwise, is an opt-in policy, and she will look at it on a case-by-case basis.

**The CHAIR:** I understand that the rationale for defaulting to opt in is the sheer volume of requests that are made of the department for research access.

**Mr PETTIT:** That is correct.

**The CHAIR:** But I guess that we could work on the assumption that a case-by-case basis might be the way that you would want to argue the issue as it relates to this report.

**Mr PETTIT:** I think it is incumbent on ourselves and any other researcher to demonstrate that if the data to be collected is population based and is of value to, particularly, the community and government and so forth, then the opt-out process should be looked at. It is really up to us to make that we put that case strongly. We did that. Unfortunately, at this stage, the policy overrode that decision.

**The CHAIR:** Are you confident that you can make case strongly?

**Mr PETTIT:** We will continue to make that case strongly. As part of our wellbeing monitoring, which we will talk about later, we think it is crucial that the opt-out process is put place. In doing so, we

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believe it would reduce the number of requests from a range of researchers for information because the information would already have been done, and done once.

[10.10 am]

**The CHAIR:** That is an interesting point, yes. So people could mine your data for their research projects.

**Mr PETTIT:** Yes.

**The CHAIR:** Is there any material that you could share with the committee about the substance of that argument?

**Mr PETTIT:** We would have to go back and have a look. Yes, we will find that.

**The CHAIR:** That is terrific. Trish, did you want to comment?

**Ms HEATH:** I will just make one comment. I sometimes think that people get the opt-in, opt-out process and the waiver of that policy, albeit the granting of an opt-out concession to the commissioner's office to undertake this research, with the requirement to go through an ethics process, the research will obviously have to go through the standard ethics procedures anyway to ensure—the consent process is about protecting people. It is about making sure that the right people are informed with the right levels of information and that the right protections are put in place to make sure we do not do any harm with our research. That will all still be covered through an ethics process. The gold-standard, if you like, for ethics research guidelines is the National Health and Medical Research Council work that sets out guidelines for conducting research. It allows in there for opt-out consent processes under certain circumstances. I think we are confident that we satisfy those circumstances. The importance of the research, the credibility of the people doing the research—Telethon Kids Institute and the commissioner's office—and the protections that we have demonstrated that we have put in place every time we undertake these sorts of processes should meet that standard. I think sometimes people get nervous about opt out and that it means that there are almost no controls, if you like, and people are being marched without any regard into research and nobody is informed about anything. Of course, the children all have to give their consent to participate. None of the children will participate if they do not want to, either. Parents, of course, if they object to their children participating, will be able to opt out as well.

**Hon DONNA FARAGHER:** Can I just get some clarity, and maybe I misunderstood what the commissioner said, but were you indicating that if there was a mechanism for the opt out and therefore the commission would get a whole lot of information, whatever that information may be, you would see that that would then be an opportunity for other researchers to utilise the information that you have gained for further research?

**Mr PETTIT:** That is correct. It would be de-identified, obviously. We would not collect identified data anyway. It would all be de-identified.

**Ms HEATH:** If I can clarify there, the data that you gather can then be mined in different ways so people can cross-reference different parts of the information. What we are working on with the Telethon Kids Institute is a reporting framework for the survey data that says, "This is what we will actually report on as a standard part of the process." The wellbeing survey is very comprehensive. It looks at many aspects of children's lives—their learning, their health, their risk behaviours—and it is tailored to younger and older children. What we will end up with is a rich database of information from children. Because of the complexity of that information and the time frames that we are working to, we will look to have a standard reporting framework that reports on particular aspects of that. But what you are able to do with the data is go back and ask other questions like, for example, how many of the children who undertake particular behaviours or report highly on that

are also in that group? So children with disability, for example, kids who are reporting that they have some level of disability. What are their particular experiences of relationships with their peers, for example, or their home life? You can actually ask those questions. That is the option. People will be able to put questions to that data again through a process of consideration. It is not just, yes, anybody can ask anything and report whatever they like. For example, with the request for funding for the survey to be funded through multiple government agencies, Health, for example, might want to ask some specific questions of that data around risk-taking behaviours or health behaviours that would be beyond what we report on as a standard, because it meets the needs of the Department of Health. We are not just talking about anybody walking in and asking that information but certainly the partner agencies and then by request that is then considered by a group. I think that the data linkage and access to data and information is something that has been very robustly discussed at the moment in the community and within government—the Klinken report that was released, I think, last year, and the review of data is telling us that we need access to good data, but it does need to be tightly controlled to protect people’s privacy and also to make sure that information is not misrepresented. I think that is very important.

**Hon DONNA FARAGHER:** Legislation was introduced and passed last year with respect to SCASA providing identifiable information under certain circumstances to researchers. Obviously, a clear concern with that, particularly with identifiable—I know that you are referring to non-identifiable information—providing identifiable information to a certain organisation, whatever that may be, then prohibiting them from providing that to any other third party. You are actually suggesting, albeit it is not identifiable, that with strict controls you would have a mechanism to provide that onto others.

**Mr PETTIT:** That would be an opportunity for the state to have a rich vein of information available that could be used for a range of purposes, which means that schools are not continually bombarded with the need for constant surveys. We are only looking at that particular survey running every three years.

**Ms HEATH:** Can I clarify again, it is not about handing over the data; it is about people being able to ask questions of the data to the research institute, and it would be on a fee-for-service basis so they would have to pay for that. We are just doing it as part of a standard report framework that we would then make public. It might be that the commissioner’s office says, “You know what. We’re really interested in this question about the data”, and so we commission Telethon Kids to again run that through the database. It is a huge amount of information that we are wanting to collect and we know that the report would be a bit like the royal commission’s 17 volumes if we ask every permutation of the questions. Because people work often in quite discrete ways, there are particular questions that they might want to ask of the researcher. Like I said, in disability. I am just making those up.

**Hon DONNA FARAGHER:** This is separate to what we have just been talking about, but in terms of your consultations in response to the release of these reports, have you been briefed or been in contact with the peak parent bodies, such as WACSSO and the parents’ and friends’ association from the Catholic school sector; and, if so, what has been their response?

**Mr PETTIT:** WACSSO has invited to me to do a presentation at their conference in August, I think it is, so we will be doing that. I certainly spoke to the WACSSO conference last year and outlined the process of the report and what we are doing et cetera, so there is a great deal of interest and knowledge about what is going on. We have also written to each of the parent groups and they were invited to briefings and so forth. They are aware of the report and now it is up to them as to how they will run that through.

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**The CHAIR:** I have a couple more questions on the same subject. When you are talking access to data, the topic we were just canvassing, we are still talking about the school and learning consultation or are you talking about —

**Mr PETTIT:** No.

**Ms HEATH:** We have actually morphed into —

**The CHAIR:** That is what my astute researcher just picked up.

**Mr PETTIT:** Just to clarify, the education engagement school and learning process used a small portion of the survey questions that we believe are useful for us to use for a longer-term process. We wanted to trial that group of questions to see, first, how children reacted to them and, second, whether we could manage it, and in both cases the young people managed them extremely well. We test-drove them across four different schools. The feedback from the young people was sensational about the questioning et cetera. We are very confident that we can use the full survey that we are looking at for the monitoring process. But in terms of the education one, we only used the educational issues and a few of the health questions from the full survey that we are looking at.

**Mrs J.M.C. STOJKOVSKI:** Just for the benefit of my colleagues who were not able to come to the original briefing, I found it interesting how the surveys were conducted in two different parts. Could you briefly explain that to us?

[10.20 am]

**Mr PETTIT:** We had two sections to the survey. Obviously, we had years 3 to 6, and years 7 to 12 were slightly different. The year 7 to 12 children had 68 questions on a tablet or iPad-type technology, and most of them did it in about 20 minutes. In fact, many of them did it a lot quicker than that and helped us at times to make sure the machinery was working! The years 3 to 6 had a tablet, but they only had about 31 questions. What we did with the questions is we road-tested them with our advisory committees, one in Albany and one in Middle Swan, and then we tested it on two primary schools in the area, Lake Monger and—I have forgotten where they were, but I can get you those figures if you like. We actually said to the young people, “Does this make sense to you? This is what we are trying to get out of it; are these the right questions?” They modified a few of them for us. We ran that and then post that, we invited the young people who did the answers to the questions on tablet to be involved in a workshop with us. The workshops lasted between an hour and an hour and a half, depending on the interest of the young people, where we posed four questions to them and allowed them to make comment about how they could improve their school—what were the things that were keeping them from learning et cetera. They are the quotes that you find in the technical report. There are thousands of those quotes and we have incorporated as many as we could to ensure that there is a balance. We were respectful of the number of comments that we had from young people. They were the two processes that we used. The third element was the parents involved who opted in with their children to do the process. We invited them via email to do their own survey and nearly 400 of those did an email survey around similar questions just to see if there was any difference. That group was not large enough for the study, but we did incorporate some of the information to it as a subsidiary to the report.

**The CHAIR:** I think that you have given us a very comprehensive idea of what the opt-in, opt-out provisions entail. My feeling is that we asked you for further information. If you have any copies or correspondence on the matter, you might send them to us but otherwise I think you have covered the issues pretty comprehensively, so thank you for that.

I just wonder whether any of the feedback that you received from the report about the consultation suggest further work that might be done by the committee to assist you?

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**Mr PETTIT:** There were a number of items that we believe as an office that came from the report that we just did not delve, or could not delve, deeply enough into. They are not in any order and if I miss any I will certainly get Trish to add to them. Certainly because of resource constraints we were unable to go below year 3. We think there is a strong bed of work that could be done for particularly kindergarten through to year 2, but it would be very labour intensive because you would need to have almost a one on one, similar to the way the AEDC does. We think there is some work there, although we are aware that other groups are interested in that space and are looking to do some work in that space; Telethon Kids, for example, through CoLab, and we would certainly partner with them if possible to do that. But it was a resource problem. A couple of things that came out of the report that we did not get enough information on to really comment strongly one way or the other was around children with disabilities, particularly those who have been identified with disabilities and who predominantly are in ed support schools. We think there is a bit of work there. Even though we only got to 21 of those students, there are several hundred students in ed support centres and we think, again, very resource intensive, but there needs to be some work about how do they feel they are being engaged and what support do they get et cetera.

The third bit of work that we really think needs to be done is children and young people who are in alternate education systems, similar to things like CARE schools. Again, we could not get to many of those children because of the opt-out process. It was very difficult to get them to get permission from whoever cares for them. The government is investing—the previous and current government—very heavily in CARE schools and the like. How are young people in those schools feeling about engaging? We think there is a bit of work that needs to be tackled in that space. The fourth bit of work is one that we will pick up through the recommendations, but probably beyond our office, is that we were really concerned about the number of children who self-identified with learning difficulties or, in fact, having a disability that was not identified by either the school or in some cases their parents, and because of that they felt they were not getting the resource to help them learn. We were surprised by the number of those—I have not got the exact number—but it was enough to give us an indication that we might need to think about how we address that. We will certainly, as one of the recommendations, bring people together to see how children are assessed currently and how we can perhaps change that. Assessing them is one thing but, as I said last night in similar conversation, making sure they are resourced to have a good education will be a secondary issue and a more important issue.

The last issue that I can recall is around the LGBTI group of children. We only had five children or young people identify as non-male or female, which is not a very large sample size. But within that sample size, all five indicated some fairly strong messaging about being isolated, not being connected with their school, not engaging with education, not being supported. Again, a small sample size so we have to be very cautious here, but it was interesting that all five were almost identical and they were not from the one school. We again think there is some work to be done there. We are starting some work in that space. This year's advisory committees are around the issue of LGBTI in schools. We have one group down in Bunbury, and that group has been in construction and work for the last 10 years. The school has been very proactive in trying to work through diversity in a positive way; and, in fact, a number of children in that group are not LGBTI-identified children, but are there to support colleagues et cetera. The second one is in Perth and it is supported through the Freedom Centre. That group is a larger group and we have children and young people up to the age of 19 in that group. The focus of both of them is to look at what are the issues for them in society, and both independently have come in at schooling and the work that schools do is a significant piece of work, which lines up with the five children that we spoke to in the

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survey. We think there is a bit of work in that space. They are the ones off the top of my head, I think I can recall. Have I missed one?

**Ms HEATH:** No, I think you have covered them all. But I would just like to add that the comment before about the crossover with other government departments is very relevant to this and in terms of the priority, I think it is the reason that the commissioner retained it as a recommendation that he wanted to do the lead work on was around the undiagnosed disability and the health and wellbeing of students and that there needs to be a review of that work. As Colin said, the data does not really give us enough evidence to be able to say anything firmly about it, but we were very concerned about the number of particularly Aboriginal students who self-reported having some level of disability or health challenge in being able to engage with school. That was the issue that stopped them engaging. I think that when you link that to other areas of work—I know it is on the committee’s agenda to talk to us about the Telethon Kids review of the children that end up in Banksia Hill and the undiagnosed neuro-disability that they have clearly demonstrated for those children. Those children were in the education system at some point and have never been diagnosed.

**The CHAIR:** I have in fact turned to that section to do a segue.

**Ms HEATH:** There is a nice link between a lot of these issues, and I think that is something that is a priority issue for the commissioner.

[10.30 am]

**The CHAIR:** Thank you. Are there any follow-up questions on that question? If not, I will pursue that particular point because it does seem like an extraordinarily troubling finding. Can I just clarify with you very much on the basis that the only question that is stupid is the one that is not asked, when you talk about children who are self-reporting some kind of disability —

**Mr PETTIT:** Or a learning difficulty.

**The CHAIR:** — how do you check that it is not being picked up by the system?

**Mr PETTIT:** That is a really good question.

**The CHAIR:** Thank you!

**Mr PETTIT:** We were concerned because it arose so quickly in the process of the consultation. Where children did identify, we started to question the children in the consultation—what do you mean by this, who have you told, who helped you et cetera. We got more data from that, or more information from that, which led us to believe that there was something in this that needed to be looked at. It was all self-reported, so we did not go back to the school and say “Person X said” but we did debrief each of the principals on leaving the school and part of the process was to question, these are some issues that have just popped up. Is it consistent with what you have got et cetera? For the most part, principals were pretty aware that they could not get to all the children that they wanted to get to and that was because of the way that children were assessed as part of a system. It did not matter whether it was government, Catholic or independent, it was fairly consistent right across the board.

**The CHAIR:** That is very interesting. In a sense you have got informal corroboration of the fact that they are not being picked as having a disadvantage or learning difficulties.

**Mr PETTIT:** Yes. We have and I have followed up since. I did a presentation to 220 principals in the south metro two weeks ago and raised this particular issue. I received a lot of feedback at that particular session from principals saying we just do not have the resources to get to who we need

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to get to. There is already a self-awareness that maybe they are not resourced to get to everyone they would like to get to. But they are also aware that they are doing as much as they can.

**The CHAIR:** This is born out in the Banksia Hill TKI study, obviously. I had assumed that the anomaly was picked up because the stats simply did not match. It is interesting to have that bit of background to what your figures show, what your research is showing. Have you got something that you would like to report back to us on Banksia Hill? Is there any work that the commission is doing to see whether we can resolve some of this?

**Mr PETTIT:** Can I just say that, sadly, we were not surprised by the findings of TKI. In fact, we have been working with TKI on a range of issues, including this one, because we had been into a number of schools outside the consultation and had seen firsthand the effect of FASD on some of these young people and that they did not appear to be supported. Again, the schools were doing everything they could but were not resourced or did not have the capacity to manage some of the behaviours that were evident with FASD children.

**The CHAIR:** Presumably some of these people who were picked up in the TKI study at Banksia Hill would have had limited contact with the education system —

**Mr PETTIT:** Many of them are in their mid to late teens.

**The CHAIR:** — or they are still part of the education system.

**Mr PETTIT:** We would have said that they have had quite a deal of contact with education, but not just education; it is the health service in their community. It is the policing in their community. Everyone has a responsibility here. I think we have known FASD has been around for a long, long time and this has just highlighted the fact that somehow, we have to do that analysis far better and far earlier in supporting the young person throughout their life, because it cannot be changed. We need to look at how we then support them from that point of view.

**The CHAIR:** What could we be doing right now?

**Mr PETTIT:** The study from telethon kids and the previous work that telethon kids did in Fitzroy Crossing have indicated when you actually start to address the issue, which is at a much earlier age, and particularly, if at all possible, at pre-birth.

**The CHAIR:** So maternal health.

**Mr PETTIT:** Yes. We know that some of these children unfortunately have parents who have had long-term alcohol problems in particular. The indication is that if we can get them early and support them and then get a better understanding in each of the services about what this means for this young person—their behaviours are not controllable, for example, so we need to find ways of not using the standard approach to all children with these particular children, and working through support bases in a much better way. Remembering, FASD is not just an Aboriginal problem. This is something across all our communities, but more prevalent in Aboriginal communities and more prevalent in some remote Aboriginal communities. We have a chance to actually target some of these and do some work collectively. I think that is what communities are trying to do. Certainly telethon kids is pointing to it and we are trying to support that work.

**Ms HEATH:** Can I just add something to that too, commissioner. I think that the telethon kids report showed us also a very extreme end of the spectrum and we match that with our school and learning study, which shows that a lot of kids are struggling. These are kids who, in effect, were in school when we did the survey, so were still engaged at some level with school. As you know, the level of disability will occur on the spectrum. When we also look at our youth justice consultation reports and what the young people that we spoke to who were in the youth justice system were saying

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about the level of family dysfunction that they come from, and when you match that to the way our disability services operate, it is very difficult for a child who comes from a disadvantaged or dysfunctional family to access a diagnosis and treatment because it relies heavily on parents taking children to appointments, following up and doing all these things. If you live in a family that cannot do that for you, the chances of you actually getting that treatment and support are very poor. Professor Donna Cross, in the vulnerability seminar yesterday morning, addressed this point in response to a question from the audience and said that the accessibility of services is a real challenge and we just cannot expect people to come to services. That is not going to be an answer for this group of people. It does work well for a particular cohort of people, but not for these young people.

**The CHAIR:** When Professor Steve Zubrick came and gave evidence to us, he talked about the fact that there is a significant cohort of people for whom accessing resources is just impossible.

**Mr PETTIT:** If you look at the work that TKI did in Fitzroy Crossing, the first thing they did was to develop a system of going to the people. It made a massive difference. Health nurses et cetera would go from the community into the homes and support from within rather than waiting for people to come to them. I think we all know that that process works. It comes down to how we use the limited resources we have to make sure we can do that.

**The CHAIR:** The other thing I heard yesterday at the vulnerability series that made an impression on me was again from Professor Zubrick who talked about the fact that risks travel in packs, so your school and learning consultation is one of the ways of looking for the tips of those icebergs. It is an interesting concept.

I would like to move now to the wellbeing monitoring framework. I know that you have mentioned previously that you are seeking some more assistance from government with funding the ongoing work associated with the wellbeing and monitoring program. I have word searched “mid-year financial review” and notice that you did not receive any honourable mentions.

**Mr PETTIT:** I do not do that process. I will have to have a look at that.

**The CHAIR:** I have “children and young people” as well in my permanent search topics.

[10.40 am]

**Mr PETTIT:** We have submitted through to the mid-year review process in late December—I apologise, I am sure it was late December—that we require around \$280 000 to set up a pilot study of the monitoring framework itself, so the survey framework result, which is only part of the monitoring framework, but a significant part. The aim was to link government position on data linkage and data information and how we can use data better to make decisions. Obviously, as we have said before, we used as a basis the New Zealand 2000 survey, which has a number of questions that we think are appropriate here, but again they need to be road tested with young people to make sure that they make sense. We submitted that through the mid-year process. Treasury has come back to us and indicated that while it meets all the needs of government in terms of direction and data linkage et cetera, a better process would be for us to look to the four big agencies to co-fund it, particularly as a trial, so that there is some skin in the game, if you like, for all the agencies. I subsequently wrote and went to see the DGs of the four large groups—communities, corrections, education and health. In principle, all four DGs have agreed that they support the notion of this. In fact, two have written back saying that they will fund it with particular issues being resolved, which are only minor and we can do that. The other two are waiting to see what the outcome of the budget process is and have said in principle that they support it. We are working towards using that process to develop the survey. We are working with telethon kids to develop the backroom information so that the survey can be implemented in early 2019 with data available late 2019. That is our best

hope and we are still in that process of discussions with each of the agencies to make sure that can happen.

**The CHAIR:** Thank you for that. You released the profile of children and young people in December.

**Mr PETTIT:** Yes.

**The CHAIR:** There are some particularly worrying statistics in that overview. Homelessness, children on the housing wait list and children living below the poverty line. Have you been able to raise these issues with agencies and community organisations?

**Mr PETTIT:** Yes, we have raised the whole profile with each of the agencies, particularly in relation to the numbers that have been reported. Obviously, they are factual and we are not making a statement other than that we are collecting and recording annually on it. It is something we have not done in this fashion before with a view to saying, "How can we actually start to improve these bits of data?" We are also working with some of the ministers about how they are addressing some of these issues. As we are not a service provider, all we can do is advocate and point out where the information is from, how valuable it is, what difference it is making and—as we saw yesterday with the vulnerability series—what trends are occurring and then try to support positive change into the future. That is at that level. At a different level, which crosses over to a number of other issues that we are talking about, we are working with groups like the Australian Centre for Child Protection headed by Professors Fiona Arney and Leah Bromfield, and looking at some processes there to pick up some of this information and provide quality research back into agencies and ministers. I can expand on that later if you like.

**The CHAIR:** I am going to press on because you can come back for some of these things, but we can always call you back, and we have a lot to get through.

One of your other pieces of work, which I think you released the day we saw you last time, was the oversight report.

**Mr PETTIT:** Yes.

**The CHAIR:** Have you been able to, again, consult with agencies and gauge the response since then?

**Mr PETTIT:** Yes. We have been quite surprised by how many people are interested in this particular document. We presented it to the committee, as you said, at the last meeting. Since then, we have had nearly 150 downloads on that. We have also sent it to every minister and to all the agencies. I have met with all the DGs of health, education, PSC, communities, corrections, including metro health and health, and Premier and Cabinet and the ministers for education and communities on this issue, because there are six recommendations that need to be looked at. It has also been a very important piece of work that is now being used by Premier and Cabinet to look at it as part of the machinery of government. While it was not designed for that purpose, it is timely that it has actually come forward. As part of the accountability review group—we are one of 10 of those groups—those groups are now using that document to ensure that oversight is not lost in any change that comes from that.

**The CHAIR:** That is very interesting. Do you include the Minister for Housing on your visit list?

**Mr PETTIT:** I do. I just have not got to him.

**The CHAIR:** I want to come to the Royal Commission into Institutional Responses to Child Sexual Abuse. I am going to ask for your overall impressions, which, I know, could take us probably the next five days to go through. Can you give us an idea about how this massive body of work has been received by the commission?

**Mr PETTIT:** Yes. I think overall the recommendations are extremely appropriate and positive in terms of addressing what has been a horrific time in our history. Just for perhaps time, more than anything else, we were asked to do a response to government about each of the recommendations, which we are happy to table with you so that you can see our responses to them.

**The CHAIR:** Thank you.

**Mr PETTIT:** You will see that most of the responses to the recommendations—we supported almost all of them.

**The CHAIR:** That is a very useful piece of work and we might take some time to digest that. Perhaps we will do it for the next time we call you in. Could you perhaps just walk us through what you see as the key recommendations?

**Mr PETTIT:** Yes. I will turn you to recommendation 9 to start with. I think they are all key recommendations, so please do not presume that I have just jumped to one. Recommendation 9 around advocacy, which we think is a really positive step, but we probably do not think it goes far enough and it needs to look at having advocacy as an independent group.

**The CHAIR:** Do you think Western Australia is a bit further down the track than other states?

**Mr PETTIT:** Some of the oversight activity that we have is certainly world-class. I think that certainly assists us in a range of ways. But in terms of advocacy for people in this space, some of the feedback from the royal commission was that where there was no independent advocacy, then, often, it was not reported as strongly as it should have been through government agencies et cetera. We would think that lining up with our monitoring framework, there needs to be an independent advocate for particularly children and young people, but, more broadly, not just about sexual abuse—about a range of things. This is in relation to sexual abuse.

**The CHAIR:** Do you see that there is an overlap here between the Blaxell recommendation?

**Mr PETTIT:** There is a strong overlap with all the work we do. With the royal commission, Blaxell, the Don Dale royal commission, there are some strong overlaps there. If you read that in the context of our monitoring program, you can see that almost all of the documents are saying the same thing. At some point we have to look at how we provide advocacy for children and young people who are in trouble. That is more broadly not just about specific issues. We can and have done quite well with inside government agencies, but it does draw limitations when those agencies have to then self-report about what the problems are that are being brought forward. That is why we have been so strong about an independent advocacy process, which we think would add to the oversight mapping report and provide this state with world-leading processes for our children and young people.

**The CHAIR:** What would that look like in Western Australia? I know this is something you have given a lot of thought to and you have spoken about it at some length with the committee as well, but we have new people here now.

[10.50 am]

**Mr PETTIT:** My apologies. We have certainly looked worldwide. There does not appear to be a lot around that is an independent advocacy. There are elements of it in a number of countries, but we are looking at an independent group that children and young people know, can go to, or at least be directed through some adult support, mentors or others where they are guided, I suppose, through a whole process, are confident that they are going to be listened to and their concerns are going to be addressed in a positive way. Sometimes that is “this is where it is” and nothing can be done, but, more importantly, making sure we have done everything we can for those individuals. As I said to the committee last time, it could be us in the commissioner’s office. It could add to our work in a

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really positive way, because, if you think about oversight, for example, if there are a number of complaints or concerns or advocacy processes that came up about a particular issue, that would allow us to do some support backing for agencies immediately rather than wait for it to be reported. We think there are some really strong synergies, although, if it were to be in another agency or somewhere else, we would be happy for that to happen so long as children were confident that they are going to be supported.

**The CHAIR:** What role do you have in the production of the state's response to the royal commission, which is due, I think, about midyear?

**Mr PETTIT:** Yes, it is due in June. In fact, I think it has to be completed by May. This response you have is our response to that process.

**The CHAIR:** It is a multiagency response at a government level.

**Mr PETTIT:** Yes, and we have also met with some of the groups, like communities, around certain issues. We have also met with justice around certain issues, but they are particularly wanting. We have also met with Premier and Cabinet and continue to do so.

**Hon DONNA FARAGHER:** Can I seek some clarification on the document you have tabled today? Was that prepared at the request of the Department of the Premier and Cabinet as part of the government's response or did you do it off your own bat? If it was off your own bat I am pretty sure you have indicated that you have met with the Department of the Premier and Cabinet and I think you mentioned Communities as well. Have they formally requested from you any information to assist them in responding to the inquiry?

**Mr PETTIT:** I will throw to Trish in a minute because she has had more dealing with Premier and Cabinet on this particular issue, but in terms of this document, this is a process that we try to follow in the commissioner's office on a regular basis. Where there are significant reports and they need a response from areas, we try to give clear advice on what we think the recommendations are. So this is a standard process that we use. It is always well received by the agency requesting our feedback because it gives them a framework, I suppose, to at least have a conversation around and they know predominantly where we stand. Subsequent to that, for your second part of the question I will throw to Trish in terms of what we have done with Premier and Cabinet thereafter.

**Ms HEATH:** We have been monitoring the royal commission very closely because it aligns on a lot of areas with us. I think the child safe organisation work is very central to it. The role of our office, the harmful sexual behaviours work, there is the oversight stuff, and you see how a lot of agendas of the office actually converge through some of this work. The oversight mapping speaks directly to some of the recommendations of the royal commission. We have prepared this work off our own bat, as Colin said, because this is how we track what they have reported on and how we then want to follow up and ensure that we can build on the good work of the royal commission. There are two things: one, we do initiate information to the department, but they have also come to us and asked to meet with us. Staff from the office who are leading the work and myself, and Colin at times, will meet with various people from the department. We gave them this because they were interested in it, so they did say that really helps them a lot to have our views. You can see how—this is a big national royal commission; it has made a huge number of recommendations. This one only goes to the volumes that had not been released previously. There was the working with children checks and the criminal justice report as well. We have done a similar process for the criminal justice one. For the working with children checks we did not feel that was necessary. We are able to be very clear with those departments and give them clear instructions about the level of things that need to be considered at a state level.

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I think the problem with national royal commissions is that each jurisdiction is very different in terms of what they already have, how each of those recommendations will need to consider the state level of engagement in that particular issue already before they then move forward. We find that doing this work, preparing this work, then helps them to understand the breadth of those issues. As you look through there you will see that some we have supported, but then we have added some state context to. We have had meetings with Premier and Cabinet, which is leading that with Minister McGurk and the Department of Communities, hence the conversation with them as well. What this then provides is the commissioner's view from our landscape of what needs to be done, and obviously Premier and Cabinet need to take that into the government context. We do not see the government's response being necessarily the same as the commissioner's response. There may be areas where we diverge or disagree but we have provided our advice to them through this document, and we will continue to have discussions around particular issues in that regard.

**Hon DONNA FARAGHER:** Just taking on board what you have said, I appreciate that you are independent of government and therefore your views may diverge depending on what the circumstances are—perhaps this might be reflective of all governments in that context—whether it relates to the findings of this royal commission or whether it relates to other major inquiries that impact on children and young people, do you see or have you found that there is a gap on occasion with respect to the soliciting of advice from you from government departments in terms of assisting them in looking at their government response? It seems to me that you have spent a great deal of time putting together this response, and I think that is entirely within your remit to do it and, as you say, some of the recommendations and your views may or may not diverge from the ultimate government response. But do you think that it would be beneficial for there to be a standard sort of process that governments follow, if I can put it that way, where a major inquiry or whatever it might be that impacts directly on your remit as commissioner, that you should be formally, not informally, asked for advice?

**Mr PETTIT:** I would certainly welcome that, and I would certainly think that that would be a benefit for all sides of government for that to happen.

**Ms HEATH:** Can I just add something to that? I think this issue has come up also around the commissioner's functions around review of legislation as a function under our act. Often we find ourselves at times left out of that loop, so the first we see about legislation is when it pops up in the public domain. I think that there would certainly be advantages. I know the commissioner has made that clear before. The earlier the better they consult with the office to get the views is probably to the advantage of the legislative process, so they can see and consider what the issues are. The recent Langoulant report also indicated that sometimes government does not use oversight agencies that it funds and supports as well as it could, and I think it would be worthwhile for government to think about how they could get better value for money out of their oversight agencies by being more systematic in the way they use them and considering their advice more considerably. I hope I am not speaking out of turn in saying that.

**Hon DONNA FARAGHER:** I remember that many years ago, over 10 years ago now, when the legislation was being debated for the establishment of the commissioner that our former colleague Hon Barbara Scott had advocated that when there were issues that were being considered by cabinet that in fact there should be an impact statement as it relates to children and young people. Do you remember that?

[11.00 am]

**The CHAIR:** It has been taken up now by a number of community groups.

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**Hon DONNA FARAGHER:** Correct. But I suppose what she was seeking to achieve through that process was that there would be a requirement for effectively the work that you do being brought in through advice, whether that is through a cabinet process or other means. I suppose I am just trying to get an idea as to where we have come from over 10 years ago to now, but there still seems to be some gaps.

**Mr PETTIT:** Just on that point, I was invited informally at the last meeting with the Attorney General to reflect on that issue because they were reviewing cabinet submissions. I did make the point strongly to his office that the role of an impact statement for children and young people should be engaged in any cabinet submission. Even if it is not to be considered, at least someone has thought about writing the words “not to be considered” on it. Where that has gone, that is an internal process, but we seem to put that strongly to the Attorney’s office on the grounds of exactly your point, raised by Barbara Scott. I met with Barbara late last year and she reiterated that particular story in saying that she felt that was the one thing that was lacking in the process. Can I just finish on that royal commission, unless there are other questions?

**The CHAIR:** I was going to ask you specifically about recommendation 6, around paragraphs 6.9, 6.10 and 6.11. This is the section on child-safe standards. I notice that you have made a fairly lengthy comment about paragraph 6.9, so we might digest that, but can you talk around recommendation 6 and the child-safe standards?

**Mr PETTIT:** As you know, we have been working on child-safe organisation principles since 2015. In fact, we had a seminar yesterday for around 20 organisations as part of our process. The aim has always been to the fact of trying to change the culture of an organisation rather than mandating it, because we know that without an understanding of a process, if you mandate anything, you get a tick-box response. We have always held the belief that they should be a very strong view of developing culture. Mandating the principles and then covering them off, I think will be a necessary process for government. But I think we need to take some learnings about some compliance factors around the nation. For example, the early years framework when it was put under ACECQA and made as a compliance process, the function turned entirely onto how many toilets were there and did people have the right qualifications. All important things, but it actually lost sight of the fact that the early years framework was really about giving young people the best opportunity in life to grow. The energy went to one direction and not the other. The concern we have here is to make sure that the real change has to be that the organisation has to change culture rather than comply with, “Have we got policy that relates to child-safe organisations?” That is the view we have taken all along. I do not believe that we should have a compliance factor. But it should be in balance with how you marry that with understanding how you change culture, and that is always a difficult process.

**The CHAIR:** I am interested, reading your response for the first time in this document you have tabled, in your observations on the apparent failure of the guidelines for building the capacity of child-safe organisations process, which you noted in your response have been in operation for 10 years and the royal commission could find no evidence of rigorous implementation of these guidelines across Australia. That was not the mandated approach, though, was it? Was that about cultural change?

**Mr PETTIT:** Although New South Wales is mandated, and the same thing has happened there.

**The CHAIR:** What led to the failure of that? Do you think that is an accurate observation by the royal commission?

**Mr PETTIT:** They had far more resources than I did to interrogate that, so I will not doubt their information.

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**The CHAIR:** What led to that failure?

**Mr PETTIT:** I am not sure.

**Ms HEATH:** I think that Colin is right. Getting the balance, your system has to have some teeth or people will not pay attention to it other than the very diligent and concerned ones who it captures their interest and even then, with limited resources, they will only be doing it to the best of their capacity. I think any sort of guidelines or standards are only as good as what is put in place to actually implement them and support the implementation at an on-ground level. Certainly, a level of compunction in terms of addressing that, whether it is through a mandated or legislated scheme, is a part of that. I think South Australia did have a mandated child-safe standard system, but it was based on self-reporting with very, very minimal, almost non-existent, follow-up, so, again, it was not going to provide agency —

**The CHAIR:** It was box ticking.

**Ms HEATH:** It was tick-box compliance exactly as the commissioner was saying. In fact, it is interesting that the guidelines that have now been put out by the royal commission with much thought—and we had a lot of input into that process as well—and the child-safe guidelines that the national commissioner’s office has worked on, which are in a process of ratification by COAG, are all very, very similar. We have a little table that shows how they all connect. They all cover exactly the same things; they just configure them slightly differently.

**The CHAIR:** Is that table in the report?

**Ms HEATH:** No, it probably is not in here, but I can provide a copy of that to the committee. I think that that would be useful.

**The CHAIR:** That would be very useful.

**Ms HEATH:** They are actually very similar to what these guidelines were way back in 2005, because it has not changed that much. It is, again, the way we interpret them and expanded on them a little bit. They are actually quite a sound basis, but they were, I think, largely ignored. I am sure that agencies did do things with them, but without anybody following up and saying, “What’s happening with these?” or “How are we implementing them?” Then, people were simply too busy to be aware of things. I think that is the difference now with the royal commission. As a community we have invested a huge amount of financial and emotional resource in this royal commission and I think it would be a real shame if it got lost. But it is a complex piece of work as well, and we need to work through them looking at the different jurisdictions. Our comments here demonstrate what has been done in Western Australia to date and as we move forward whether it will be a national or a state-based mandated scheme is still being considered. All those questions need to go to how we actually resource and support it to be most effective in doing what, I think Colin very importantly said, does not lose the meaning of what these are. This is not a compliance activity; this is about creating important cultural change in the way we view and protect, and respond to children in organisations.

**The CHAIR:** Coming back, relating this directly to your own resources and the allocation of those, we note that the Department of Communities is talking about the Ombudsman having oversight of the child safety standards in out-of-home care. Do you think that is a worthwhile path to be taking, to have the Ombudsman have that area of responsibility?

**Mr PETTIT:** I think given the independence of the Ombudsman, it is a good step.

**The CHAIR:** Do think it could be made broader than that?

**Mr PETTIT:** Certainly it is going to tackle out-of-home care as a result of the review, but I would not be surprised if it did not expand beyond that. But for the short term that is where it will go.

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**Ms HEATH:** Again, linking that to the oversight mapping exercise that showed that there were deficiencies in organisations much broader than out-of-home care, like disability services—the royal commission is not saying that it is just about kids in out-of-home care services. It is a bit about how some of the timing has been a little unfortunate. There has been reform going on in this state that has focused on particular organisations, but in some ways we need to maybe put that on hold and say, “Let’s look at the bigger picture as well.” That is what we were seeking to do with the oversight mapping report—to say, “Actually, there is a broader agenda here of oversight that needs to be considered.” In different jurisdictions it sits with different agencies, ombudsmen and commissioners for children, and that is to be determined by government in terms of how they resource. But it does need to be an independent body.

[11.10 am]

**The CHAIR:** Okay, thank you for that. Any comments or questions?

**Mr PETTIT:** A final one on the royal commission.

**The CHAIR:** Yes, please.

**Mr PETTIT:** Just to make the committee aware, I chaired a meeting of my colleagues nationally last week and one of the issues that we raised was that the royal commission’s work is so important that we need to make sure as independent officers that we hold ourselves to account. We will be setting up at the May meeting, which we are having in Perth for all our colleagues, a process on how we report annually on the progress of the recommendations and what is happening in each state, so that we have at least a snapshot of who is doing what in which state and why they are doing it et cetera, and maybe report back on how well it has been done. Given the resources that have already been put into this, we cannot let it slip and we need to make sure that the recommendations are honoured in a way that the community wants. That is work that we initiated.

**The CHAIR:** Right; that is an interesting piece of work. You will be taking the state government’s response to the recommendations and monitoring both the implementation of those but also matching them against the recommendations of the royal commission. Is that the idea?

**Mr PETTIT:** Absolutely, and then reporting nationally what is happening against that.

**The CHAIR:** That sounds very worthwhile. I just want to ask you a couple of questions about the Children And Communities Services Act review recommendations. If I said recommendation 54, would you know what I was talking about?

**Mr PETTIT:** Not off the top of my head; I would have to go back and have a read.

**The CHAIR:** We were talking about an advocate for children in care, a role which would be established independent of the department. In response to the royal commission, the WA government stated that it was timely to investigate the need for independent oversight of the out-of-home care system. We are interested in your views about recommendation 54 and the government’s intention to look at that independent oversight of the out-of-home care system, particularly in your views about what sort of model we should be looking at and how the review and monitoring process is carried out.

**Mr PETTIT:** It links back very strongly to the oversight report. In fact, we made a very similar recommendation to this. We do not disagree with the process that it should be a child advocacy for all those children in the CEO’s care. The danger of just picking off one element at a time is you can either become very expensive if you then start to invest in each of those elements. If you are only talking about children in care this time, you adjust to the next time you are talking about someone else, it could become a very expensive way of trying to fill advocacy. Whereas, if you had the one

advocacy process, that could cover all of it, that is independent, as we keep saying. There are efficiencies there, and there is also some niceties about making sure that a child's life, as Steve Zubrick says, does not fit within a minister's domain. It actually goes across portfolios, and so by having an advocate that is not just about child protection, in this case, or not just about justice or sex abuse, then there is an opportunity to make sure that every child has a voice. That is the longer term. In the shorter term, I think, anywhere we can improve the opportunities particularly for vulnerable children and those in care in particular, we would support that process. Now, who does it? It needs to be a child-friendly organisation. The Ombudsman is doing a lot of work about becoming child friendly, but in his own admission, he is still a long way from it because that has not been his core business until this time. He is doing a lot of work and we are supporting him to do that work. Whoever it is needs to have a child focus and an understanding of the issues in relation to children and young people in this space.

**The CHAIR:** Is that something you are talking to government about?

**Mr PETTIT:** Certainly. I have had a very brief meeting with Minister McGurk when she released the response to the review and we have a meeting scheduled next month to go into more detail.

**The CHAIR:** It will be interesting to hear you speak about that next time we see you.

Can I take you now to recommendation 23, which is the about the secure-care facility. You have said that greater independent oversight of that facility was required.

**Mr PETTIT:** Yes.

**The CHAIR:** What are you envisaging there?

**Mr PETTIT:** I think the issue there—I use Kath French for example, making sure that those children have the same oversight protections if you like than the children in Banksia Hill. The OICS, for example, the officer cannot actually go into Kath French unless they are invited in.

**The CHAIR:** The provisions do not extend to the secure-care facility?

**Mr PETTIT:** No.

**The CHAIR:** Because it is not a correctional institution?

**Mr PETTIT:** That is right, yet with some tinkering of the legislation, it could actually pick up some of that work and provide strong evidence back to government about the success or otherwise.

**The CHAIR:** Is OICS the right agency to be doing it?

**Mr PETTIT:** It could be any agency who is independent, but they have the skills that were already carried to do it. If you are looking at who is readymade, that would be a group who we would look at.

**The CHAIR:** The children and young people in the secure-care facility would not necessarily have crossed the corrections path, would they?

**Mr PETTIT:** No, that is correct. There would need to be some messaging about that this is not around punitive action, it is around how we support young people who are vulnerable, in this case.

**The CHAIR:** But you are saying that OICS has already got the skills to do it, whereas other agencies would have to find the people to do it?

**Mr PETTIT:** Yes, but that is not to say other agencies could not do it, it is just if you are looking for who could do it, that could be an agency that could.

**Ms HEATH:** Again, I take you back to the oversight mapping report that sets up the different types of functions; how the inspector's role, in terms of having particular functions that they are very good at in a justice detention centre context, could be applied to a welfare detention centre complex.

You know, it is a detention centre in that regard. The Mental Health Advocacy Service that provides a different type of engagement and approach could also equally be used and I think that you need a blend of these models. They are all slightly imperfect and I think they could all do with some improvement. That comprehensive service is what we actually require, that identifies all of the services and has the right skill base to engage with children whether they are in a mental health or welfare context, a justice context or a disability context, there are some special skill sets around that that people need to have. I think that has to be considered as well in developing that model. I think the other thing that is important in that regard is the Australian government's ratification of the OPCAT, the Optional Protocol to the Convention against Torture, does require some oversight of any place where people are detained. That includes immigration detention facilities; it will include the secure-care centre. We are already a bit ahead in Western Australia because we have oversight of our justice detention centres. There is actually quite a lot of activity in this space that needs to be considered.

**The CHAIR:** It is a question of coalescing it a little.

**Ms HEATH:** Yes. I think also about undertaking it in consideration of other work that has been done for other purposes. Setting up an agency just to do detention centres when you also want to provide a level of support to kids who are in residential care but not detained against their will, where is the overlap there? I am not saying it has to all be one agency, but we need to consider that approach in developing our resources, so we do not have people doing masses of work over here and then people replicating that work over here when there could be some synergies between that work.

**The CHAIR:** We are very good at the replicating aren't we? I just wanted to give you a couple of minutes to talk about your current and future projects. We have focused on your massive body of work thus far. I know that we were going to talk about your work with the South Australian child protection system. I think you have already made some reference to that. Is there anything else you would like to tell us about that?

[11.20 am]

**Mr PETTIT:** Yes. We are currently working on a couple of items there. One is around harmful sexual behaviours and we have a paper being developed through the Australian Centre for Child Protection on that. That will be released hopefully in the next few months, but we are also having a workshop or seminar with Helen Milroy to release some more information. That will be in June and certainly as soon as we have finalised the date with Helen we will come back to the committee and invite you to that. That is a bit of work that we are doing. We have coordinated and led a piece of work through, again, the Australian Centre for Child Protection, on what we call stage 1 of identifying core components of a benchmarking tool for the child protection space. It is a fascinating piece of research and Leah Bromfield who is leading that for us, as I said before, would be available to talk to your committee.

**The CHAIR:** We have her on the list here. I think Renee has already started making contact to set that up.

**Mr PETTIT:** On 16 May or something like that. I will just give you a snapshot of that. It is the first piece of work that has been done—we thought nationally, but it appears it is almost internationally now. Their organisation has looked at 15 different programs that are offered across the world—eight of them in Australia and seven of them internationally—and mapped them against a rubric in terms of their ability to deliver for children in child protection and their families and so forth. There are gaps in all 15 programs. This work has been quite groundbreaking, more so —

**The CHAIR:** Is that published work?

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**Mr PETTIT:** No. It will be published—which I will get to in a moment—we are hoping to publish in May. What happened was we went to my colleagues nationally and said we were going to put in some money if they could. We have all funded it.

**The CHAIR:** So all the children's commissioners?

**Mr PETTIT:** Yes, it is nationally funded. Our report is due in May. It has been reviewed by an expert panel who have been quite surprised by the findings and very supportive of the fact that they need to be public. That report will be coming to us as a draft—hopefully, in the next month or so. Then we will be working with a number of agencies and stakeholders about the contents of the report across the nation. Then, hopefully, at our meeting in May—which is around 15 or 16 May—we will be releasing that report. It will be timely that we will probably be able to talk to you in quite some detail about what is in the report and the findings of it. If at all possible, we will try to get you a forward copy of it so you can have some information. It is a really exciting piece of work in that it analyses for the first time the programs we think are working for our child protection system but while there are some real strengths in it, there are some big gaps and we need to have a look at how to improve—not tear down the programs, but improve the programs for the benefit of the children.

**The CHAIR:** The other two projects that I think we have picked up that you have in progress are the homelessness and the young people under 16. Is that still happening?

**Mr PETTIT:** Yes.

**The CHAIR:** And of the report of the research into the experiences and support needs of mothers who have had children taken into care.

**Mr PETTIT:** The homeless report is all but completed. We are hoping to release that on Young Homelessness Matters Day, on Wednesday 18 April. Basically we ended up with 15 young people we interviewed about homelessness from the age of 16 and under and the impact of that. That work has been done by Edith Cowan University. Obviously, it links closely to our Vulnerability Speaker series, so it will add more information to that. We are releasing it on Wednesday 18 April. The second one around support needs for parents who have had children taken away into care—we have got to 16 mothers who have volunteered to have a conversation. That report is on track and hopefully will be released at the end of next month—possibly earlier. The 16 mothers—most of them had their children taken away from them not because of sexual abuse or physical abuse, it was predominantly in and around the care system due to neglect. It is about their response of what support or otherwise they got from the system in having their child removed and then having the child come back.

**The CHAIR:** Who is doing that work?

**Mr PETTIT:** That is with ECU as well in partnership with ourselves and a few others. As I say, that will be released in April. We will develop some policy briefs similar to the one I tabled around the education to support communities as we go.

**The CHAIR:** That is a very informative. Finally, do you have an ongoing involvement in the Roebourne response?

**Mr PETTIT:** Yes, we have continued to meet with both Minister McGurk, who is leading that work, and also the communities to get regular updates. In fact, we are looking at a plan of when we might go back to Roebourne to talk to children. We do not want to rush up there just yet for a range of reasons. There are still police and legal processes that will be ongoing for some time. Equally, we need time for the intervention support program that the government has outlined to take shape. We are looking at the latter half of this year to maybe go back into Roebourne and having

conversations not only with children and young people, but also senior leaders up there about how they are seeing things happen. The key there is that a number of senior leaders are taking a much greater role within the community. I think that is making a big difference.

**The CHAIR:** When we originally spoke to you about this—I think it was in September—you described your very first involvement in it as a response to some reports you had received. Are you aware of any substantive changes to that data collection and data sharing issue that gave rise that you have already put on the record?

**Mr PETTIT:** No, I am not aware of any change to that.

**The CHAIR:** Commissioner and Trish, it is 11.26 am. Well done for getting through so much material. We really appreciate the way that you come and report to us during these hearings. It is very useful for us. Thank you again. I have a closing statement to make it all official.

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. New material cannot be added by these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate upon a particular point, please include a supplementary document for the committee's consideration when you return your corrected transcript of evidence.

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

**The CHAIR:** Thank you.

**Hearing concluded at 11.27 am**

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