

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, 13 SEPTEMBER 2017**

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 9.18 am

Mr COLIN PETTIT

Commissioner for Children and Young People, examined:

Ms PATRICIA HEATH

Director, Policy and Research, Commissioner for Children and Young People, examined:

The CHAIR: On behalf of the committee, I would like to thank you for agreeing to appear today to provide evidence in relation to the committee's review of the functions and exercise by your office. As you know, I am Sally Talbot, member for South West Region, and I am the chair of the committee. I will get the other members of the committee to introduce themselves.

Mr K.M. O'DONNELL: I am Kyran O'Donnell, member for Kalgoorlie.

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

Mrs J.M.C. STOJKOVSKI: I am Jessica Stojkovski, member for Kingsley.

The CHAIR: Commissioner, it is important that you and your director of policy and research understand that any deliberate misleading of this committee may be regarded as a contempt of Parliament. Your evidence is protected by parliamentary privilege. However, this privilege does not apply to anything that you may say outside of today's hearing. Before we begin, do you have any questions about our attendance here today?

Mr PETTIT: No, thank you.

The CHAIR: I am going to do the contrary thing at the start and refer to the end of our notes about what we are going to talk to you about. It seems fairly topical to note that you are getting on a plane this afternoon, I guess, to go to Roebourne.

Mr PETTIT: Yes.

The CHAIR: Can you tell us a little bit about that trip? I understand that you were sprung by the community flyer that went around.

Mr PETTIT: We were waiting for it to become public before we could actually discuss what was going on. Obviously, now that it is public, I am more than happy to raise the issue. Perhaps I will start with a bit of background. In June 2016, a few complaints were raised with us by some adults who worked in and around the community of Roebourne about some issues happening to young people particularly in Roebourne, but more broadly in the west Pilbara. We wrote to a number of agencies and requested if any issues were being raised through their processes and, if there were, what were those issues that were being raised. We received four different pieces of correspondence from four different agencies that alarmed me somewhat in that they were all, in fact, inconsistent with each other and there was not one level of consistency. We wrote back saying that we needed to further investigate and we took the time to go to Karratha and meet with agencies on the ground. At that stage, the police took action to put in a task force to look at some issues that were happening to children and young people, particularly around abuse, but a range of issues. We have been monitoring this ever since, and as you know from probably all the records and media responses that a number of people have now been either charged or arrested. There have been well over 100 young people coming forward to say that they are being abused. We have kept tabs with that. Of course, the Premier made the announcement that the new commissioner was to go to Roebourne as one

of his first actions to see firsthand what was happening. I contacted the commissioner's office and he invited me to attend, not so much to wave a flag with him but certainly to see firsthand what was really happening 12 months on. We are very pleased to do that.

The focus for me in the next day and a half is really to sit with the community and listen to what they think is happening. We particularly want to talk to the schools up there and see what level of support they are putting in for children at the school level, because we know that is where most of the children at least attend and feel safe. We are very keen to have a talk to them but also keen to talk to the broader community about what other levels of support they think needs to happen, what they perceive is happening for children and young people in this visit, and, in fact, if we can support their views back into agencies to provide greater support going forward. This whole scenario will certainly take many, many years of support; it cannot just be a one-off bandaid. Many of the agencies are realising that and putting in some fairly good practice. We just want to make sure that that good practice meets the needs of children up there in particular, and that it is done in partnership with the community. If they do not get the buy-in, then it will just be another fix and then in a period of time later it will just happen again. That is the purpose of the trip. I want to go up there and listen and certainly be an advocate for children and young people in terms of what we find out from that, and go back inside agencies and really work hard to ensure that the right services are on the ground when needed.

The CHAIR: I notice that in your opinion piece recently you referred to the fact that no child reached out about their concerns to the multitude of professionals working with the 60 agencies. Are you able to tell us a little more about the nature of the inconsistencies?

Mr PETTIT: Absolutely. Based on the information we received from the agencies, there was a declaration that no child had come forward with a concern.

The CHAIR: From all four of them?

Mr PETTIT: However, there were investigations going on, but no child had come forward. We have gone back and had long conversations about have they or have they not, and we are still trying to find that out. Certainly, under mandatory reporting there is the process for that to happen, so if any child came forward it should have been reported.

The CHAIR: Which agencies? You have two lines of investigation. You have people who came to you as the commissioner. Were they representatives for the agencies?

Mr PETTIT: At the time they were not representative of that particular agency, but they had worked for agencies up there and there was a mix of both state and federal agencies.

The CHAIR: The agencies that you subsequently contacted, when you got the inconsistent advice, which agencies were they?

Mr PETTIT: They were education—I am sure I will miss them—health, youth justice and corrections—sorry.

Ms HEATH: Child protection.

Mr PETTIT: It was child protection. I knew it was one of them.

Ms HEATH: WA Police and the Department of Health, particularly.

Mr PETTIT: And education.

Hon DONNA FARAGHER: Can I just get some clarification in terms of what you are saying? There were investigations being undertaken that you had become aware of. I am assuming that that is at the police level. Is that right?

Mr PETTIT: Yes.

Hon DONNA FARAGHER: But what you are saying is that either the agencies came to you or you have gone to them. I just want some understanding here. Were they saying that they were not aware that there were investigations being undertaken or—I am just trying to get a —

Mr PETTIT: Perhaps if I can just clarify. The individuals who came to us and raised concerns were not part of an agency. They were not formally from those agencies. They were individuals who had worked there and said that they thought there were concerns being raised. They did not do it on behalf of their agency. They were just telling us that they were really concerned about the health of young people, in particular, sexually transmitted diseases. We wrote to the agencies and said that we had these concerns and what was their understanding of it. At the time, there were four inconsistent levels of responses. Some of them said that no formal reporting was done and others indicated that they were investigating various issues, but not as part of a report. We then asked to actually talk to the people on the ground to see whether in fact there was a problem and if there were things that we could do, and at that stage a number of actions were taken. I must say that I am pleased the actions were taken because this is not about tripping people up. This is about making it better for kids. That was our key focus in that space. Now, from that point, we have now had ongoing discussions with all of the agencies about what they are doing et cetera in that space, and this trip is an opportunity for us to go up there and hear what is happening at this point and how we can perhaps provide support into the future.

Hon DONNA FARAGHER: Obviously, this is a particular focus on Roebourne, but given what you have identified, would you be concerned that this would be evident in other communities as well in terms of the level of activity or understanding of the agencies?

Mr PETTIT: The key focus has been in Roebourne from our perspective. However, the police and government agencies are now looking at the west Pilbara, and, obviously, some of these issues are not peculiar to one community. We need to make sure that it is looked at in all the communities where it is happening. The police have actually broadened that net and we are keen to support that to happen.

The CHAIR: What is your view about whether the mandatory reporting provisions were being breached?

Mr PETTIT: I have no evidence that it has been breached. Mandatory reporting was put in place so that these things would not happen, so you have to assume that children did not come forward, but if they did, then obviously there has been a breakdown somewhere and we need to have a look at it. There is no evidence to suggest that that has happened to us, but we have been concerned about the inconsistent messaging that has come out of agencies.

The CHAIR: Are you doing ongoing work within your office about that aspect of the situation?

Mr PETTIT: Not the mandatory reporting per se, but we are looking at a whole range of supports, particularly around child safe organisations and how agencies respond to children in those spaces, but it is not just the agencies; it is a whole range of not-for-profits and others who are in that space who need to actually support children on the ground.

Ms HEATH: Can I clarify one thing? Some of the inconsistencies related to the numbers and how things get counted—so the number of reports of sexually transmitted infections and how they were reported. Of course, with different agencies, they usually have different ways of gathering and recording data that meant that some people were including some regions and others areas, and some were just focusing on this bit and that bit. That is what provided a lot of the inconsistencies that we then had to clarify with them. That is something that the commissioner has been very

concerned about in terms of the way different departments operate with different regional boundaries and record information differently. It makes it very hard to monitor situations and compare, and for people to work collaboratively too because they are talking about different things. That has been one of the feedbacks to the agencies that we really need to get much better at working collaboratively and having consistent boundaries across information and the way we share information, because it just gets very confusing. Then, in addition to that, the nature of the allegations that were raised with the office is that things were not being investigated, and I think that there were differences of opinion about what that meant as well, and, again, it was from agencies with different perspectives.

The CHAIR: About what the data meant?

[9.30 am]

Ms HEATH: Well, about what an investigation meant as well, and so, from a police point of view, they needed people to come forward and provide evidence in order to be able to act. For child protection, obviously, an allegation that something might be occurring was enough for them to make some inquiries. So it was about what information people knew about certain allegations as well, and some people said they did not know about that, which, of course—we cannot challenge that at all. Whether they did or not, we would not know. Some people said they did not know and other people said it was well known. That is when Colin sat down with all of the agencies and said, “Well, what is the story here?” and by that stage the police had announced that they would act.

The CHAIR: While there is that uncertainty about exactly what constitutes an investigation, am I understanding that in the background to all that you could have some, at least, to put it mildly, troubling figures about STDs amongst children, and yet nobody takes that as the trigger to investigate?

Mr PETTIT: I think one of the issues, as Trish said, was there were so many agencies involved up there that the data was not being shared. So everyone knew a bit and no-one knew the whole picture. And it is one of the things, obviously, that successive governments have tried very hard to look at: how do you get a collaborative approach, both inside government but also with not-for-profits? Data sharing is one of those that is a real problem, and it only really manifests when you have an issue like this suddenly occur and everyone goes, “Oh, we knew but we didn’t know.” As Trish said, we have been pushing with all agencies to say part of that is that many of the agencies do not have the same boundaries, so therefore their data and the people who are involved with different sets of kids report to different areas. That needs to be supported differently. We have talked to government currently about how do you line up all the agencies so they have a consistent boundary, consistent messaging, consistent leadership, that can tackle local problems at the local level, and that may be a resolution that would be a good step moving forward.

Hon DONNA FARAGHER: I find that very concerning. I mean, we are talking about Roebourne—it is not as if we are talking about the centre of the city, you know—in terms of size, and yet it appears that they were not able to communicate. I just find that—I am not putting words in your mouth, but I would think that you would equally think that is very concerning.

Mr PETTIT: It has been concerning, not just at Roebourne. It has been concerning across the state where a range of boundaries are different for each agency, particularly the big ones, and there are different leadership structures and different centres that people report to. So if it is confusing for us, you can imagine it is confusing for the end user, and there needs to be some realignment and some thinking, but that also applies for the not-for-profits. They also need to have some connection, and, equally, there is as much concern about where the federal government sits on top of this because of the services it provides into various locations as well, and so that all needs to be lined up

in some way. Now, I think this and other issues have certainly started the conversation in a much stronger way than it has in the past. We are hopeful that that is a direction that this government will take in terms of aligning boundaries.

The CHAIR: I think we might come back to some more issues surrounding Roebourne and other places if we have time at the end. That is actually a magnificently coherent segue into some questions we want to ask you about data collection and the wellbeing monitoring framework, because this is all about the collection of robust data, which you are on record as saying is one of your priorities. How can we measure the wellbeing of children? How can we improve our data collection? Where are we going with this? I think this is probably very topical in terms of your recent travels.

Mr PETTIT: Absolutely. I must say there has been a lot of discussion through government and through groups like Telethon Kids Institute around better use of data and better collection of targeted data that may be of more use for particularly policymakers like politicians, but, also more broadly, the communities. I think that there has been a healthy debate over the last few months about what is the best set of data and how can we support it. From our position, as you know, we did a monitoring wellbeing framework. We have done that twice now as a commission, and we felt that some of the data was just replicating what is already publicly available, while some of it is really important; and, as I said in our July informal meeting, we are looking at a monitoring framework that has two tiers that are then supported by a third level of children's voice, which I will get to.

But the first tier, we are hoping, is more of a profile of demographic data so that we actually understand how many children we are talking about. Very broadly, the information that is available is not bad, but it is rarely in one place, about the types of children we have, the age group and, say, types with cultural groups et cetera, the age group, our growth patterns et cetera. So that is one set of data that we can get very, very quickly, and working with ABS and others to do that, and that will be released, hopefully, fairly shortly.

The second one is a wellbeing report. Trish, in particular, and a few of her team are working with Telethon Kids Institute to look at what are the key datasets that would be important to measure the health and wellbeing of children as they grow. We have settled on roughly three core areas, and that is the health of a child, whether that be mental or physical, and emotional health; secondly, whether they are safe or not, and that includes law and order and whether they have a healthy home et cetera; and the third one is around their learning, and that is more broader than their schooling. It is about learning from birth, learning nought to four, nought to eight et cetera. So we are working with TKI to have a look at those key indicators, and we think we are getting very close to actually having those indicators available and almost road tested. We are pretty confident that the list that we have matches the need of the community and can be measured on a regular basis and updated as required.

The third level that we are then still exploring is one I explained to you before, which is looking at a fairly comprehensive survey of children. We are saying from year 3 schooling-wise to about year 12—this is yet to be finalised, but looking at getting a very in-depth level of response from several hundred questions. It could be as many as that, because that is the experience that we have had from other countries. So, it actually supports or refutes what people think kids are thinking right at this point in time. That would, over time, give us very good longitudinal data about the way the current crop of children in that age range think, respond to the services that are offered to them, their families et cetera, and, hopefully, that richness, as we have seen in other countries like New Zealand, will offer a different level of data information, particularly to policymakers, to look at what services need to be provided now and into the future. So we are very keen on that. We are a

way from that third phase. The first two phases—we are hopeful that next year we will be in a position to have it comprehensively released in partnership with Telethon Kids Institute. The third phase—we are still in discussion with a range of people, including Treasury, about how this may or may not be funded into the future.

The CHAIR: To what extent are you using data that is already collected, but perhaps pulling it together in a different way, and how much are you having to invent novel ways of collecting data?

Mr PETTIT: It is a great question because it is a question we have debated, I suppose, with groups like Telethon Kids Institute, because there is a wealth of data out there and you can actually drown in it and then still not actually see what the data is telling you. So it is really about unpicking who is doing what, and Telethon have done a really good scan of who is doing bits and pieces, and they have their finger on where health information comes from and education et cetera, and it is not just the agencies, but where that data is collected. We work with groups like ABS, and we are trying to almost distil it down to meaningful bytes of data that will be meaningful to the community and decision-makers and provide a trend-line data process for us. We are not looking at massive amounts of data. Inside that, though, we are also saying, “Look, this data indicates that. If you want to know more, here’s some links to deeper websites around that particular issue”, because there is a massive amount of data out there, but it is often either misinterpreted or not read because there is too much of it. So, from my point of view, I do not believe, for children and young people, there is one place that people can go to in Western Australia and get a clear and concise snapshot of what is happening to kids in that age group. They can trawl a whole range of different and very good websites, but they cannot get one location, and we are hoping that we can provide that service and also look at providing a service which says, “If you want more information, here’s the website to go to.” I am not sure if that answers your question.

[9.40 am]

The CHAIR: Yes, it does. You mentioned in terms of that middle section that this is where you bring other agencies in to talk about what they are doing and what use they might make of data. You have just described the Roebourne action. Is there a sense in which it operates like a drug trial, so that if you suddenly start to see some dramatic—can you talk about dramatic data? It sounds a bit like —

Mr PETTIT: If there is a headline change in the data of any description, then that would send a signal that we have got to actually either investigate more deeply into what it is—is it correct data or is it in fact just a glitch at some point or is there something really happening—and then interrogate that more. But it will not necessarily be us who could do that. Groups like TKI, UWA—agencies who are specific in that particular zone—we would be encouraging them to do the work into that space.

Ms HEATH: I have one more thing about that. I think the challenge with data, particularly when you are looking at broad data for all children and young people, is you keep coming back to the fact that most kids are doing quite well, and really what we want to focus on sometimes is the often small percentage who are not. If you just report on sort of the broad brush, 96 per cent of kids are doing this, or 85 per cent, that is great, but what we want to know is what is going on for the kids who are not doing well on those often very significant issues. So we are trying to look at the data in two ways. One is about celebrating and making sure that we keep up those rates of things that are going well, but also then looking more deeply into the issues around what is not going well and why is it not going well for some of these children and young people, because again the commissioner’s statutory function is to prioritise disadvantaged and vulnerable children. That is linking into some other work. I think also the other problem that we have with data is it tends to be quite cumbersome. It takes a long time to process information and come up with good-quality data. So it is looking for ways that can be quite nimble and quite responsive to what is going on for children and young people, and

then be able to really plan well for meeting those services and support needs that they might have that might evolve from that. I think primarily the function for us of the monitoring framework compared to what we had before—it was to be able to look more closely at the areas of more significance to children and young people, to guide the commissioner's work in advocating for issues, but also to be available to other people to use as well to shine spotlights on particular areas that we think are emerging as areas of concern.

The CHAIR: Are you doing anything to bring agencies along with you on the journey, because I imagine if you bowl up at the end and present them with a whole lot of insights into their agencies, they are not going to be very receptive?

Mr PETTIT: Absolutely. With Telethon Kids Institute at the moment, we are still framing all of these things. We have had informal conversations with all the agencies that this is a process we are following, but as we do with most, or almost all of our work, where it intersects with agencies, we invite the heads of those agencies to either a formal meeting, one on one with myself, and work through it, or a collective meeting where we put things on the table and have a discussion around why that data et cetera or use case. So that would be a process we would certainly follow.

The CHAIR: Are there any questions from other members on general issues? Let us move to the New Zealand experience. Were you impressed?

Mr PETTIT: These are all prelim commentary I think, simply because I only got back on Sunday evening, so we are still working through all of the information that I received. Can I say a couple of things. New Zealand have some very, very good ideas and are working around a range of strategies, particularly for children and young people, that I think we should and could learn from, but, equally, I think there are a lot of things that are happening in Western Australia that they could learn from us, and in fact we had that interchange with the Children's Commissioner over in New Zealand. But the things that we can learn are around how they deal with their Maori population, albeit their Maori population is very different to our Aboriginal population, and we should not just say that because it works in one location, it will definitely work in another. The sort of processes they have used to bring the community along have been quite impressive. I think it is around how do we collectively, both through my office but also at a political level and a community level, have the conversation about how do we engage Aboriginal leaders in a conversation about how do we move to the future. I think they have done some really good work, but it has taken a very long journey. One of the end products that they have got to this point in time is an agency that is new—it is a new ministry, if you like—called Oranga Tamariki—I will get you the correct spelling of that—but it actually translates to English as the ministry for vulnerable children. Similarly to what has happened in this state, they have amalgamated groups like youth justice, communities, disabilities, child protection and others into one, but they have gone an extra couple of steps, and I think it is something that we might, as policymakers, have a broad discussion around: could this make a difference here? They have actually enshrined that particular ministry in legislation, and within that legislation they have mandated that the directors general of all other agencies have a responsibility and are accountable for reporting back through the agency of the ministry of vulnerability back up to the Prime Minister about what they are doing for children who are in vulnerable positions, and that is a public statement, so it will be reported on annually. It's early days. They have only just opened the doors to that particular ministry in February this year, so they are still putting pieces together, as you can imagine. Structure is always a difficult thing when you are amalgamating lots of groups. They are in that phase. Now they are looking at how do they collaborate across those what used to be silos, to make a better outcome for vulnerable children, and the focus has been around: what are the targets we want to actually improve? Alongside that, they have also built in, under legislation, that for Maori children any decision-making must engage or involve what they call

their whanau, hapu and iwi, which is their family or genealogy, their subtribes and their community. So it is putting a partnership arrangement in with that community about the development of their children into the future. It's really early days and it is too early for us to say that is how we should go. I think it is a watching brief. But I think it is a step that is pretty bold to say we are going to legislate, we are all accountable and we are going to report in a way that probably has not been done in the past. That was the major thing there. The other one is around the commissioners themselves. Like everywhere in Australia, every commissioner for children and young people is different under their legislation. They have a much stronger monitoring role of agencies, and under the legislation have to monitor and report independently on child protection and youth justice in particular, but it absorbs an enormous amount of their resource. It is almost half their resource, which means they almost never directly consult with young people other than through survey. The one strength I have noticed since taking up this role is that the work the commission has done since it has opened, and supported through joint standing committees and the like, is the voice of children is so valuable, it needs to be consulted strongly in every way we can, not just the survey. We would be very keen to make sure that element is certainly put front and centre. In New Zealand we were having conversations with my New Zealand counterpart about how he would move that forward.

The CHAIR: So you are saying that we do that better than —

[9.50 am]

Mr PETTIT: We certainly do that much, much better because our focus under legislation is all about consulting and making sure the voice of children is heard. Obviously, there are 15 functions and it is not just consulting, but the strong focus on having children's voice through consultation, I think, has added a wealth of information to our reports that has been useful in a whole range of areas.

The CHAIR: So would you describe that creation of the new portfolio in New Zealand as being driven by the data or is it a way of improving the collection of data?

Mr PETTIT: It is interesting. It is a really good question. It was predominantly around data when they started, because their vulnerable children's group were growing exponentially, and it was not just the Maori population; the vulnerable children were growing, and they were looking at how they could actually deal with them differently. There was also a little bit about some of their agencies had failed, and I use that word very loosely because that is the way they reported it to me. I cannot substantiate that at all, but certainly that was the intent that was relayed to me. And they felt that what they have done for the last hundred, and the way they have done it, was not serving the new world and they had to do things differently. But the journey of getting to a vulnerable ministry was not overnight, and in fact they started with a white paper and a green paper and had lots of community consultation and a lot of discussion, and that was the important bit, because the community had buy-in to a decision-making change. I think if we are going to learn anything, we need to think about how would we engage a community in an area that is so important, but is probably not as high profile as it needs to be, in a way that is meaningful and in a way that governments of the day, regardless of who they are, can see that that is a way forward for vulnerable children in this state. We do know, for example, if you go back to data here, our child protection numbers have almost doubled. The number of kids in Aboriginal communities who are at either end of the spectrum, some are doing extremely well, but we seem to have more and more at the lower end, and how do we address that, in spite of all the good work that we have done? So how do we actually address that in a way forward? I am not suggesting that we should have a vulnerable ministry or a ministry for vulnerable children, but what I am saying is that we could learn from the journey they have taken, and maybe there is even a better solution for us. But it needs a strong conversation, both politically and through the community, about how do we address a changing

world with a growing number of vulnerable groups, and we will be doing some work on that ourselves, which I am happy to expand on down the track.

The CHAIR: That is very interesting. As you know—we have spoken about this before—the English children’s commissioner has got similar powers under her act. While we are on the cross-jurisdictional stuff, have you had a look at what they do in England?

Mr PETTIT: I have read the recent publication that the commissioner put out in England. It is more of a statement of fact than it is too much else. It has a whole range of data about the number of children in particular who are vulnerable in a range of areas. I think that is an important step, but she has yet to go to the steps that New Zealand have done. I should have said before that New Zealand factored most of their data around poverty. While I agree poverty is a major driver for vulnerability, we often know that just because you are poor does not mean you will not succeed. It is only one factor. It is certainly a factor if you are poor—there is more likelihood that you will not succeed—so poverty is a really important factor. But when talking this through, with our vulnerable approach, with groups like TKI, in particular Steve Zubrick, he is very keen to point out that really anything around vulnerable children of any description in any place they are in, you get back to two characteristics. One is dysfunction and one is disadvantage, of which poverty is one significant part. So dysfunction has to be part of the discussion as much as poverty does.

The CHAIR: So dysfunction is a kind of umbrella category and criteria.

Mr PETTIT: Yes. They are the two that we are exploring around how do you address dysfunction and disadvantage, and, yes, poverty is significant to both, but that is not the only reason people are dysfunctional or disadvantaged. You look at drug and alcohol abuse; you look at domestic violence. There are a whole range of other factors that contribute to those two that we need to have a look at.

The CHAIR: So you are saying both England and New Zealand have been driven by the poverty.

Mr PETTIT: Certainly, the information I had from the UK was that they are looking at poverty as a measure, and they have used that fairly extensively in the dataset in her first paper on that particular issue around vulnerability. I have yet to see where she is going to take that. It is a very extensive report, so I would recommend you have a read of it. There are hundreds of thousands of young people who have been identified as being disadvantaged significantly and a range of factors and studies. It is a problem, and it is a problem for all of us, and we need to address it.

The CHAIR: Let us go on now to the “Everybody’s Business” report and the follow-up from that. I think you have already talked to us about the oversight mapping.

Mr PETTIT: Yes.

The CHAIR: You have not published anything yet, I think?

Mr PETTIT: No. We are not far from publishing. Can I say it is a very comprehensive piece of work and a very positive piece of work, and there is a lot of interest from both inside government to see how this rolls out, particularly with the machinery of government, but there is also some information outside of government on how we make sure that monitoring the impact of the oversight agencies on, particularly, vulnerable children—have we got it covered correctly? That report, we are hoping, in very early November will be released. It is a very soft release, though. It will be internal to agencies. Obviously, we will provide all politicians, and particularly the joint standing committee, with a copy. It was not intended to be anything else other than a guiding document to say what is working, what is not working, where are the holes. I think one of the issues that probably lends itself to one of your other recommendations, though, is that the glaring hole to date is that oversight agencies do a terrific job at a global level, but often their recommendations are put in a political

sphere and are acknowledged, but rarely acted upon. We need to look at how we can get better at that as a community, because if the oversight agencies have done the work and found that there are problems, how do we then, as a community, but through a political process, make sure that some of those things are corrected? That is not all but it's some of the issues. The other issue that is coming up really strongly relates to recommendation 1, that there is a glaring gap for children for personal or individual advocacy, which this group identified earlier as not being in place. The oversight agencies have a very significant role to play, but no-one actually has the role to do the independent advocacy. We know from other groups, like the royal commissions, that hand down their findings at the end of the year that independent advocacy has been a problem all the way through in a range of areas. I do not think it will be a surprise to anyone but it will show very starkly that somehow we need to look at independent advocacy, which then goes to your earlier recommendation as a committee to say that that probably should sit with the children and young people's commission, and we are of the mind that it probably should do, but it cannot sit there without a real investment, because we have seen, if you do not put a real investment in, all you are doing is tokenism and the system cannot support itself. It is one of those discussions that I think we have been having with a number of ministers around this particular recommendation. We have not put a budget bid in but we had a conversation just recently that in future budgets we will probably look at submitting a budget bid to have this, assuming governments wish to go down this path.

Hon DONNA FARAGHER: Which ministers have you met with?

Mr PETTIT: Just about all the ministers from Treasurer down. Sorry, I am being a bit vague, but I think it is just about all the current ministers that are involved with children.

The CHAIR: So we are talking about a couple of different things here, because we are talking about the follow-up to the first recommendation of the report, which was about mapping the capacity and demand for services to victims. You also, in your response to government on the report, spoke about a request for the resourcing and implementation of a more formal and detailed oversight review, which is different.

Mr PETTIT: Yes. It is different.

The CHAIR: Can you talk about both of those things?

[10.00 am]

Mr PETTIT: We are waiting for this report to come forward and then we will see where government wish to take it. Obviously, the world has shifted somewhat since we submitted that. There have been reviews to the machinery of government and so forth, and we have submitted information to those groups along the lines that we did to this committee. We are waiting to see what falls out of that by the end of the year.

The CHAIR: Can you anticipate at this stage any concerns about the machinery-of-government changes? Is it working for you?

Mr PETTIT: We are still obviously watching, and it is early days. The only concern that we have flagged a little is the time it takes to amalgamate organisations, restructure them, get the right people in place. There is a concern that if that lasts too long, then the service delivery is affected and the direction of that service delivery is affected. So we are having a conversation with the new DGs about how are they working to ensure that service is not affected, and when they present change, how that change will actually be put all the way through to the ground. They are all very dedicated and they are all very keen to do the right thing. I think there will be some great things come out of this, but it is the time difference that we are just concerned about at the moment.

The CHAIR: I imagine it would be helpful to sit on a plane with some of these people occasionally.

Mr PETTIT: Absolutely.

The CHAIR: I know that my colleagues on this committee will be interested in following this, as am I, so if you keep us in the loop before that —

Mr PETTIT: Sure.

Hon DONNA FARAGHER: Certainly, from my perspective—and this is a personal perspective—I do not necessarily have a problem with respect to looking at amalgamating departments, but I will personally say that I have some concerns regarding the super agency that has been put forward. This is not a political statement. It brings together so many vulnerable communities and children and others that they need to make sure that they have got those mechanisms in place, that they are sharing the information with all of those people—what you have just been discussing in respect to Roebourne is one example, because we just do not want a problem.

Mr PETTIT: That is certainly the discussion I have had with the current DG, and he is very much aware of that and very tuned in to the fact that making sure his organisation is not labelled as one item or another but actually as a service provider, I think, is a very good step. My concern is, let us see how that plays out in the field, and it needs time to actually happen.

Ms HEATH: I think that at the moment the focus is on the structure of the agency rather than those work practices that actually make the difference, because how you structure the agency, at the end of the day, will only be as good as actually the work practices and processes that you set up for doing those things, and that is what we have not seen yet.

The CHAIR: If I can move on to the concept of individual advocacy, which I am probably more familiar with than my colleagues, having sat for the last four years, but rather than me attempting to precis what you have said in the past, would you talk to us about what your concept of individual advocacy is and how your role as children's commissioner fits into that?

Mr PETTIT: Yes. The members of the committee will understand that under current legislation I cannot act on behalf of any individual, and other than taking an individual complaint at, say, ombudsman level, there are not too many places where a person can go and receive full-blown advocacy that is independent of government, and there are times when it needs to be independent. I think I gave the example before where Child Protection have an advocate inside their department, but if there is a problem with that, then that director has to actually challenge their director general, and that is often a conflict. So we need to look at how do we make it independent of government so that we can truly advocate for individuals. We have looked at a whole range of models, and the model that probably it comes down to is that there needs to be an independent advocate that at some point all agencies need to be aware of, so that if a child discloses or comes with a major concern, then they are obliged to contact the advocate to support that particular child. At this stage we are saying that that could be within the confines of the Commissioner for Children and Young People, but it would need to be resourced and it would need to have almost bipartisan agreement that it would be one of those issues that could not or would not change in future governments. The reason I say that is that we know from information from the royal commission and other suicide investigations et cetera that children need to have a consistency throughout their life of point of contact. If we are going to do that, then we cannot start something and then close it down in three years because we have got a better idea or whatever. That does not mean it should not be reviewed and it should not be improved and it should not be challenged, but the notion of having an advocate should actually be bipartisan, and that is something that we would be trying to push if and when that was to occur for the commissioner's office.

The CHAIR: Is there an Australian example of that kind of model being adopted?

Mr PETTIT: Not that we can —

The CHAIR: Or one overseas?

Ms HEATH: I am trying to think of the name of the UK one that we looked at. I cannot remember the name or it off the top of my head. It has just gone blank. I think there are a number of models. We have certainly looked at a lot of different types of models around individual advocacy. It needs a very strong component of outreach to engage with children and young people, and that is where the time-consuming aspect of it is; that is why it needs resourcing. What we know about children and young people is that you can make all sorts of things available to them to raise concerns and make complaints, but they will not do it if they have not got someone who helps them do it and actually actively works with them to raise that issue and have a voice and speak up. We have done a number of consultations with a range of groups, and they keep telling us the same thing, whether they are children in care, children generally or children in the youth justice system. Internationally as well it is the same thing; kids will not speak up unless they have got someone who will support them and encourage them to do so. Often that is their parent, but for children and young people who do not have parents who are able to do that or around to do that, then these children are particularly vulnerable. So we think an advocacy agency at least focused on those vulnerable children would be essential, and they need to be able to be out there connecting with children and young people, talking to them about their lives and their issues and helping them bring forward complaints, and supporting them, to the oversight or internal body, so they are there to resolve these issues for them and to, as the commissioner said, stick with the kid through the journey and help support them. It is particularly important for children who have suffered abuse of some description who are much more less likely to feel that they are powerful enough to stand up to some of the bullying, I suppose, from adults that goes on for children in terms of ignoring their concerns or downplaying them and that, and having that sort of trust and consistency is very important. I have been racking my brains. I think it is —

The CHAIR: There is the named person system in Scotland. There are obvious synergies there when you talk about for most children it will be a parent or the school guidance officer or the family doctor or somebody who is there in their life anyway.

Ms HEATH: Yes. I think there are two aspects to it. One is actually supporting those people who are natural advocates for children and young people, who are in connection with children all the time. Teachers come to mind, sports coaches—all of those people who can be very important allies for children who maybe do not have parents who are able to do that for them. But then it is also about providing specific services. Coram I think is the name of the agency in England.

The CHAIR: Yes. I was going to say it is going to ring a bell with Renee.

[10.10 am]

Ms HEATH: It got there. I knew if I just stopped thinking about it, it would pop into my head. Coram in the UK is specifically set out for children and young people in out-of-home care or looked-after children, I think they call in the UK, which is almost quite an odd term in that you think it implies that other children are not looked after. It is quite unusual. But Coram is specifically there for those children, and so they make an effort to work in the local-government areas to support children who are in the care of the system in the UK. They have done some really good work. There are always ways that we might do things differently that might suit here. But you need a team of people who are very able to engage with children and young people and have those conversations. We find even for the consultations that we have done, such as the out-of-home-care consultation, it was very easy for the staff in our office to sit down with a child and talk to them, and they would tell all sorts of things. So it is not about having to be there every day in their lives to connect with them but

actually having an opportunity when you sit down and say, "How're you travelling? I'm really interested in what's going on for you. Tell me a bit about what life's like for you." And then they will tell you all sorts of things. Some people say that you just need to be around forever in order to establish that level of trust. Our staff have very ably been able to show that in a 20-minute interview you can actually establish enough trust and connection with a young person if you take the time to do it and you have got the right people doing it. So we are very confident that a model, whether it sits with the commissioner's office or not, can be put in place. They are not cheap, because they are time-intensive, but they are also really important. I know it was on the agenda to talk about some of the Kimberley suicide inquest, but there are some really good examples of the cases that are being reported there of these children who have got no-one looking out for them, no-one going out and engaging with them. As we have seen in Roebourne, lots of people know lots of bits and pieces but nobody is actually taking it upon themselves to go in there and actually start advocating for the children and young people and connecting with the children and young people at that level, and that is what needs to happen in order to hold, not just government departments and other service providers, but also the whole community to account for looking after these children who we often all know about but nobody does anything about them.

The CHAIR: Donna, I know that this is a scenario you were particularly interested in.

Hon DONNA FARAGHER: I suppose what I am keen to understand, because you have mentioned yourself that if such a service was to be provided that it would be time-intensive. I can see that it could become all-encompassing in actual fact because you are not only suggesting that it would be children and young people who might come to you, and as you say you might not get many who voluntarily do that, but having said that, if the service operates for a period of time and they get to know and hear about the fact that they are going to get good support and advocacy, then they may start doing that. But perhaps more particularly, as you have mentioned in terms of actually going out and seeking, I suppose, would you have some concerns that that might overtake in part the other work that the commissioner does and how would you manage that? I suppose, again, it would be dependent on the level of resources that you are given to actually deliver on the advocacy service, but I am keen to hear your perspective on how you manage that.

Mr PETTIT: I think it is a really important question, because it is a little bit like the New Zealand experience where they have a very strong monitoring role, as I said, around youth justice and child protection and they could be consumed completely. They have virtually halved their workforce and half their workforce only does that. But there is a commitment from government to say that is the resource and it will not be diminished because it is such an important issue and the reports are valued et cetera. I think it is the same and that is why we need a bipartisan approach. It is the same as if we are going to establish a service, it needs to be well-resourced upfront. We originally did a back-of-the-envelope approach to this and we thought that around \$2 million per annum would be around the area that would need to be funded. That would give you enough FTE to do both face-to-face but also outreach. It will not solve everything but we have got to make sure that the service is not Perth-centric, and that is a really important thing for the state, but more importantly for those children who are outside of the metropolitan area. That is certainly one thing that we have looked at in terms of making sure that it is an ongoing service. In terms of how will it stop diminishing: I think what I would certainly ask government to build-in is a review of that process and an evaluation, because I think if the service does start to broaden and start to grow, it could be serviced by other services, whether it be health, education or whatever, because I am assuming, and maybe incorrectly, if more and more children come through to us, their issues will be available as a policy construct back into the agencies to improve their service broadly into the communities, and that should create savings. Now, there is a lot of ifs in that, but if we were to get more and more

information—better information—directly from vulnerable children on how we could support them, that information, obviously confidentially and certainly de-identified, could support agencies in terms of the way they do business. And that could generate a little bit of savings that could actually be put back into their advocacy to grow. It is not about growing the business; it is about making sure the advocacy, whatever we put in, whether it be with us or an independent agency or a not-for-profit, is resourced well enough to deliver what it should deliver. I do share your view and concern that whenever we did this in the past, there is a feeling that you can fund it from other sources. This would have to be discreet and would need to be continually evaluated and also supported by all the agencies—that these children predominantly come to us or would come to us for support.

Hon DONNA FARAGHER: Okay, thank you for that. This is Donna thinking out loud in terms of how it could happen—but the extent of the advocacy and insomuch that if someone was either by coming forward themselves or by virtue of being through outreach, it is identified that they had been abused, then obviously there will be processes, I am presuming, that then through police and other mechanisms you would go through a process. Would you see it that if it was then to extend to trial, whatever it might be, the commission would be part of that advocacy process right up until the end or would you end at some point where then you would, not hand over but in part hand over responsibility for making sure that whatever it might be, whether it is with respect to abuse or whatever, your role would end at some point in time?

Mr PETTIT: Two answers—initially when we discussed independent advocacy, I suppose the key role of the advocate would be a facilitator because there are a range of services out there that are available. So it is not about replacing the service but it is certainly facilitating that young person to make sure the doors are open for them, they are supported by the people who are funded to support them, and keeping an eye on it, monitoring it et cetera. In my mind there is no end date, because what we have seen with any child in particular but any person with trauma, the trauma is something that is cyclical and will sometimes re-emerge at a particular age and they need to have comfort that they can at least come back to a central contact to say, “I’m in trouble again. How can you support me to do this?” So without oversimplifying it, it would be a facilitation role but certainly holding hands to facilitate and make sure they, one, have the right service, are supported by the service that is being funded to do that, and making sure the right doors, and that they are pointed to the right doors, are open.

Hon DONNA FARAGHER: That would be something I would obviously support because I can think of nothing worse than the trust being put with the commission by a child who might be in an incredibly vulnerable situation and then somebody telling them they are then handed over. So I would expect, if it was me and I was looking at it in a more general sense in terms of support, to see that that was actually a whole support.

Mr PETTIT: That is the reason why we are very strong to say that it needs to be independent of government. That is not to say that government agencies are not doing the right thing, but history says that some of these kids get into positions and because of that, agencies often do not fulfil their role for a whole range of different reasons, so it needs an independent group who can actually push the button, know who to contact and keep monitoring to make sure that service is provided. As I said, the key role would be facilitation, but that is oversimplifying it. It is really about supporting that person all the way through their journey and being available on a regular basis.

[10.20 am]

Mrs J.M.C. STOJKOVSKI: Just a little bit more on the extent of the advocacy—where is the line of vulnerability for children? For example, a child whose parents are going through a divorce, would

they come into that vulnerability, because there is arguably a gap there that each parent gets their own legal team but the child does not have an advocate for their rights in that situation?

Mr PETTIT: Sure. I think there are again a couple of responses. Obviously, if we look at the UN rights of children, we need to make sure that is upheld. So let us look at the child irrespective of what background we are bringing them from. But under my act, it is making sure that the parents are not usurped, if you like, in terms of their position of love et cetera, and how do we support that. I think it is a delicate one, and we need to think very carefully. If the child was to come to an advocate, then the advocate should not just be turning them away. It should be working through the issues and, wherever possible, obviously you would engage the parent, the family, whatever, to help them through their journey, because one of the things that we know from talking to a whole range of children, whether they are vulnerable or not, the value they put on their family, irrespective of how their family treat them, is unbending, and we cannot be in a position to change that, but equally we have to keep them safe. We have to engage their family where it is appropriate and make sure that their journey is where it needs to be to bring them out of that vulnerability. It is a long answer and probably did not answer your question entirely, because I think if you get into case-by-case, it would be different. But the overarching statements around making sure the family unit is important need to be part of it, but more important, it is the right of that child to feel that they are safe, listened to, supported and healthy, and how you do that, hopefully with their family, is the way forward. That would be one of the underlying principles of any advocacy group.

Ms HEATH: Can I just add that, to answer both of your questions in that regard, I think the sustainability of the service is really important—to be able to monitor that. It becomes really critical. So triaging and working out where you actually focus your time has to be done quite delicately and sensitively in reference to the circumstances of each child, but importantly, supporting and connecting them into services and supports that can work with them becomes critical, and helping the child to build a network of people who can support them into their life, because it is critical to that process and that sustainability. But absolutely making sure that you do not leave anybody high and dry would have to be the priority there.

Hon DONNA FARAGHER: You said you have met with ministers. In those discussions with ministers of the new government have you mentioned this idea?

Mr PETTIT: Advocacy, yes. In fact, I have made sure that your committee's report is one of the front and centre discussions I have with ministers, and the eight recommendations and how it needs to consider how that would play out into the future, particularly in future budgets, given that we are understanding that this particular budget and a restriction, but moving forward, we are hoping that the eight recommendations can be looked at differently and supported. That is ongoing every time we meet with ministers.

The CHAIR: Let us move to getting something on the formal record about the idea of a commissioner for Aboriginal children and young people. I know we have talked about this in our informal sessions, I am also aware that it has been a discussion that this committee has been having with commissioners for several years. But can we just work through this in the context of the hearing. In your view, what would be the benefits of making such an appointment? What are the provisions, in a statutory sense, that you would have to address in order to do that?

Mr PETTIT: Perhaps if I could just clarify—obviously the recommendation was around an Aboriginal commissioner, and as I have reported back to this committee before, in talking to a range of Aboriginal leaders from across the state with this notion, there is no one consistent supporting response, although almost all of them understand there needs to be some form of leader who is Aboriginal in this space.

The CHAIR: So it is different models of implementation?

Mr PETTIT: Different models of implementation. That said, the model that I probably am now leaning to, following all those discussions, even though we cannot get consensus, is a model where I think there does need to be representation of Aboriginal people inside the commission. And I would be certainly more than happy to have a deputy commissioner, of which either the commissioner or deputy commissioner, in legislation, must be an Aboriginal person. The reason for that is that there has been a lot of talk about having a separate Aboriginal commissioner, and when you talk about vulnerable children, vulnerable children are not just Aboriginal and they are not just non-Aboriginal, so who would do what work? And there needs to be a partnership. It does work somewhat in Victoria but that is really subject more to the fact that there are two personalities in Victoria than anything else. And the weakness of the Victoria model is that they put an Aboriginal commissioner in but with no resourcing. If we are really going to do this properly, then it needs to come with a resource package, so that issues like Roebourne that are peculiar to Aboriginal communities need to be dealt with, but equally, when we are talking about vulnerable children and child protection, then there should be a joint role there for both the commissioner and the deputy commissioner, regardless of whether they are Aboriginal or not, because there is such a crossover. I think the important thing is more about making sure that we legitimately want one of these positions, it is resourced properly and it is articulated strongly to the entire community why it is there. The model of having equal commissioners can work, but I think it relies fairly heavily on some thinking around either legislation or directive under JDFs et cetera—how that might play out in the future. It is not shown to be a popular model across the state with Aboriginal leaders. We have not formally done that but I have certainly informally spoken with a lot of Aboriginal leaders and gathered that information.

The CHAIR: So a deputy commissioner, which I think is the Queensland model?

Mr PETTIT: A deputy commissioner in Queensland at the moment, yes, but I am not sure there is an Aboriginal person in that at the moment because they were taken off to do something else.

The CHAIR: Would that require an amendment to the act?

Mr PETTIT: Yes, it would require amendment to the act if we are going to go down the line of having a commissioner and a deputy commissioner, of which one must be an Aboriginal person.

The CHAIR: The deputy commissioner would have the title of commissioner for Aboriginal children?

Mr PETTIT: I think it would be deputy commissioner for children and young people, but one of them would have the focus on Aboriginal children. Under the act it is very clear that the commissioner has to pay special attention to Aboriginal and Torres Strait Islander children and young people and also vulnerable children. So I think there is enough in the act currently for that space for the commissioners to devolve the work. What it does is symbolically, back in the community, say, “We understand that Aboriginal people in some communities have a specific issue we need to look at differently”—not privilege but differently, and how do we actually do that?

The CHAIR: It would be an interesting question as to how far you mandate the division of that responsibility in a statutory form and how much you devolve it to the work-sharing load of —

Mr PETTIT: The discussions we have had internally around that issue is really quite complex because, as you say, if you look at youth justice, currently in Banksia Hill about 78 per cent of the children and young people in there are Aboriginal. If you then said that is an Aboriginal problem, then what about the other 22 per cent of the kids? It is more broadly a youth justice problem, but there are issues relating to Aboriginal kids of why there is such over-representation, and that needs to be looked at as an aside to youth justice, because it is not just youth justice, it is child protection, vulnerability

and how do we deal with that. I think there is a significant role for people to play. Issues like Roebourne—liquor licensing for example in Fitzroy Crossing et cetera—I think there is a clear role. There is enough information there, but it should not be exclusive to Aboriginal issues, because they crossover to the whole community, as the community issues crossover to Aboriginal communities.

The CHAIR: When you talk about adequate resourcing, under the model that you are talking about now with the appointment of a deputy commissioner, what other than the salary for a deputy commissioner would be involved in adequate resourcing?

Mr PETTIT: Certainly, I think that is the bit that Victoria did not think through. In terms of if you had a commissioner or a deputy commissioner, they would need to be funded to get around the state. We know that, particularly in remote locations, it is very expensive. So there needs to be a significant fund to ensure that they are able to access it. There also needs to be a small supportive team that would do particular work for that particular issue above what we are currently doing.

[10.30 am]

The CHAIR: Because Andrew Jackomos does have an office, does he not?

Mr PETTIT: He has his own office but it is inside the commission, but he has no other support. He takes all the other support from within the organisation, but that is by agreement and it is not supporting him to actually do work. So he virtually has to put it against every other demand that is in the state in that office, and so where does it fit? Whereas there are some issues that for Aboriginal children are far more important than for everyone else and yet maybe not being looked at as clearly as it could be.

Ms HEATH: I would just say with great delicacy, in my view commissioners in themselves generate a bit of work, and I think it is a good example that if they introduce a deputy commissioner role, they would not be a special adviser to the commissioner; they would be a deputy commissioner with some standing themselves, and projects would need to be negotiated between the two roles so that there was a consistency, but you would expect them to generate projects and interests of their own that would need a project and resourcing commitment if it was not to diminish the existing work of the office. We would see it as building on and supporting that work, and so some additional resources, which I think should be integrated across the team, because again, many of the projects would be integrated. I think in the past Commissioner Jackomos in Victoria has had some specific policy officers attached to his position, but then they found that the work did not integrate well across the office. So it is actually about creating a dynamic team where both commissioners get the support they need as a strongly functioning team. That would be my bid as the director of policy and research within the office.

Mr PETTIT: The only other issue around the deputy notion is that when that has been raised by a number of Aboriginal leaders, they are very keen to say that that deputy, if they are Aboriginal, should have the right to become the commissioner should something happen to the commissioner, so act as the commissioner immediately if there is something. They were very keen on that, simply from a view from our exterior, say, if they are valued, they need to have that right to step into that role if it is needed.

The CHAIR: That is an interesting point. You said it is not broadly supported by the Aboriginal community, the idea of a deputy commissioner.

Mr PETTIT: No one model is broadly supported. There are a range of models from “no, we do not want one”, to “yes, we should have our own commissioner and our own commission”, so separate to the commissioner’s office, to “yes, there should be one like Victoria where you have the

two commissioners in one office”, to “we should have a deputy commissioner”. There is anecdotally more around the deputy commissioner role, of which one will be an Aboriginal person.

The CHAIR: There is more support around that?

Mr PETTIT: There is more support.

The CHAIR: So that is just your feeling.

Mr PETTIT: That is why it would be one we would be more than happy to support, but it would require legislative change and some resourcing.

The CHAIR: Section 24 gives you the power to delegate.

Mr PETTIT: Yes, it does.

The CHAIR: That would not be adequate to deal with the creation of a deputy position?

Mr PETTIT: We could roll it into that, but without a resource it would not happen. But I think it has more power if it is under legislation.

The CHAIR: And would section 24 also be used to put in place the arrangement whereby the deputy commissioner was the commissioner in the absence of the commissioner?

Mr PETTIT: It could be added to that place or it could be a separate section. I am not a legislative guru on that.

The CHAIR: Okay. So we have not gone quite that far.

Mrs J.M.C. STOJKOVSKI: In terms of the resourcing—and you have talked a lot about it—do you have a figure?

Mr PETTIT: No. Again, with Treasury we have spoken about a deputy commissioner level—possibly level 7 and level 3 or 4 support, plus travel and all the other elements. It is around \$500 000 per annum. But we did not get into real detail, so that is an approximation; it could be more or less.

The CHAIR: Let us move on now to some of the specific programs. You talked to us briefly before about the young Aboriginal leaders project. Are you going to release some guidelines in the foreseeable future?

Mr PETTIT: Yes, we are. We are hoping for that release around October. We have road-tested or developed some of them with some young people in Kununurra, and we are getting closer with agencies about how that interacts with some of their work, and we are hoping to have that placed in about October. We are also talking to Ben Wyatt’s office to see, in fact, whether these are broadly accepted by agencies as a way forward.

The CHAIR: This is with his Aboriginal affairs minister’s hat on, not his Treasury hat on?

Mr PETTIT: Yes. There may be an opportunity for him to have a look at them being used as part of that portfolio.

The CHAIR: What have you actually been running in Kununurra?

Mr PETTIT: We did a couple of workshops with children up there about how they see themselves as leaders, what activities they would like, and then, equally, when they have things happen to them like holiday programs et cetera: How would they like to be engaged in terms of working out what is appropriate and not appropriate? What are the things that make them feel like they have been engaged and what does not make them? Then allow that to distil into a participation group.

Hon DONNA FARAGHER: I am just a bit unclear how that relates to regulations and mandating around government agencies. Can you just talk to me about that?

Mr PETTIT: Yes. We have not gone down the path of regulations and mandating. All we have had is discussions about if they were useful for agencies to use, is there an opportunity to put them into policy so that they are standard across all agencies.

Hon DONNA FARAGHER: In terms of how agencies will engage with Aboriginal children on a range of matters?

Mr PETTIT: On a range of matters, correct.

The CHAIR: So it would apply to a number of different government agencies—education, youth justice?

Mr PETTIT: Yes.

Ms HEATH: And non-government service-procurement as well. I guess the idea was part of recognising the different status of Aboriginal children and young people within the Aboriginal community and the need to consult much more broadly with the community about how they are engaged. We have been, as the commissioner said, road-testing some of those concepts with people about when you are involving children and young people in service design and delivery, how do you actually engage more broadly with the community and what models of engagement work for them with an Aboriginal lens over it. It is work that we have done with our ordinary participation guidelines that work across the board, and a lot of that stuff is still pertinent and relevant, but the work we have been particularly doing for the toolkit has been around what additional things can you do or should you be required to do if you are actually using Aboriginal children and young people in the Aboriginal community as the target for the services and supports that you want to engage them about. That is one part of it. The other part is: how do you foster their leadership? As the commissioner has been meeting with groups in various places, one of the things that has been quite a common theme from among the Aboriginal community and older people is their real concern for the next generation coming up and stepping up and being leaders and not being caught up in drug and alcohol abuse. They have got some real worries about that sort of stuff. So it was again about fostering Aboriginal leadership amongst children and young people and helping them navigate the dual cultural responsibilities of the Aboriginal community as well as the non-Aboriginal environment that they are often working in, because there are quite different requirements on Aboriginal children to engage and be respectful towards elders in the community, for example, and negotiate. That needs some sensitivity, and if we just apply the same strategies that we use to non-Aboriginal children, we can be putting those Aboriginal children in awkward positions, and that might mean that they actually do not engage with the process well. So it is trying to address some of those barriers.

The CHAIR: We have obviously all heard those stories about very successful programs that having run really well for a couple of years, will suddenly collapse because of some kind of situation that has arisen amongst adults. Was that your entry point into this kind of work?

[10.40 am]

Mr PETTIT: It was certainly some of the things that have been raised with us, but it was not the entry point. But certainly Aboriginal communities are very tired of programs that are funded, get up and running, look good and are actually doing some really great work, and then the funding is withdrawn. So they are getting frustrated with that continuing cycle, but that is certainly not the driver of this case. The main driver has been the fact that in the Aboriginal population, children from 18 years and under make up almost 42 per cent of the population—so almost half of the population are children and young people in an Aboriginal setting—and yet no-one actually goes in and tries to say, “If they’re tomorrow’s leaders and they’re half of the population, have we had the conversation

with them about these programs coming in?" particularly the older group of that 42 per cent, because they are going to be tomorrow's leaders and will carry through some of these programs. This toolkit is really not anything more than to say to agencies, "Have you looked at how you engage at a local level differently for each Aboriginal group, but engage the young people in particular?" Because we have seen that where they have been engaged and they are committed, then those programs actually have a greater chance of survival. That was the aim of doing this particular bit of work. The aim of actually taking it back through Aboriginal Affairs is to actually say, "Could this be something that could be a standard, if you like, that could be seen as part of practice, whether it be in agencies or not-for-profit?" so that we know that young people are engaged and have a commitment to the program before it is actually rolled out—nothing more than that.

The CHAIR: That is really useful background. Do you envisage this being rolled out through the metropolitan area as well as in regional areas?

Mr PETTIT: Right across the board. The clear thing about that is that we have got to start to acknowledge the difference in Aboriginal communities and the difference in culture. This toolkit actually starts to question, "Have you actually talked about the culture of the local place?" more so than, "Is it about Aboriginal children?" So yes, we have looked at that right across the board.

The CHAIR: When do you intend to release this work?

Mr PETTIT: About October. We have got our fingers crossed.

The CHAIR: Will you incorporate some kind of monitoring function for yourselves or for other agencies?

Mr PETTIT: Absolutely.

The CHAIR: How will that work?

Ms HEATH: One of the things that slowed it down a little bit was being very much from an agency perspective, them wanting for it to be a much more online resource that is quite mobile for them, so there are bits they can pick and choose from to use to suit the project. We are trying to aim for something that is quite broad reaching in its function. So there are lots of bits that we are just developing now to be an online resource. We will be able to monitor the uptake of that through the website essentially, about where it is going and who is using it in what areas. How well they are using it we will not necessarily know unless we do a project to do that, and that is certainly a possibility. We have done that in the past with other guidelines that we have released, where we have followed up with people and looked at how they have used them and what they have done, and asked for critical feedback on that. We will certainly build that into this process.

In addition to that, it is the work that Colin has been doing with the agency leading particularly. When we started the project we met with a reference group of fairly high level agencies who were either involved in providing a lot of services into Aboriginal communities or to children and young people, or contracting services to do that. We said, "What would be helpful in terms of guiding this process?" We sort of trialled different ideas with them to start with, and now it is about getting them to pick it up and use it and build it into their normal practice of running and operating services and supports for Aboriginal kids across the state. We will be monitoring that, how much they pick that up and where they have used it, and that will be connected with the departments.

The CHAIR: Our last area of questioning is around the engagement in education project. It was very interesting to hear about that when we came to your offices. What is the update on that?

Mr PETTIT: We are very excited about it. Fortunately, it is edging closer to publication. We are looking at certainly early November to release that.

The CHAIR: It is a busy few months for you.

Mr PETTIT: It is very busy. The report is in two parts. There will be a technical report that will be tabled in Parliament of well over 300 pages and have an absolute wealth of information, particularly through the voice of children, so there are a lot of quotes from children and young people. The second part is a summary-type document, yet to be named, which will allow a snapshot, if you like, of what is encased in the 300-odd page document. It will be about 40 pages. At the back of that we are just looking at what level of finality, whether they be recommendations or statements, that all players need to have to contribute to children engaged in their learning. We are really keen to get this out. We have had a lot of interest from a whole range of areas, not just schools, but certainly universities, around pre-service learning. We are very keen to use that to support their development. There will be some messaging for parents about their role in education, but also messages for children and young people themselves from children and young people, and messages for teachers and systems. The rollout of that will be the normal process. We will invite senior leaders from all the educational systems and we will do a briefing with them. We will also meet with a number of ministers, particularly the education minister, and it will be available obviously to this group as soon as it is tabled. More broadly, we think there is a lot of work in there and we are looking at what would be the next steps from that engagement for us in terms of our work to make sure that the voices of children are not lost. It is a really rich piece of information and I think it can significantly change a few things, not only within schools but more broadly in the community and certainly across groups like universities.

The CHAIR: Will you be running sort of public briefing sessions for interested people?

Mr PETTIT: We are working through that at the moment. Normally we would do that and we would assume that would happen as well, but it is just a matter of, with all the things that are happening at the moment, where we would fit that. But yes, that is certainly on the agenda.

The CHAIR: Did I understand correctly that you have not made a determination about whether there will be recommendations?

Mr PETTIT: That is correct, although we are leaning towards recommendations. The reason for that is that it could end up being like a lot of other reports and having hundreds of recommendations on what kids have said. We are trying to find a way that their voice is not lost and that the recommendations are actually achievable to the people they are targeted to. So we are trying to refine them to a number that we think are consistent with what the voices of children have said. That number has not been determined yet, but it will not be a lot.

The CHAIR: Do you liaise with your ambassadors when you make those kinds of detailed decisions?

Mr PETTIT: Yes. In fact our ambassadors have been fairly front and centre. At TKI, we have two ambassadors—Donna Cross and Steve Zubrick. In fact Steve and his team did the literature review for this particular project. We use them quite extensively. We also will brief them on that project and certainly they get to speak, wherever they go into forums, about our work.

The CHAIR: I remember one of the things that struck me when you showed us some of the infographics from it was about the high proportion of children who do not feel safe at school.

Mr PETTIT: Yes, and I am sure that will be an important issue reported in the media. While that will be important to address, there are a range of other things that are equally as important that children raise that we will need to make sure is not lost in the media hype. That is one of the reasons we are being pretty cautious about making sure the report is thorough, it is balanced, and that it has an opportunity to be more than just a headline.

Mrs J.M.C. STOJKOVSKI: Anecdotally from my electorate there is a lot of talk around the rise in non-education related issues in the classroom. Is any of that captured in this report?

Mr PETTIT: Children raise it in different ways. It is not specific about non-education. Like most end users of services, they do not actually put things in boxes. They see what they receive at school as a total package. Certainly what they do raise is the fact that for some of them they believe there is not enough service and not enough support, which will come out in the report. For some of them they feel like they are not getting the right teaching methods et cetera. But that has got to be put in the context that a large number of them feel really comfortable where they are in school and do well. Those who identify that they do not do well, how are we going to address that? I think anecdotally from schools you will get a lot of information about what they perceive as non-educational, and that is a different argument from what we will be raising. But I am sure it would lead to that in a broader discussion.

[10.50 am]

Mrs J.M.C. STOJKOVSKI: And just a completely different type of question: we have talked a lot about vulnerable children and those children that might be close to that vulnerable line. Is there any information out of this report about frameworks for helping other children to achieve at a higher level?

Mr PETTIT: There are some issues that the children themselves raised about the impact others are having on their learning. While it is not specific in the way you have just described it, it should lead to agencies and others to look at the way they deliver differently, particularly around whether they feel safe in the school or classroom environment or on the way to school, and also the support they receive. I think there is enough information there for agencies and others to have a look at and say, "How do we look at this differently?" That is why we are concerned about just giving recommendations, because there is a chance that if you only give that bit, there is so much information inside the report that needs to be, I think, challenged. We are looking at how do we actually continually raise these issues with service providers? And not just the Department of Education; it needs to be Catholic ed and it needs to be independents. What was striking to us in doing this report is that there is almost no difference on what the children are responding with, regardless of where they come from. So it is not a case of saying, "Because you're in this particular type of school, you will get this response." It is more about more broadly children and young people think this about their education, irrespective of where they receive it. It is not pointing a finger at one sector that is not working better than the other; it is more about how do we actually improve education.

Hon DONNA FARAGHER: Does the report look not only at, I suppose, what can be improved, but what is actually going well?

Mr PETTIT: Children were very articulate about how comfortable they were with things. They did not get into specific programs, because we did not go down that run, but certainly many of them talked very fondly about their teacher, their school, their community, and we cannot lose sight of that. Schools by and large do a very good job for the vast majority of our kids, but when they do not, it creates a whole range of problems, and we need to address that. That is why we were saying before that we need to make sure that the information we give is balanced. This is not about saying everything is wrong, but it is about, through the eyes of children, this is how they perceive their world at the moment. This is working for them because they are happy et cetera. This is when it is not working. These are the things they see.

Hon DONNA FARAGHER: I suppose the only thing I would say is—I am not trying to be cute here—we tend to focus very much on the negatives —

Mr PETTIT: Absolutely.

Hon DONNA FARAGHER: — yet there are many positives that are happening. In part, actually raising that within the communities is equally important because there are many children who are doing very well. I think it is important that that is also recognised as well. There are also children who we might all see are doing well—no doubt it will be probably identified through your report—yet underlying that, everything might seem fine on the outside, it is not necessarily the case. Another silent group, I suppose, that we need to make sure they are getting the support that they need and hopefully, through your report, that will be identified as well. But I do think another layer of that is where there are initiatives, projects or programs and children themselves who are doing well, because that can be a really strong thing for other students in the school to see others doing well. It fosters across the board. I am not sure I am making sense there, but I do think it is important not to lose sight of that aspect as well.

Mr PETTIT: You sound like you were at our meeting yesterday! That was exactly the conversation about how do we balance this, because the voices of children have said, the vast majority, “We’re happy and content. There are some things there that we would like to see fixed. Even though we are happy and content, we also know that there are some things happening for us and other children in the school that shouldn’t.” So we need to make sure that balance is put there. We have been really careful to make sure that the issues you just raised are put front and centre in both reports. It is a celebration that by and large our kids are lucky to be in a good education system but there are things that we need to make sure do not happen. Unfortunately, getting that balance and having it reported is always a difficult thing.

Hon DONNA FARAGHER: The negatives are always going to be reported, unfortunately.

Mr PETTIT: Yes.

Hon DONNA FARAGHER: I take it from the point of many years ago being the Minister for Youth. I focused very strongly on working on programs where we would actually raise the bar in terms of highlighting the good things that are happening within the youth space, whether that be in the school environment or beyond. Very rarely was it picked up. But with the negatives, it is very easy for that to be written up. I understand the challenge that you have in actually getting that balance.

Mr PETTIT: As you have seen with previous reports, like the child protection report and several youth justice, you will see that there is a balancing in all of those reports and through the voice of children. In fact I can think of child protection where a couple of them were really over the top about their case manager and really thought they were terrific but, equally, there were some who were afraid of their case manager and it actually was making them traumatised, and so that needed to be responded to. We were delicate with both of those issues, and we are very clear that this works for some kids, or this many kids were very happy but this percentage had some problems, and here’s some examples. Making sure their voice is balanced both ways is always a dilemma for us, but we must make sure the voice of kids is heard—positive and negative.

The CHAIR: It is also about holding agencies accountable for their responsibilities. Where they are failing in those responsibilities, you have a statutory obligation to make sure that does not happen.

Mr PETTIT: Absolutely.

Hon DONNA FARAGHER: I am not suggesting that in any way is not part of it. I see that very much as your role to actually make sure, because you have that unique ability to be able to raise these issues.

Mr PETTIT: Absolutely.

Hon DONNA FARAGHER: And you are independent, which does mean often people will listen, and you would want them to listen, but it is always finding that balance, which I can imagine from your perspective is a challenge.

Ms HEATH: But people learn from what works as well as from what is not working.

Hon DONNA FARAGHER: And, I suppose, that is in part why I am raising it, because you can learn a lot from what works.

Mr PETTIT: Children and young people are very articulate to say “when it works for me”. I will give the example, “When a teacher works for me, these are the characteristics that that teacher displays.” That is a really positive step, and they are very, very open about, “When that happens, we work harder for that teacher. We do this and we do that.” It is that kind of stuff. “But when it does not work and they display these characteristics, this is what happens to us.” There is both there, and those learnings will be really powerful for early service learning and for young teachers just starting et cetera, and for teachers who have been around for a while just to say, “Where do I fit in that camp?” I think there are some things there that are positive and negative, but we have to try to get that balance in.

Mrs J.M.C. STOJKOVSKI: Just taking what Donna said a step further—I think it is great if we look at celebrating those good things that happen—is there anything in the report about inspirational goals? We all know that it is important to protect the vulnerable children, in the middle range and the top range, is there anything there that says, “This is how we could help them to achieve even further”?

Mr PETTIT: Not specifically on that issue, although if you read the report you will see that children from years 3 to 12 talk about when they want to be engaged in education, these things have to happen. That is irrespective of whether you are from any socioeconomic background; they consistently say, “This is what we want in our learning.” If we can apply that to all education, then it will be inspirational for all. We did not go into what makes you more aspirational or less aspirational, but we said, “What engages you with your learning and what disengages you?” But you can extrapolate from that how you can then enthuse young people, through their eyes, to actually get engaged more in their learning.

[11.00 am]

The CHAIR: I cannot think that we would have got into the final few minutes of a two-hour hearing without talking about the implications and the impact of the budget on your office, without you having raised things about serious concerns if you had them. Is that a reasonable assumption for me to make?

Mr PETTIT: Like all agencies, we have had a budget cut under this particular budget. We have managed that within the budget in terms of reducing slightly around our corporate provision. We have reduced the number of audits externally and brought them internally, but with Treasury’s approval, and we have actually outsourced our HR practice. Our payroll, for example, which was quite expensive, is now done courtesy of the Department of Education at a much reduced cost. So we have put some savings in there and we have also put some savings in our HR practice, which is done through the department of corrections, because that was our normal process, but we have actually pushed it back there as well. We have reduced as much as we can in terms of our working operational costs to absorb that particular cut, and we have met all needs from Treasury as a result of that. The only thing I will table is that if we are going to go forward with the possibility of the things that we talked about, like advocacy and certainly a commissioner or deputy commissioner of Aboriginal descent, we would need to put in a budget bid. We are going to have discussions with

Treasury in the near future about the likelihood of that occurring, because I do not want to waste everyone's time. But certainly we need to have a look at, if we put it up, it would need to be supported where we could find support.

The CHAIR: I think we can probably wind up where we began, which is with your trip today. You did mention in your opinion piece in the newspaper that it was a very successful community-led model in Fitzroy in the Kimberley. Have you been back to have another look at Fitzroy?

Mr PETTIT: Yes.

The CHAIR: Can you talk to us a little bit about that?

Mr PETTIT: I cannot recall the last time I was there. I think it may have been this time last year. I can get you the date, but I think it was around this time last year, was it?

Ms HEATH: April last year.

Mr PETTIT: April; there you go. I have been back, but I also have contact with June Oscar, who is from that area, and June is one of our ambassadors. We have discussions from time to time about what is happening there and I have been back into Fitzroy. We went up there late last year with the education consultation as well, so we talked to children and young people there. Certainly one of the things we talked about with young people in the school at Fitzroy—we did not get to Halls Creek—was around the alcohol restrictions, and we did a consultation. Trish and I did that consultation with a range of children. They were very articulate about the impact on their lives that the restrictions had made. They felt safer. However, when more grog was brought into the community, they really articulated they felt unwell, unsafe, scared for themselves, and ran away from community locations because they knew that it was not a good place. So we put all of that information into the liquor licensing commission as part of a response to the opportunity to have that restriction maintained. It is working. Like all those communities, it is not perfect, but compared to what it was, it is a lot better for children and young people than it probably has been for a number of years.

The CHAIR: Is there something that you can take from Fitzroy in the sense that you can develop a model, recognising that there will never be a one-size-fits-all template? Is there some ingredient in Fitzroy that you can identify as being the fundamentals of a good working model, or is it just the local personalities?

Mr PETTIT: No. I think there are a number of things that Fitzroy were fortunate that the stars lined up for them. They had a very strong group, particularly women, who had had enough and decided they wanted to do things differently, and June led a fair portion of that. They had Telethon Kids Institute at the time do an investment around FASD and supported Aboriginal people to research that, and that has now been, I think, spoken at a number of conferences both across Australia and worldwide, using Aboriginal people to say what they have learnt et cetera. They had that lined up and then they had the fortuitousness of the government of the day accepting liquor restrictions, so we are talking a number of years ago now. All of those things have allowed empowerment within the community. That empowerment is also now starting to encourage children to attend school, to become local leaders et cetera, but the local leaders are monitoring what is going on. When there is a call for an extension or a raising of liquor licence opportunities, that group is already prepared to put a very strong argument as to why not. The learnings we have got there are that I think it needs to be not one thing that comes in. There needs to be consultation with or identifying people who are leaders in that community and seeing what they want to do with their community and how they want to change it. That is the first thing. Then I think government have a role in terms of how do you provide that service to meet that need, in particular around things that we have levers to

control. That is service provision and things like liquor licensing and whether restrictions can be had. It is easy to say we should put liquor licensing in, but it needs a really heavy conversation with the community to say, "If we do this, how would it work for you and how can you support it?" Because like the cashless card, which is why I did the opinion piece in the first place, one issue by itself will not fix a community. I think it is naive to say, "If we put the cashless card in, then the whole world will be fixed." While it is a very important tool, it needs to be in context with the local leaders, supported locally, and a range of other issues that are around it, like liquor restrictions, like encouraging children to go to school, like the shire taking greater control of their local environment and cleaning it up et cetera. All of those things have happened in Fitzroy but they did not happen in isolation; they started with leadership. That would be the one thing that I think we need to have a conversation with, and every community needs to be treated differently. It needs a conversation with the leaders first and, for that matter, the young people who are leaders in that environment: "What is working; what is not; and how can we help?" as opposed to, "Have we got a plan for you!"

The CHAIR: I will give my colleagues a chance to ask some wind-up questions, but I must say that I am impressed with the narrative around the Roebourne response in that while obviously government has not resourced you to provide the services that the report of this previous committee recommended, you have clearly been proactive over this. The commission has been involved in the response.

Mr PETTIT: Under legislation we are charged to make sure we look after Aboriginal children or privilege Aboriginal children and Torres Strait Islander children and young people, so it was a no-brainer for us, but equally it is about how do vulnerable children get looked after, irrespective of culture. We are pretty keen —

The CHAIR: Given the fact that those people approached your office in an individual capacity, it is quite remarkable. I am really impressed by that. You have a statutory obligation to respond, but then we have seen people derogate their statutory obligations before.

Mr PETTIT: I must say, chair—I know we have to wind up—it is because I have got such a great team. You would have heard me say that at the first meeting I had with this group. The team is really quite a dynamic young team and it is well led across the board and outside of myself. I do want to acknowledge that we are fortunate in Western Australia to have that team and we are fortunate to be resourced as well to have that team, but we could always do more.

The CHAIR: Thank you. I will just ask my colleagues if there are any final questions. I am getting three shakes of the head. Thank you very much for coming today. I do have a short closing statement to sign you out.

Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for the 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 via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary document for the committee's consideration when you return your corrected transcript of evidence. Thank you very much. That was a real tour de force.

Hearing concluded at 11.10 am
