

40TH PARLIAMENT



Joint Standing Committee on the Commissioner
for Children and Young People

Report 6

ANNUAL REPORT 2019–2020

Presented by
Hon Dr S.E. Talbot, MLC and Mr K. O'Donnell, MLA
October 2020

Committee Members

Chair	Hon Dr S.E. Talbot, MLC Member for South West Region
Deputy Chair	Mr K.M O'Donnell, MLA Member for Kalgoorlie
Members	Hon D.E.M. Faragher, MLC Member for East Metropolitan Region
	Mrs J.M.C. Stojkovski, MLA Member for Kingsley

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Published by the Parliament of Western Australia, Perth.
October 2020
ISBN: 978-1-925724-69-1

(Series: Western Australia. Parliament. Legislative Assembly. Committees.
Joint Standing Committee on the Commissioner for Children and Young People.
Report 6)

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Laid on the Table of the Legislative Assembly and Legislative Council on
15 October 2020

Chair's Foreword

The reporting period covered by this annual report includes the first several months of the COVID-19 pandemic and the associated disruption that the virus and measures to contain its harmful effects has brought to the daily lives of people throughout the world.

While Western Australia has to date successfully controlled the spread of COVID-19 in our community, the impact of the pandemic on the wellbeing of children and young people in this state has been significant. As the Commissioner noted in May 2020:

COVID-19 has caused sudden and unforeseen changes to the lives of children and young people worldwide. For many in WA, this has been their first experience of significant upheaval to everyday routines and being physically isolated from family members, friends and support networks. These changes have had immediate impacts on the wellbeing of children and young people across the state, which will need to be addressed in the short term. We must also consider the long-term impacts to their mental health and wellbeing, which will be more likely to impact vulnerable groups of children and young people.

Importantly, the ongoing management of the COVID-19 pandemic and the implementation of the state's recovery plan to mitigate the economic and social impacts of the pandemic are likely to remain the highest priority for government and non-government agencies well into the future. The work of the Children's Commissioner has been substantially redirected to reflect these new priorities.

From the perspective of the oversight role played by the Joint Standing Committee on the Commissioner for Children and Young People, it is worth noting that the work carried out by the Commissioner in the first few months of the COVID-19 pandemic focusses closely on ensuring children and young people have a voice about their experiences and using evidence gathered directly from children and young people as the basis for providing sound advice to government about how best to protect and advance the wellbeing of children and young people.

It is of considerable significance that the themes identified by the Commissioner in the responses of children and young people to the first months of the COVID-19 pandemic closely relate to the themes expressed during the Commissioner's inaugural 2019 Speaking Out Survey which was tabled in Parliament in February 2020. What the survey provides is invaluable baseline data tracking how our children and young people are faring. As has been widely noted, this was the first representative sample of children and young people's wellbeing undertaken in WA and establishes a national benchmark.

To gain maximum benefit from the richness of the information contained in the first Speaking Out Survey, the Commissioner now plans to bring forward the next survey to early 2021. There is no doubt that the possibility of having such detailed information about the views of children and young people on their health and wellbeing places Western Australia in a unique position compared with other Australian states in terms of being able to make

informed decisions about to deliver the best possible support and services to children and their families both immediately and into the future.

The other major issue with which the Joint Standing Committee concerned itself during this reporting period was the implementation, monitoring and enforcement of child safe standards. The Committee's report on these matters, which focussed specifically on several recommendations of the *Royal Commission into institutional responses to child sexual abuse*, was tabled in August 2020, and this annual report provides details of the months of work which the Committee undertook to gather the evidence on which the report – *From Words To Action: Fulfilling the obligation to be child safe* – was based.

I trust that this Annual Report will be of interest to those who understand the importance of the work carried out by the Commissioner for Children and Young People and the Joint Standing Committee on the Commissioner for Children and Young People.

In conclusion, I would like to thank my fellow Committee members, Kyran O'Donnell MLA, the Hon Donna Faragher MLC and Jessica Stojkovski MLA, as well as our advisory officers Renee Gould and Michele Chiasson for their work during the 40th Parliament.



HON DR S.E. TALBOT, MLC
CHAIR

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Chapter 1

Committee Activities

Introduction

During the course of this reporting period the Committee continued its inquiry into the monitoring and enforcing of child safe standards, which emerged from the final report of the Royal Commission into institutional responses to child sexual abuse. To further this work, the Committee was briefed by 50 experts and took formal evidence from 29 witnesses. The Committee also continued to focus on overseeing the work of the Commissioner for Children and Young People and the issues that impact children and young people in Western Australia.

Table 1.1: Summary of the activities of the Committee, 1 July 2019–30 June 2020

Description	Activity
Briefings	19
Deliberative meetings	22
Formal evidence hearings	12
Witnesses appearing	29
Reports tabled	1

Functions of the Committee

Pursuant to Section 51 of the *Commissioner for Children and Young People Act 2006* the Joint Standing Committee on the Commissioner for Children and Young People (the Committee) is established by both Houses of Parliament and its functions are determined by agreement of both Houses.¹

Accordingly, the Legislative Assembly and the Legislative Council have agreed the following:

It is the function of the Joint Standing Committee to –

- i. Monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
- ii. examine Annual and other Reports of the Children’s Commissioner; and
- iii. consult regularly with the Children’s Commissioner²

¹ *Commissioner for Children and Young People Act 2006*, s. 51.

² As agreed by both Houses on 13 June 2017.

Public Hearings

Pursuant to Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2019–30 June 2020, the Committee conducted 12 public hearings, taking evidence from 29 witnesses to assist with its investigations.

Table 1.2: Public Hearings of the Committee, 1 July 2019–30 June 2020

Date	Name	Position	Organisation
25 September 2019	Mr Colin Pettit	Commissioner for Children and Young People	Commissioner for Children and Young People
	Ms Patricia Heath	Director, Policy and Research	
19 February 2020	Mr Colin Pettit	Commissioner for Children and Young People	Commissioner for Children and Young People
	Ms Patricia Heath	Director, Policy and Research	
4 March 2020	Mr Chris Twomey	Leader, Policy Development and Research	Western Australian Council of Social Service
4 March 2020	Mr Rob Thompson	Chief Executive Officer	SportWest
	Ms Lorraine Donachie	Project Lead	
4 March 2020	Professor Helen Milroy	Previous Commissioner	Royal Commission into institutional responses to child sexual abuse
4 March 2020	Ms Katrina Lane	State Commissioner	Girl Guides Western Australia
	Mr Peter Walton	Honorary Commissioner	Scouts WA
	Miss Dana Kelly	Incident Liaison Officer	Scouts Association of Australia, Western Australia Branch
4 March 2020	Mr Ross Wortham	Chief Executive Officer	Youth Affairs Council of Western Australia
	Mr Stefaan Bruce-Truglio	Policy and Advocacy Officer	
	Mr Mason Rothwell	Senior Policy and Advocacy Officer	
6 March 2020	Ms Michelle Andrews	Director General	Department of Communities
	Ms Helen Nys	Assistant Director General	
	Ms Renéé Gioffre	General Manager, Child Sexual Abuse Royal Commission Implementation Team	
	Mr Phil Payne	Executive Director, Regulation and Quality	

6 March 2020	Dr Joe Tucci	Chief Executive Officer	Australian Childhood Foundation
	Ms Janise Mitchell	Deputy CEO/Social Worker	
6 March 2020	Mrs Joanna Collins	Chair	Alliance for Children at Risk
	Ms Jennifer Hannan	Executive Officer	
16 March 2020	Mr Darren Foster	Director General	Department of the Premier and Cabinet
	Ms Kim Lazenby	Director, Social Policy Unit	
	Mr Scott Campbell	Principal Policy Officer, Social Policy Unit	
	Ms Kate Alderton	Director, Aboriginal Policy and Coordination	
	Ms Lucy Halligan	Principal Policy Officer, Social Policy Unit	
18 March 2020	Dr Joe Tucci	Chief Executive Officer	Australian Childhood Foundation
	Ms Janise Mitchell	Deputy CEO/Social Worker	

Investigative Travel and Briefings

In addition to these formal hearings, the Committee furthered its inquiry into the implementation, monitoring and enforcement of child safe standards by embarking in September 2019 on investigative travel to the United Kingdom and Ireland. The briefings conducted during the travel were used to gain information in relation to the Committee's inquiry as well as other matters of interest.

Table 1.3: Briefings provided to the Committees, 1 July 2019–30 June 2020

Date	Name	Position	Organisation
30 September 2019	Éimear Fisher	Assistant Secretary General	Department of Children and Youth Affairs (Ireland)
	Kate Gillen	Assistant Principal, Social Work Specialist	
	Michele Clarke	Principal Officer	
	Grainne Morrissey	Principal Officer	
30 September 2019	Brian Lee	Director of Quality Assurance	Tusla (Ireland)
30 September 2019	Dr Niall Muldoon	Ombudsman for Children	Ombudsman for Children (Ireland)
	Nuala Ward	Director of Investigations	
	Karen McAuley	Head of Policy	
1 October 2019	Michael Chalmers	Director	Scottish Government Children and Families Directorate (UK)
	Iona Colvin	Chief Social Work Adviser	

Chapter 1

	Rod Finan	Professional Social Work Advisor	
1 October 2019	Professor Jane Callaghan	Centre Director	Centre for Child wellbeing and Protection, University of Stirling (UK)
	Christine Gray	Research Assistant	
1 October 2019	Sarah Davidson	Chief Executive Officer	Carnegie Trust (UK)
2 October 2019	Professor Simon Hackett	Associate Provost, Professor of Child Abuse and Neglect	Durham University (UK)
3 October 2019	Nick Hobbs	Head of Advice and Investigations	Children and Young People's Commissioner – Scotland (UK)
	Maria Galli	Legal Officer	
3 October 2019	Jacqueline Cassidy	Head of External Affairs	Children in Scotland (UK)
	Laura Watt	Senior Policy Officer – National Third Sector GIRFEC Project	
	Sally Caver	Head of Inclusion	
	Chris Ross	Policy Officer	
4 October 2019	Jacob Ellis	Communications and Public Affairs Lead	Future Generations Commissioner (UK)
4 October 2019	Catriona Williams OBE	Chief Executive	Children in Wales (UK)
4 October 2019	Llinos Madely	Clerk - Children, Young People and Education Committee	National Assembly for Wales (UK)
	Tanwan Summers	Second Clerk - Children, Young People and Education Committee	
	Sian Thomas	Education and Lifelong Learning Research Team Leader	
	Megan Williams	Education and Youth Engagement Officer	
	Siwan Davies	Director of Assembly Business	
	Julian Luke	Head of Policy and Legislation Committee Services	
	Enfys Roberts	Private Office Manager	
7 October 2019	Giles Dilnot	Head of Communications and External Affairs	Children's Commissioner for England (UK)
7 October 2019	Emily Hilton	Senior Policy and Public Affairs Officer	National Society for the Prevention of Cruelty to Children (UK)
	Pat Brannigan	Development and Impact Manager Children Services Directorate	

7 October 2019	Neil Remsbery	Child Protection and Safeguarding Unit	Department of Education (UK)
7 October 2019	Her Majesty's Chief Inspector Amanda Spielman		The Office for Standards in Education, Children's Services and Skills (UK)
	Sean Harford HMI	National Director, Education	
	Yvette Stanley	National Director, Social Care	
8 October 2019	Sarah Blakemore	Chief Executive	Keeping Children Safe (UK)
8 October 2019	Michael Sanders	Executive Director	What Works Children's Social Care (UK)
	Louise Reid	Head of Programmes	
9 October 2019	Dr Carol Homden CBE	Chief Executive Officer	Coram Organisations (UK)
	Dr John Simmonds OBE	Director of Policy, Research and Development	Coram BAAF (UK)
	Brigid Robinson	Managing Director	Coram Voice (UK)
	Awaz Raof	Legal and Programmes Manager	Coram Legal (UK)
	David Mendez	Senior Executive Officer	Coram Organisations (UK)
9 October 2019	Anna Feuchtwang	Chief Executive	National Children's Bureau (UK)
	Caroline Coady	Assistant Director for Social Care	
	Joanna Carr	Senior Participation Officer	
	Dustin Hutchinson	Senior Research and Policy Analyst	
	Dan Martin	Principal Officer – Social Care	

These jurisdictions have a proven history in overseeing and regulating the safety and wellbeing of children, which is the overall aim of child safe standards. The information obtained during this travel was essential in guiding the remaining inquiry examinations and drove many of the subsequent initiatives explored by the Committee.

Many of the insights gained during this travel are developed in the Committee's report on this inquiry. The sum of information obtained was vast and provided valuable and practical information about how systems and supports could be implemented in a Western Australian context to maintain and protect the health and wellbeing of children and young people.

The Committee's work continues to be informed by the evidence taken during this investigative travel. For example, the benefits of taking into account the voices and perspectives of children and young people about issues that impact them were

demonstrated in a number of jurisdictions visited. As discussed in more detail below, the potential impacts of this matter are being actively considered by the Committee.

Table 1.4: Summary of Committee travel, 1 July 2019–30 June 2020

Date	Description	Attendees	Cost
28 September to 9 October 2019	Inquiry into the monitoring and enforcement of child safe standards, Ireland and the United Kingdom	4 Committee members, 2 staff members	\$105,540

Reports Tabled

The Committee tabled one report during the period 1 July 2019–30 June 2020:

- Annual Report 2018–19

Oversight Activities

It is a function of this Committee to consult regularly with the Commissioner for Children and Young People (the Commissioner). During the reporting period, the Committee held two public hearings with the Commissioner in September 2019 and in February 2020. In addition, the Committee liaised with the Commissioner in writing regarding ongoing inquiry related matters and other matters raised in his 2018–19 annual report that the Committee wished to examine.

This section provides a brief summary of the Committee’s examination of the Commissioner’s 2018–19 annual report and highlights some key activities from the 2019–2020 financial year.

Review of the Commissioner’s Annual Report 2018–19 – summary of major projects

The 2018–19 annual report presented the major achievements of the Commissioner according to the three key platforms outlined in the strategic plan *Our Approaches and Priorities 2016–2020*.

During the reporting year, the Commissioner commenced two significant projects – Indicators of Wellbeing and the Speaking Out Survey. The Commissioner also finalised the Vulnerability Seminar Series with the publication of the report *Improving the odds for WA’s vulnerable children and young people*. A brief summary of these projects follows.

Indicators of Wellbeing

As part of the Wellbeing Monitoring Framework,³ the Commissioner launched the Indicators of Wellbeing, an online data resource that provides a single collated overview of the

3 The Commissioner for Children and Young People has developed the Wellbeing Monitoring Framework to assist his work in monitoring and reporting on the wellbeing of children and young people across the State. The Framework comprises three components: *Profile for Children and Young People* which provides a detailed demographic breakdown of children and young people across the state; the *Indicators of Wellbeing*, see above; and, based on the Children's Commissioner analysis of the wellbeing information gathered, the *Policy strategies and responses* component provides information about ways to support children and young people through policy design and service delivery. More

wellbeing of children and young people in the State. The Commissioner sourced data from the Australian Bureau of Statistics, the Australian Institute of Health and Welfare, National Assessment Program – Literacy and Numeracy, and other government departments.

To select the indicators, the Commissioner considered the views of children and young people, gathered through 12 years of consultations, on what wellbeing means to them. The data is structured into three age groups (0–5 years; 6–11 years; 12–17 years) and across three domains – learning and participating, healthy and connected, and safe and supported. The learning and participating data was published in November 2018, with the other two domains scheduled for release in the 2019–2020 reporting period.⁴

In the Committee’s view these indicators provide understanding into the views of children and young people about matters that are important to them over their life course and over time. These indicators can also reveal any critical areas of concern for children and young people. This information is clearly of use to government and service providers in designing and delivering services appropriate to children across the different life stages and ensure that any areas of concern are addressed in a timely manner.

Speaking Out Survey

In March 2019, the Commissioner commenced the Speaking Out Survey. More than 4,500 year 4 to 12 students from approximately 200 schools across Western Australia took part. Opt-out consent procedures, an approach for which the Committee actively advocated with Government, were subsequently adopted for survey participants. This helped ensure adequate response levels representative of the student population.

The survey was designed to capture the views of students relating to their health, safety, connection to community and access to support. The results should provide important data for organisations, enabling them to shape policy and programs to meet the needs of children and young people.

The Commissioner tabled the Speaking Out Survey Report on 19 February 2020 (as discussed in more detail below).

Vulnerability Seminar Series

In the first half of 2018, the Commissioner commenced the Vulnerability Seminar Series. The project continued during the 2018–19 reporting period with three seminars, three roundtable events and a one-day forum.

Committee members attended a number of the round table events and gained insight about vulnerability faced by children and young people. Committee members saw value in the way the seminar series enabled expertise on the issues to be shared and was encouraged by the

information about the Framework can be found on the Children's Commissioner website. See: <https://www.ccyp.wa.gov.au/>.

4 The healthy and connected data was published in September 2019 and the safe and supported data was published in December 2019.

level of engagement and good will among attendees to find solutions to the topics under discussion.

The feedback and lessons learned during the Vulnerability Series events contributed to a report *Improving the Odds for WA's vulnerable children and young people*, which the Children's Commissioner tabled in Parliament in April 2019. The Report included key recommendations for strategies to address vulnerability in Western Australia. The Commissioner advised the Committee that the State Government has accepted a majority of the recommendations.⁵

Child Safe Organisations – update of resources

In November 2019, the Commissioner published *National Principles for Child Safe Organisations WA: Guidelines*. This document replaces the 2016 guidelines - *Child Safe Organisations WA*. It follows a similar format to the previous document, but incorporates the language of the COAG-endorsed National Principles for Child Safe Organisations.

In addition to the Guidelines, the Commissioner also released an updated *Self-Assessment and Review Tool*. The Tool is designed to assist organisations develop strategies and practices suited to their specific needs with the goal of becoming child safe.

The Children Commissioner's resources were examined in detail as part of the Committee's inquiry into the implementation, monitoring, and enforcement of child safe standards. The evidence received indicated a majority of organisations and government departments seeking to become child safe were using the Children Commissioner's resources to assist in these efforts.⁶

Advisory Committees

In 2018, the Children's Commissioner formed two advisory committees to inform the office's work on the wellbeing needs and experiences of lesbian, gay, bisexual, trans or intersex (LGBTI) children and young people.

The advisory committees played an important role in the Children Commissioner's advocacy and submission on legal recognition, discrimination and wellbeing outcomes for LGBTI children and young people. Advisory committee members created four video resources for schools and organisations working with children and young people, to raise awareness of LGBTI diversity and of strategies to create safe, inclusive environments.

Members of the Joint Standing Committee who viewed the video resources found them to be an informative and effective way of increasing awareness about these issues amongst a broader audience who would benefit from hearing about the first hand experiences of LGBTI children and young people.

5 Mr Colin Pettit, Commissioner for Children and Young People, Letter, 16 April 2020, p. 5.

6 Joint Standing Committee on the Commissioner for Children and Young People, *From Words To Action – Fulfilling the obligation to the child safe*, August 2020, p. 117.

The Committee noted that while advisory committees usually run over the calendar year, they were put on hold in 2019 due to the resourcing commitment of the Speaking Out Survey.⁷

For 2020, two advisory committees, one regional and one metropolitan, have been appointed. These committees are focusing on the living environment and its impact on the health and wellbeing of children and young people.⁸

Speaking Out Survey 2019 – Summary report

The Commissioner published a summary report of the findings from the Speaking Out Survey in February 2020. While the report raised a whole range of concerns, the Commissioner acknowledged during a public hearing with the Committee that there were three main concerns that stood out for him:

- the prevalence of mental health issues among respondents, particularly the among the older cohort (year 7 to year 12);
- female survey respondents value themselves within the community less favourably than male respondents, especially as they get older, and
- safety, particularly safety in the home with female respondents more concerned than their male counterparts.⁹

Throughout 2020 the Commissioner will undertake further analysis, including cross-referencing the data, to gain a better understanding of the results.¹⁰

Initially, it was the intention of the Commissioner to repeat the Speaking Out Survey every three years to allow for analysis of trends and measure progress of improvements to the safety and wellbeing of children.¹¹ However, due to the impacts of the COVID-19 pandemic a decision was made to undertake the next Speaking Out Survey in early 2021. According to the Commissioner, this will provide ‘a pre and post-COVID representative sample of children and young people’s view on health and wellbeing’.¹²

At a later hearing, the Commissioner reiterated the intention of conducting the Speaking Out Survey in early 2021, and advised that he is aiming for a minimum of 10,000 respondents which will enable the provision of individual reports back to schools and regional data to the Department of Health.¹³

7 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 25 September 2019, p. 15.

8 Mr Colin Pettit, Commissioner for Children and Young People, Letter, 16 April 2020, p. 2.

9 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 19 February 2020, p. 22.

10 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 19 February 2020, p. 21.

11 Commissioner for Children and Young People, *Speaking Out Survey 2019: The views of WA children and young people on their wellbeing – a summary report*, Western Australia, February 2020, p. 1.

12 Mr Colin Pettit, Commissioner for Children and Young People, Letter, 6 May 2020, p. 1.

13 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2020, p. 16.

It is the Committee's view that this will help provide a clearer picture for decision makers and service providers about specific impacts COVID-19 has had on children and young people. It will also enable the identification of areas that require increased health and wellbeing support. To that end, the Committee encourages the Government to ensure that the Children Commissioner's office is adequately resourced to carry out the 2021 survey without jeopardising any existing activities of the office.

Impacts of COVID-19

The impacts of COVID-19 on the wellbeing of children and young people has been significant. During the reporting period, the Commissioner redirected the efforts of the office in support of the delivery of frontline services provided by government and non-government agencies.¹⁴ The Commissioner developed an 18-month work plan to promote the economic and social recovery during and after the pandemic, this includes the abovementioned Speaking Out Survey timeline.¹⁵

The Children's Commissioner has developed a number of resources for children, parents and caregivers, government and service providers about how to assess the impact of the pandemic on children and young people, and respond appropriately to support children and young people during this time. These resources were directly informed by the views of more than 800 children and young people across the state, who, over the period of March to June 2020, were invited to share their concerns about how the pandemic was impacting them and to describe what, if any, supports were helping them.

The children and young people who responded expressed views about a number of key issues, which included: the ongoing impacts to their education; their connection to their friends; their mental health; their family relationships, wanting more information about coronavirus and its future impacts. These resources, developed specifically in response to these views, are publicly available on the Children's Commissioner's website.¹⁶

The Committee views this work by the Commissioner as a timely and helpful resource for government and service providers seeking to support children during the pandemic state of emergency. It is also a valuable resource for children and young people and their families.

Current work of the Committee

Inquiry

During the reporting period, the Committee continued its inquiry into the implementation, monitoring, and enforcement of child safe standards. The Committee tabled the report, *From Words To Action: Fulfilling the obligation to be child safe*, in August 2020.

The report followed extensive examination of the recommendations made in the Final Report of the *Royal Commission into institutional responses to child sexual abuse*. While

14 Mr Colin Pettit, Commissioner for Children and Young People, Letter, 6 May 2020, p. 1.

15 Commissioner for Children and Young People, *Work Plan 2020-2021*, Received 8 May 2020, p. 2.

16 Commissioner for Children and Young People, *Responding to the coronavirus pandemic*, n.d, accessed 25 September 2020, < <https://www.ccyp.wa.gov.au/our-work/projects/responding-to-the-coronavirus-pandemic/>>.

these recommendations were far-reaching, the Committee focussed on those related to implementation—and independent oversight of—child safe standards.

The report includes 65 findings and makes 19 recommendations supporting the premises that:

[I]nstitutional failure to put the interests of children first will be rectified once organisations embed the National Child Safe Principles into the heart of their operations; and that the failure to effectively assess and monitor the capacity of institutions to put the interests of children first will be addressed when independent oversight renders systems transparent.¹⁷

Further specific details about the extensive evidence gathering process engaged in by the Committee can be found at pages 3 to 6 of this report.

The Committee anticipates receipt of a government response to the recommendations in the report by mid-November 2020.

The Committee would also expect to see the Children Commissioner’s Strategic Plan take into account the findings and recommendations, in addition to the commentary made about the functions of the office, in the Committee’s report *From Words To Action*.

Hearing the voices of children and young people in parliamentary committee work

The Committee’s recent inquiry highlighted the importance of seeking the participation of children in matters that impact their lives. Understanding the needs and interests of children is clearly part of improving the services that children and their families receive, as well as their safety and wellbeing. This outcome will have positive economic and social benefits for the entire community.

Committee members believe that improving the participation of children and young people in the parliamentary committee process where appropriate will improve the soundness of recommendations about issues that affect children and young people. It is also worth considering whether taking the views of children and young people into account might improve parliamentary committee processes by making them more inclusive and representative.

The Committee’s recent inquiry highlighted the lack of current processes in place and the complexities involved in obtaining evidence from young people.

During its investigative travel, the Committee learned that the British House of Commons has developed guidance material for committees seeking oral evidence from young people and has since obtained a copy of the guidance and supporting material.

The Committee is continuing to liaise with the House of Commons more broadly about this issue and is scoping it further within a Western Australian context. It is considering how the

¹⁷ Hon Dr Sally Talbot, Chair of the Joint Standing Committee on the Commissioner for Children and Young People, Legislative Council, *Hansard*, 13 August 2020, p. 4863.

matter can be appropriately addressed, taking into account the limited time available to the Committee before the dissolution of Parliament in advance of the 2021 State election.

Current oversight of the functions of the Children's Commissioner

Child impact assessment tool

The *Improving the odds for WA's vulnerable children and young people* report includes a recommendation for the development and implementation of a child impact assessment tool to 'assess the impact of any proposed legislation, policy or strategy on the rights, interests and wellbeing of children and young people'.¹⁸

More recently, the Commissioner published Child Impact Assessment Guidelines (the Guidelines), which 'provide a framework for government and non-government organisations to undertake their own impact assessments'.¹⁹

According to the Commissioner, the Minister for Health has directed his agencies to use the Guidelines when they are developing policies, and other agencies have indicated an intention to incorporate the Guidelines into their processes.²⁰

The Committee supports the inclusion of child impact assessments in policy development and they align with the Committee's focus on increasing the participation of children and young people in parliamentary processes.

Strategic Plan

The Commissioner's current strategic plan runs until the end of 2020, but development of the next 5-year strategic plan is underway and will be finalised in early December. According to the Commissioner, the process for developing the next plan involves:

- Reflecting on the previous five years of consultation;
- Consideration of the direction taken by the State Government in response to the Royal Commission recommendations;
- Liaising with stakeholders; and
- Linking back to the principles and functions of the office as outlined in the legislation.²¹

As noted previously, the Committee would also expect to see the Children Commissioner's Strategic Plan take into account the findings and recommendations, in addition to the commentary made about the functions of the office, in the Committee's report *From Words To Action*.

18 The Commissioner for Children and Young People, *Improving the Odds for WA's vulnerable children and young people*, Commissioner for Children and Young People, Perth, April 2019, p. 29.

19 Mr Colin Pettit, Commissioner for Children and Young People, Letter, 11 July 2020, np.

20 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2020, p. 17.

21 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2020, p. 15.

Reappointment process

The current *Commissioner for Children and Young People Act 2006* does not clarify how the reappointment process of an incumbent should occur. The statutory review of the Commissioner's Act made a recommendation that the reappointment process be clarified; however, no changes have been made to the Act to date.²²

The Committee has been following this issue with interest. The previous appointment process completed in 2015²³ took over two years to conclude and disrupted the work and functions of the Commissioner's office.

At a public hearing with the Commissioner, he confirmed his current term ends on 15 November 2020; he had 'been in discussion with the Public Sector Commission'; and, the matter was 'now within the Cabinet process'.²⁴

In response to a Question in the Legislative Council, the Hon Sue Ellery clarified what will happen at the end of the Commissioner's term in November 2020:

Mr Colin Pettit has been appointed to act in the office of Commissioner for Children and Young People...for a 12-month term commencing 16 November 2020 and concluding 15 November 2021. A process to appoint the Commissioner for Children and Young People under section 7 of the act will commence in due course'.²⁵

The Committee believes the process to appoint the Commissioner for Children and Young People needs to be clarified as a matter of priority in line with the recommendation of the statutory review of the Commissioner's Act to ensure consistency in and continuity of the functions of the office.

Aboriginal Advocacy

The Committee has continued to monitor the State Government's progress with developing the proposed Office for Advocacy and Accountability in Aboriginal Affairs. At a public hearing in April 2020, the Department of the Premier and Cabinet (DPC) advised the Committee that a WA Aboriginal Advisory Council has been established and is partnering with the State Government to develop the new office. DPC also confirmed continued consultation with the Children's Commissioner on this matter.²⁶

The Committee is aware the Children's Commissioner wrote to the Hon Ben Wyatt as Minister for Aboriginal Affairs recommending the establishment of an Aboriginal Children's

22 Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*, Public Sector Commission, Western Australia, May 2013, p. 40.

23 Hon Michael Mischin MLC, former Attorney General, *New Commissioner for Children and Young People*, media release, 11 November 2015.

24 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2020, p. 2.

25 Hon Sue Ellery, as Leader of the House representing the Attorney General, Legislative Council, *Hansard*, 23 September 2020, p. 6326.

26 Mr Darren Foster, Director General and Ms Kate Alderton, Director, Aboriginal Policy and Coordination, Department of Premier and Cabinet, *Transcript of Evidence*, 16 March 2020, p. 12.

Commissioner.²⁷ The Children's Commissioner advised that his recommendation called for the position to be located within the office of the Children's Commissioner and have equal standing with the Children's Commissioner. Further, he specified that the role should act as a conduit for the Aboriginal Advocate, should that position be established.²⁸

It is the Committee's view that appropriate and independent advocacy of Aboriginal children and young people is crucial. It is a specific function of the Children's Commissioner under the enabling legislation to 'give priority to and have special regard to, the interests and needs of Aboriginal children and young people...'.²⁹ The establishment of a Commissioner for Aboriginal Children and Young People may be developed as an office holder within the office of Children's Commissioner or through another means (for example, within the office of the proposed Aboriginal Advocate). The central point, however, is that the work of the Children's Commissioner and the interests and needs of Aboriginal children and young people would be enhanced by the establishment a position dedicated to Aboriginal Children and Young People.

Calls for an office holder with specific responsibility to advocate for Aboriginal children and young people have been made for some years. One recent example is from the Coroner of Western Australia's 2019 *Inquest into the 13 Death of Children and Young Persons in the Kimberley Region*, which recommended that the State Government appoint a Special Advisor or an additional Commissioner for Aboriginal children and young persons.³⁰ The Committee's view is that any such advocate must be given the powers and direction to work closely and effectively with the Children's Commissioner of Western Australia.

27 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2020, p. 6.

28 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 16 September 2020, p. 6.

29 *Commissioner for Children and Young People Act 2006*, s. 20.

30 State Coroner RVC Fogliani, *Inquest into the 13 Deaths of Children and Young Persons in the Kimberley Region*, Coroner's Court of Western Australia, Perth, February 2019, p. 280.

Chapter 2

Financial Statement

The Committee does not have its own formal budget and is funded out of the budget of the Legislative Assembly. Approval for major expenditures is required on a case-by-case basis and is entirely at the discretion of the Speaker.

The Committee's expenditure for the financial year 1 July 2019–30 June 2020 (in accordance with Standing Order 276) is detailed below:

Table 2.1: Expenditure items of the Committee, 1 July 2019–30 June 2020

Expenditure Item	Amount (\$)
Travel	105,540
Staff/member amenities	53
TOTAL	105,593

Notes:

Figures rounded off to the nearest dollar.

Salaries of committee staff are not included.

Costs of shared administrative expenses, including lease costs for committee accommodation, not included.



HON DR S.E. TALBOT, MLC
CHAIR



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