



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

**REVIEW OF THE 2008-2009 ANNUAL
REPORT OF THE COMMISSIONER FOR
CHILDREN AND YOUNG PEOPLE**

**Report No. 3
in the 38th Parliament**

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Joint Standing Committee on the Commissioner for Children and Young People

Review of the 2008-2009 Annual Report of the Commissioner for Children and Young People

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Report No. 3

Presented by:

Ms A.R. Mitchell, MLA and Hon N.P. Goiran, MLC

Laid on the Table of the Legislative Assembly and Legislative Council
on 22 April 2010

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COMMITTEE'S FUNCTIONS AND POWERS

On 26 June 2008, the Joint Standing Committee on the Commissioner for Children and Young People ('the Committee') was established pursuant to Section 51 of the *Commissioner for Children and Young People Act 2006* ('the Act'). The Committee was re-formed in the 38th Parliament on 26 November 2008. In accordance with the Act, the Committee's functions and powers were agreed to between the Houses.

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) to examine Annual and other Reports of the Commissioner; and
- (iii) to consult regularly with the Commissioner.

Otherwise, the Standing Orders of the Legislative Assembly relating to Standing and Select Committees are also to be followed as far as they can be applied.

The Joint Standing Committee comprises two members of the Legislative Assembly and two members of the Legislative Council.

CHAIRMAN'S FOREWORD

I am pleased to present this Report of the Joint Standing Committee on the Commissioner for Children and Young People.

In accordance with its terms of reference, the Committee has undertaken its second review of an Annual Report of the Commissioner. Unsurprisingly, this Report is more comprehensive than its predecessor due to the expansion in the activities of the Commissioner as she further consolidated her role in 2008-09. The Commissioner fulfils a very important function as an independent advocate for children and young people in Western Australia. The Committee's oversight role, which exists because the Commissioner answers directly to Parliament and not to a Minister, is likewise significant by ensuring that the Commissioner fulfils the requirements of the *Commissioner for Children and Young People Act 2006*.

The Committee commends the ongoing proactive approach of the Commissioner which, in her second year of operations, has involved not only progressing initiatives already underway but a number of new undertakings. As detailed in this Report, the Commissioner has identified a number of priorities for 2009-10, many of which the Committee has flagged for future follow up.

A visit to the Kimberley by the Committee in October 2009 was particularly valuable for informing the Committee's review of certain aspects of the Commissioner's Annual Report. The Committee was pleased to observe the positive changes in Fitzroy Crossing, much of which have been community driven, and to hear first hand the aspirations of remote Aboriginal communities on the Dampier Peninsula to improve the wellbeing of their children and young people. The experience was also a reminder however that much still needs to be done and in this respect the Committee gained a useful insight into the activities of the Commissioner and a keener appreciation of some of her stated priorities for the coming year.

I would like to thank the Commissioner and her staff for their cooperation during the review and more broadly, in all consultations with the Committee during the year.

Finally I take this opportunity to thank my fellow Committee Members for their contributions, specifically: the Deputy Chairman, Mr Martin Whitely, MLA (Member for Bassendean); Hon Helen Bullock, MLC (Member for Mining and Pastoral); and Hon Nick Goiran, MLC (Member for South Metropolitan). I also acknowledge the assistance of the Committee's Principal Research Officer, Ms Dawn Dickinson.



MS A.R. MITCHELL, MLA
CHAIRMAN

ABBREVIATIONS AND ACRONYMS

“FASD”	Foetal Alcohol Spectrum Disorder
“KPI”	Key Performance Indicator
“the Act”	<i>Commissioner for Children and Young People Act 2006</i>
“the Commissioner”	Commissioner for Children and Young People
“the Committee”	Joint Standing Committee on the Commissioner for Children and Young People

EXECUTIVE SUMMARY

The Joint Standing Committee on the Commissioner for Children and Young People was re-formed in the 38th Parliament in November 2008. The functions and powers of the Committee were agreed by the Houses and include a requirement for the Committee to 'examine Annual and other Reports of the Commissioner'. Western Australia's inaugural Commissioner for Children and Young People, Ms Michelle Scott assumed the role in December 2007 and in September 2009 tabled her second Annual Report for the period 1 July 2008 to 30 June 2009. This Report represents the Committee's second review of an Annual Report of the Commissioner and revisits a number of matters identified previously while also highlighting issues from the current review.

Following a similar procedure to its inaugural review, the Committee conducted a public hearing with the Commissioner in October 2009 after first providing a series of questions on notice. In October 2009, the Committee also undertook investigative travel to the Kimberley with the aim of gaining a better insight into some of the issues confronting children and young people in regional and remote Aboriginal communities. Some of the Committee's own observations and outcomes of briefings with individuals from Broome, the Dampier Peninsula and Fitzroy Crossing have also been incorporated into this Report at Chapter 3.

In its review of the Commissioner's 2007-08 Annual Report the Committee identified a number of matters for follow up, predominantly relating to initiatives commenced by the Commissioner which were yet to be completed. Chapter 2 of the Report revisits these issues which include the Commissioner's strategic plan, progress with various public policy initiatives, and the development of a legislation assessment tool, complaints guidelines, and participation guidelines. Progress has been made in all areas with 2008-09 seeing the completion of the Commissioner's strategic plan and complaints guidelines and more recently, the completion of participation guidelines. The Commissioner has also continued to advocate in relation to early childhood matters, the wellbeing of Aboriginal children and young people, and for a greater focus on children in the delivery of mainstream services. Nonetheless, the Committee identified areas for follow up in its next review including reporting by the Commissioner against Key Performance Indicators in the next Annual Report, the application of an assessment tool to facilitate the evaluation of new legislation, and the effectiveness of complaints guidelines and participation guidelines.

Chapter 2 also follows up issues on which the Committee decided to maintain a watching brief. With regard to establishing advisory committees consisting of children and young people the Committee was satisfied that the Commissioner had taken sufficient action during the period under review to comply with the Act. The Commissioner settled on an approach to appoint two existing groups (one from regional areas and one from the metropolitan area) as advisory committees for a full year after which the approach will be subject to review. The Committee will maintain a watching brief on this matter.

In relation to Working with Children Checks, the Committee previously recommended that Schedule 1 Clause 3 of the Act be deleted in order to avoid transferring responsibility of Working with Children Checks to the Commissioner. The Committee was advised by the Attorney General

that Working with Children Checks will remain the responsibility of the Department for Child Protection for the time being however this matter, and the ultimate fate of Clause 3 of Schedule 1 of the Act, will be considered further as part of an upcoming statutory review of the *Working with Children (Criminal Record Checking) Act 2004* to occur in 2010. The Committee has concluded that uncertainty regarding responsibility for Working with Children Checks will not be resolved until the statutory review is complete and has recommended that the Attorney General should pursue the necessary amendments to the *Commissioner for Children and Young People Act 2006* as a priority if the statutory review concludes that the checks should remain with the Department for Child Protection.

In its previous review, the Committee also recommended that the Commissioner's proposal for a report on outcomes for children and young people in Western Australia should be appropriately funded. The Commissioner continued to develop the wellbeing indicator framework project during the year and rather than requesting additional funding in the 2010-11 budget has opted to look at what can be done within her internal budget. The Committee will continue to monitor developments in relation to the Commissioner's wellbeing monitoring framework proposal.

Chapter 3 of the Report examines various issues raised during the review of the Commissioner's 2008-09 Annual Report. In relation to consulting directly with children and young people, the Commissioner engaged in regional and school visits, developed a new website and an online communication mechanism ('Shout Out'). In this regard the Committee will follow how the Shout Out initiative develops over the coming year.

Much of Chapter 3 focuses on the Commissioner's work in influencing policy and given that the Committee travelled to the Kimberley, the Report examines in particular the Commissioner's activities regarding alcohol restrictions in the Kimberley. From the Commissioner's comments as well as the Committee's own observations, it is evident that while alcohol restrictions have had an immediate positive benefit, long-term solutions are required in the form of improved access to services, better cross-agency collaboration, and more activities for children and young people particularly in regional areas. The Committee acknowledges that the Commissioner has identified these matters as issues of priority for 2009-10. Supported by its own observations in the Kimberley, the Committee also finds that it is an appropriate exercise of the Commissioner's functions to investigate and advocate in relation to the issues of alcohol restrictions, services in regional and remote communities, and access to activities for children and young people.

In concluding its review of the Commissioner's second Annual Report, the Committee notes that the Commissioner continues to adopt a proactive approach as reflected in an expansion in activities from the previous year. Overall, the Committee is satisfied that in the period under review the Commissioner has exercised the functions required by the Act. The Commissioner has identified several areas of focus for 2009-10 many of which have been flagged by the Committee for follow up in its next review and are detailed in the Report.

FINDINGS

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Finding 1

There is ongoing uncertainty regarding responsibility for Working with Children Checks which will not be resolved until the statutory review of the *Working with Children (Criminal Record Checking) Act 2004* is completed.

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Finding 2

It is an appropriate exercise of the Commissioner's functions to investigate and advocate in relation to the issues of alcohol restrictions, services in regional and remote communities, and access to activities for children and young people.

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Finding 3

The Committee is satisfied that in 2008-09 the Commissioner for Children and Young People exercised the functions required by the *Commissioner for Children and Young People Act 2006*.

RECOMMENDATIONS

Page 11

Recommendation 1

If the statutory review into the *Working with Children (Criminal Record Checking) Act 2004* recommends (as previously recommended by this Committee) that Working with Children Checks remain with the Department for Child Protection, then the Attorney General should pursue necessary amendments to the *Commissioner for Children and Young People Act 2006* as a priority.

MINISTERIAL RESPONSE

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Joint Standing Committee on the Commissioner for Children and Young People directs that the Attorney General reports to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendation of the Committee.

CHAPTER 1 INTRODUCTION

1.1 Background

The Joint Standing Committee on the Commissioner for Children and Young People was re-formed in the 38th Parliament in November 2008 pursuant to Section 51 of the *Commissioner for Children and Young People Act 2006*. The functions and powers of the Committee were determined by agreement between the Houses and include a requirement for the Committee to ‘examine Annual and other Reports of the Commissioner’.

The Commissioner for Children and Young People, Ms Michelle Scott assumed the role in December 2007. The Commissioner summarised her role and principal activities since establishment as follows:

*I would like to say that a key role for the commissioner is to turn the spotlight on gaps in services and programs for children and young people and also to turn the spotlight on the positive contribution they are making and the positive programs that are supporting them and their families here in Western Australia. That has been a focus in the first two years, and it will continue to be a focus for me as commissioner.*¹

The Commissioner’s 2008-09 Annual Report covers her second year (and first full financial year) in office and was tabled in Parliament on 24 September 2009. Like the year before and in accordance with Section 50(1)(a) of the Act, simplified versions of the Annual Report designed for children under the age of 12, and for young people aged 13 and above, were also released together with the Annual Report² although these are not examined here.

This Report represents the second review of an Annual Report of the Commissioner by the Committee. The Committee’s previous review³ examined the Commissioner’s inaugural Annual Report which covered the first seven months following the Commissioner’s appointment. The Committee’s previous review identified a number of issues requiring follow-up, which are revisited in Chapter 2 of this Report. Chapter 3 of the Report provides commentary on matters that arose during the Committee’s examination of the Commissioner’s 2008-09 Annual Report.

1.2 Process of Examination

A number of briefings assisted the Committee in the course of its examination of the Commissioner’s Annual Report and are detailed in Appendix 1. A public hearing was also conducted with the Commissioner following a process similar to that undertaken during the

¹ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p11.

² Commissioner for Children and Young People, Face to Face: The Commissioner’s report to the children of Western Australia (under 13 years of age) and (over 12 years of age).

³ Joint Standing Committee on the Commissioner for Children and Young People, *Review of the 2007-2008 Annual Report of the Commissioner for Children and Young People*, Parliament of Western Australia, Perth, 14 May 2009.

Committee's previous review (refer to Appendix 2). A series of questions were provided on notice to the Commissioner and additional questions were also asked during the hearing which took place in October 2009. The full transcript of the hearing is attached to this Report at Appendix 3.

A supplementary hearing with the Commissioner was conducted in March 2010. The hearing was largely intended to fulfil another of the Committee's terms of reference, specifically to 'consult regularly with the Commissioner'. Although the hearing covered operational aspects in general, the Committee also requested an update on several issues relating to the Committee's review of the Commissioner's Annual Report. Where relevant, updates have been incorporated into this Report.

CHAPTER 2 ISSUES CARRIED OVER FROM PREVIOUS REVIEW

2.1 Introduction

In its review of the Commissioner's 2007-08 Annual Report, the Committee identified a number of issues requiring follow up. Most matters related to initiatives commenced by the Commissioner in the first few months following her appointment which were yet to be completed at the time of the Committee's last review. This Chapter provides an update on these matters.

2.2 Issues for follow up

(a) Commissioner's strategic plan

At the time of the Committee's previous review, a strategic plan for the Office of the Commissioner was close to being finalised. The Committee identified the strategic plan as an item for follow up due to its significance in framing the key performance measures of the Commissioner's Office and in assessing how the work of the Commissioner is actually influencing outcomes for children and young people in Western Australia.

The Commissioner's strategic plan, *The plan for 2009-2012: What the Commissioner and her staff will do* was completed in May 2009. The plan is structured around four action areas, namely:

- Consulting directly with children and young people;
- Giving a voice to children and young people;
- Influencing policy; and
- Providing a professional environment that values staff, sound research, evaluation and collaboration.⁴

Within each action area, the strategic plan identifies objectives, how these objectives will be met, and the desired outcomes. The Committee notes that the Commissioner's operations and activities reported in the Annual Report are structured into the four action areas of the strategic plan and the desired outcomes identified in the strategic plan are assessed in terms of actual outcomes achieved in 2008-09.

The Committee is satisfied that the strategic plan is adequately informing the work of the Commissioner moving forward and that it establishes a sufficient framework for measuring performance. It is anticipated that measurement of the Commissioner's performance will be further enhanced when key performance indicators (KPIs) are fully reported against in the 2009-10 Annual Report. The KPIs comprise key effectiveness indicators to measure the

⁴ Commissioner for Children and Young People, *The plan for 2009-2012: What the Commissioner and her staff will do*, May 2009, p6. Available at: www.cyp.wa.gov.au/files/article/Strategic_Plan.pdf Accessed on 2 December 2009.

Commissioner's activities (for example the number of consultation projects conducted each year) and key efficiency indicators to measure service delivery (for example staff hours involved in organising and implementing consultation). Since KPIs were only approved by the Government Outcome Structure Review Group in April 2009 however, reporting against the indicators did not occur in the period under review.⁵ Targets for each indicator have been identified for 2009-10 and as such the Committee will examine this matter again in its review of the Commissioner's next Annual Report.

The Commissioner's strategic plan has been identified as a dynamic document which is meant to be 'used, reviewed and changed over the next four years'⁶. Indeed, the Commissioner released a revised Strategic Directions document in 2010.⁷ This builds upon the first strategic plan but also brings planning and corporate governance documents into a single publication. In terms of the strategic direction of the Commissioner's Office, the Commissioner advised the Committee that there had been no significant change from what was previously published but there had been some simplification.⁸ The strategic directions for the Office are aimed at optimising performance relative to the functions required under the Act and as such the Commissioner advised that the number of areas had been reduced from four to three and that the emphasis was on 'promoting the participation of children and young people, influencing public policy for better outcomes for children and young people and governance arrangements for the office'⁹. As evidenced by this recent streamlining of the strategic plan, the Committee is satisfied that the strategic plan is flexible enough to adapt to changes as the Commissioner's role continues to develop over time.

(b) Public policy initiatives

In its previous review the Committee examined some of the strategic priorities of the Commissioner including: a coordinated approach to early childhood; focus on Aboriginal and Torres Strait Islander children and young people; and promotion of a child focus in the delivery of mainstream services. These and other issues continue to be strategic areas of focus for the Commissioner and inform her activities ranging from submissions to Parliamentary, government and other inquiries to comments made publicly by the Commissioner. While a number of focal points are discussed in greater detail in Chapter 3, the following is a summary of developments in strategic priority areas identified during the Committee's previous review for which the Committee agreed to maintain a watching brief.

⁵ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p70. Available at: www.cyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 2 December 2009.

⁶ Commissioner for Children and Young People, *The plan for 2009-2012: What the Commissioner and her staff will do*, May 2009, p2. Available at: www.cyp.wa.gov.au/files/article/Strategic_Plan.pdf Accessed on 2 December 2009.

⁷ Commissioner for Children and Young People, *Strategic Directions 2010-2012*. Available at: www.cyp.wa.gov.au/files/article/Strategic%20Directions%202010%20-%202012.pdf Accessed on 18 March 2010.

⁸ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 10 March 2010, p3.

⁹ Ibid.

(i) The early years

The early years (between birth and the age of eight years) remains a priority area for the Commissioner and in 2008-09, the Commissioner continued to advocate for a state plan for early childhood, and for an office of early childhood to be established in Western Australia thus bringing together programs and services in the areas of health, education and communities.¹⁰ In order to advocate these needs, the Commissioner made formal submissions to Parliamentary and government inquiries, and the early years also formed the subject of her first Issues Paper released in June 2009.^{11 12} The Commissioner advised the Committee that a particular challenge remains the translation of findings and recommendations into actions:

One of the challenges for me as commissioner is that once you identify these significant challenges, how do you actually effect change in terms of community attitudes, perhaps, or even government response? I think one of the challenges this year has been that we have consistently highlighted, for example, in the early years the significant issues that remain here in Western Australia...Parliamentary committees have come to the same conclusion as me, several of them now, and really the challenge is what do we do about it as a community and in terms of a government response to improving services for children and young people.¹³

Despite the challenges, the Commissioner felt confident that her work is influencing outcomes in this area:

The Early Years agenda, despite not getting as far as I would like, the fact that it is on the agenda for government I think is a very big advance.¹⁴

The early years will continue to be a priority for the Commissioner in the coming year and the Annual Report states that the Commissioner will continue to advocate for a framework for early childhood services to be overseen by an Office of Early Childhood.¹⁵ The Committee acknowledges that there is a need for greater cohesion in the area of early childhood service provision and as such, will continue to monitor the Commissioner's work in this significant policy area.

¹⁰ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p3.

¹¹ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p34. Available at: www.ccyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 8 December 2009.

¹² Commissioner for Children and Young People, 'Issues Paper 1 - Early Childhood', 24 June 2009. Available at: [www.ccyp.wa.gov.au/files/resource/Issues%20Paper%20Early%20Years%20-%20Final%20published%20version%2024%20June%202009\(2\).pdf](http://www.ccyp.wa.gov.au/files/resource/Issues%20Paper%20Early%20Years%20-%20Final%20published%20version%2024%20June%202009(2).pdf) Accessed on 8 December 2009.

¹³ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p2.

¹⁴ *Ibid.*, p10.

¹⁵ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p44. Available at: www.ccyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 8 December 2009.

(ii) Wellbeing of Aboriginal and Torres Strait Islander children and young people

In the period under review the Commissioner advocated for four priorities relating to the interests and needs of Aboriginal children and young people, namely: increasing the number of child health nurses; increasing the number of school health nurses; increasing the capacity of multidisciplinary child development services; and developing the Aboriginal health workforce. Throughout the year the Commissioner also undertook various activities to engage with and/or advocate for the interests of Aboriginal children and young people including regional and remote community visits, regional school consultations, and presentations at meetings.¹⁶ The Commissioner established a focus on issues confronting the Kimberley region in particular which have implications (albeit not exclusively) for Aboriginal children and young people. This matter is considered in more detail in Chapter 3.

As reported in the Committee's previous review, the Commissioner created an Aboriginal Advisor position within her office to assist her with policy development, consultation, and provision of strategic advice. Although in 2008-09 the Commissioner did not make a permanent appointment to this position on her staff, she engaged various consultants and advisors to assist in this regard throughout the year.¹⁷ The Commissioner advised the Committee that a permanent appointment to the position would be made by the end of 2009.¹⁸

The Committee is satisfied that in the period under review the Commissioner undertook actions to comply with statutory obligations. As it is a requirement under Section 20(1)(a) of the Act for the Commissioner to give priority to, and have special regard to, the interests and needs of Aboriginal and Torres Strait Islander children and young people, the Committee will continue to follow with interest the Commissioner's activities in this regard.

(iii) Focus on children in the delivery of mainstream services

As reported in the Committee's previous review, the Commissioner worked to promote a child focus in the delivery of mainstream services by issuing public comments and meeting with Directors General and Ministers. It is evident that the Commissioner continued this approach in 2008-09 by engaging in meetings, preparing submissions and commenting on legislation in order to encourage agencies to consider the best interests of children and young people.¹⁹

(c) Legislation assessment tool

The Commissioner is required under Section 19(g) of the Act to monitor written laws, draft laws, policies, practices and services affecting the wellbeing of children and young people. During the year under review, the Commissioner reviewed and commented on six pieces of draft legislation

¹⁶ Ibid., p31.

¹⁷ Ibid., p12.

¹⁸ Ms Michelle Scott, Commissioner for Children and Young People, *Briefing*, 11 November 2009.

¹⁹ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p28. Available at: www.ccyf.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 8 December 2009.

and also ‘provided advice to agencies and departments at State and Federal level to ensure children and young people were appropriately considered in the development of policies and legislation’.²⁰ At the time of the Committee’s previous review, the Commissioner reported that an assessment tool to assist with the evaluation of new legislation was under development. The Annual Report records that the assessment tool is yet to be finalised although work on its development continued in the period under review.²¹ The Commissioner advised the Committee in March 2010 that an assessment tool had been developed for use within her office to enable a consistent approach to analysing legislation. A separate tool had also been developed in conjunction with a number of agencies with the intention of assisting agencies in this regard. The Commissioner reported that the latter is close to finalisation.²²

The Committee is satisfied that the Commissioner is complying with the requirement of the Act to review draft laws and policies. A formal assessment tool will assist the Commissioner with this task and the Committee will be interested to follow up in relation to the application and effectiveness of the assessment tool in its next review.

(d) Complaints guidelines for agencies

In its previous review, the Committee heard how complaints guidelines were being developed by the Commissioner to help agencies make their complaints systems more responsive to children and young people. The guidelines were launched in June 2009 and feature comments from children and young people about making a complaint, what characterises a child-friendly complaints process, and a template agencies can use to evaluate and improve their own complaints processes.²³ The guidelines were developed in collaboration with the Equal Opportunity Commissioner and Office of Health Review and with the input of children and young people and the Ombudsman.

The Commissioner advised the Committee that she had informally received a favourable response to the guidelines and that her impression from meeting with Directors General of agencies was that they were starting to take the issue seriously.²⁴ The Annual Report notes that the Commissioner will commence monitoring government agencies’ handling of complaints.²⁵ The Commissioner elaborated by advising that a project will be developed and implemented over the next six to twelve months to see how government agencies have responded.²⁶ The Committee is

²⁰ Ibid., p33.

²¹ Ibid.

²² Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 10 March 2010, p5.

²³ Commissioner for Children and Young People, *Are you listening? Guidelines for making complaints processes accessible and responsive to children and young people*, June 2009. Available at: www.ccp.wa.gov.au/files/resource/Complaints%20-%20Are%20you%20listening.pdf Accessed on 3 December 2009.

²⁴ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p10.

²⁵ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p27. Available at: www.ccp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 3 December 2009.

²⁶ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p10.

satisfied that the Commissioner is meeting the requirements of Section 19(d) of the Act which requires the Commissioner to monitor the way in which an agency deals with a complaint made by a child or young person. Nonetheless, the Committee considers it important to track the effectiveness of the guidelines and will therefore follow up the monitoring outcomes in its next review.

(e) Participation guidelines

At the time of the Committee's previous review, participation guidelines were under development by the Commissioner. The Annual Report notes that the guidelines are intended to assist both government and non-government agencies to involve children and young people in their work, and that the guidelines have been drafted on the basis of research and best practice.²⁷ The participation guidelines had not been completed within the period under review however the Committee notes that the guidelines were launched by the Commissioner in October 2009.²⁸

The Committee is satisfied that in developing the participation guidelines, the Commissioner has complied with Section 20(1)(d) of the Act.²⁹ More broadly, the Committee is satisfied that in the period under review, the Commissioner took adequate steps to comply with Section 19(b) of the Act, which requires the Commissioner to promote the participation of children and young people and encourage government and non-government agencies to seek the participation of children and young people appropriate to their age and maturity. The Committee recognises that the participation guidelines do not exist in isolation but are part of a broader approach by the Commissioner to promote the participation of children and young people. Supplementing the guidelines are a Participation Policy and Participation Consent Policy, which were completed in July 2008. These internal policies are used by the Commissioner and her staff to guide participation activities and obtain necessary consent, and according to the Annual Report both were used consistently throughout the year for participation exercises such as the development of the Commissioner's website and Complaints Guidelines.³⁰

Although also outside of the period under review, the Committee notes that the Commissioner released an Issues Paper on the subject of participation in August 2009. The Commissioner's intention is to release four issues papers a year to spotlight areas of need for children and young people.³¹ The paper on participation was only the Commissioner's second issues paper overall

²⁷ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p26. Available at: www.ccyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 4 December 2009.

²⁸ Commissioner for Children and Young People, *Involving Children and Young People: Participation Guidelines*, October 2009. Available at: www.ccyp.wa.gov.au/files/resource/Participation%20Guidelines%20-%202009.pdf Accessed on 4 December 2009.

²⁹ Section 20(1)(d) of the *Commissioner for Children and Young People Act 2006* states that the Commissioner must develop guidelines for government agencies and non-government agencies regarding the participation by children and young people in decisions which affect them.

³⁰ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p19. Available at: www.ccyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 4 December 2009.

³¹ *Ibid.*, p29.

and has therefore drawn attention early on to the importance of engaging with children and young people.

The Committee is also aware that a priority of the Commissioner for 2009-10 will be to 'support agencies through the launch of the Participation Guidelines'.³² The Committee notes the Commissioner's comments that the initial response to the guidelines from government and non-government agencies has been very positive.³³ Further feedback will be sought from the Commissioner during the Committee's next review regarding uptake of the guidelines.

(f) Advisory committees

Section 52(2) of the Act requires the Commissioner to establish advisory committees consisting of children and young people. As reported previously, the Commissioner had not set up any advisory committees but was developing an approach to establish advisory committees without duplicating existing children's committees in Western Australia. During 2008-09, the Commissioner settled on an approach to establish two advisory committees, one from regional areas and one from the metropolitan area. The Commissioner advised the Committee that this approach would require existing groups within the community to nominate to be the Commissioner's advisory committee for a year. As well as calling for nominations through public advertisements, the Commissioner intended to 'write to local councils, relevant organisations, youth advisory councils, schools...[to] elicit responses from those already established groups'.³⁴ It was the Commissioner's intention for the advisory committees to operate for the full calendar year in 2010 after which this approach would be subject to review and evaluation. The Commissioner called for expressions of interest for advisory committees consisting of children and young people in October 2009 with a view to advisory committees meeting in early 2010.^{35 36} The Committee notes that the Commissioner announced the two advisory committees in December 2009.³⁷

The Committee had some initial reservations regarding the range of perspectives that might be captured by this method as it was considered that existing groups might only represent a limited viewpoint. The Commissioner advised however that the selection process and requirement for the new advisory committees to engage in a community project would be rigorous enough to ensure that the groups are broadly representative.³⁸ The Committee acknowledges that the Commissioner

³² Ibid., p45.

³³ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 10 March 2010, p3.

³⁴ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p10.

³⁵ Commissioner for Children and Young People, 'Commissioner to establish advisory committees', 16 October 2009. Available at: www.ccp.wa.gov.au/content/News-archive.aspx. Accessed on 7 December 2009.

³⁶ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p27. Available at: www.ccp.wa.gov.au/files/article/AnnualReport_09.pdf. Accessed on 4 December 2009.

³⁷ The two advisory committees are from Beckenham Primary School (metropolitan) and the Geraldton Indigenous Youth Council (regional). As advised by Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 10 March 2010, p8.

³⁸ Ibid.

will undertake a review once the advisory committees have been in operation for 12 months and is satisfied that this will provide an opportunity to evaluate the effectiveness of this particular approach before it is committed to in the long term.

As previously reported, the Committee is of the firm opinion that the Commissioner must establish advisory committees consisting of children and young people. The Committee is satisfied that the Commissioner has taken sufficient action during the period under review to comply with the Act in relation to establishing advisory committees and will continue to follow developments in this regard.

(g) Working with Children Checks

The Commissioner's Annual Report notes that Schedule 1 Clause 3 of the Act which pertains to Working with Children Checks was not proclaimed as at 30 June 2009.³⁹ The Committee previously reported its view that the Commissioner's core advocacy and research functions could be compromised if responsibility for Working with Children Checks is transferred to the Commissioner through proclamation of Schedule 1 Clause 3 of the Act. As a consequence, in its previous review the Committee recommended that the Act be amended to delete Clause 3 of Schedule 1.⁴⁰

In the state government's response to the Committee's recommendation, the Attorney General, Hon. Christian Porter, MLA indicated that he was considering the matter in consultation with the Minister for Child Protection and that a final decision would be forthcoming.⁴¹ Advice since received from the Attorney General indicates that Working with Children Checks will continue to be the responsibility of the Department for Child Protection for the time being however the matter will be considered further as part of the statutory review of the *Working with Children (Criminal Record Checking) Act 2004* to occur in 2010. The Attorney General advised the Committee that Clause 3 of Schedule 1 of the *Commissioner for Children and Young People Act 2006* will not be proclaimed for the time being however it will also not be amended as this would be premature given that the matter is to be considered in the statutory review.⁴²

The Committee acknowledges that for now Working with Children Checks will continue to be administered by the Department for Child Protection. This does not however resolve the issue of long-term responsibility for the checks and the potential for the Commissioner's other functions to be adversely affected should responsibility for Working with Children Checks ultimately transfer to her office. It is evident that the ongoing uncertainty regarding responsibility for Working with Children Checks will not be fully resolved until the statutory review of the *Working with Children (Criminal Record Checking) Act 2004* is complete. If the statutory review concludes that Working

³⁹ Ibid., p9.

⁴⁰ Joint Standing Committee on the Commissioner for Children and Young People, *Review of the 2007-2008 Annual Report of the Commissioner for Children and Young People*, Parliament of Western Australia, Perth, 14 May 2009, p5.

⁴¹ Hon C.C. Porter, MLA, Attorney General, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 16 September 2009, p7149.

⁴² Hon C.C. Porter, MLA, Attorney General, letter, 11 January 2010.

with Children Checks should indeed remain with the Department, it will be equally important for the *Commissioner for Children and Young People Act 2006* to be amended immediately thereby removing the uncertainty regarding Working with Children Checks that has existed since the Commissioner's role was established.

Finding 1

There is ongoing uncertainty regarding responsibility for Working with Children Checks which will not be resolved until the statutory review of the *Working with Children (Criminal Record Checking) Act 2004* is completed.

Recommendation 1

If the statutory review into the *Working with Children (Criminal Record Checking) Act 2004* recommends (as previously recommended by this Committee) that Working with Children Checks remain with the Department for Child Protection, then the Attorney General should pursue necessary amendments to the *Commissioner for Children and Young People Act 2006* as a priority.

(h) Wellbeing Indicator Framework

The Commissioner has repeatedly called for data to be gathered on outcomes for children and young people in Western Australia to enable the state government to target funding for maximum effect. The Commissioner first highlighted the proposal for a Western Australian Outcomes Report for Children to the Committee during its review of the Commissioner's budget for 2009-10 and again during the Committee's review of the Commissioner's previous Annual Report. In accordance with its function under Section 57 of the Act, the Committee recommended to the Treasurer in February 2009 that an additional \$0.5 million be appropriated to enable the Commissioner to fund the development of a new outcomes report.⁴³ Notwithstanding the Committee's recommendation, the proposal was not funded in the 2009-10 budget.

The Committee also recommended in its review of the Commissioner's 2007-08 Annual Report that the state government should resource the Commissioner's proposal.⁴⁴ In the state government's response to the Committee's report, the Attorney General, Hon. Christian Porter, MLA indicated that much of the data proposed for collection is already available and while it

⁴³ This recommendation was the outcome of the Committee's review of the Commissioner's budget for 2009-10.

⁴⁴ Recommendation 2 of the Committee's Report No. 1, *Review of the 2007-2008 Annual Report of the Commissioner for Children and Young People*, 14 May 2009, p11.

would be advantageous to collate this data in a single report, the proposal would need to be assessed via the normal budget process.⁴⁵

During this review, the Commissioner again reiterated the need to measure outcomes for children and young people in Western Australia and how compared to some other states, Western Australia does not do this very well. While the Commissioner acknowledged that some of the necessary data may already exist, until wellbeing indicators are actually defined and investigated, it is uncertain exactly what data is available.⁴⁶

At the hearing in October 2009 and in a separate subsequent briefing with the Commissioner regarding her proposed 2010-11 budget, the Commissioner advised that she would not seek additional funding for the 'Wellbeing Monitoring Framework Project' in the 2010-11 budget. Instead, the Commissioner intends to look at what can be done within her internal budget and has been in discussion with various government agencies in this regard.⁴⁷ It remains a priority of the Commissioner in the coming year to advocate for 'an Outcomes Monitoring Framework that comprises a set of agreed indicators of children's wellbeing'.⁴⁸ The Commissioner advised the Committee that in the absence of another government agency assuming responsibility for developing the monitoring framework, she considered it worthwhile that her office undertakes the project. A staging approach has been developed (subject to funding) which, over a number of years, is intended to deliver a profile of Western Australia's children, a report card on how Western Australian children measure up against various wellbeing indicators, and a compendium of best practice programs.⁴⁹

The Committee acknowledges that information on the wellbeing of children does exist in Western Australia however it is diffuse and incomplete. If this information can be consolidated and reinforced through the Commissioner's project then this could ultimately facilitate the better targeting of government services and programs. The Committee will continue to maintain a watching brief and will report on the matter again once the Wellbeing Monitoring Framework Project has progressed further.

⁴⁵ Hon C.C. Porter, MLA, Attorney General, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 16 September 2009, p7149.

⁴⁶ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p3.

⁴⁷ Ibid.

⁴⁸ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p44. Available at: www.ccyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 7 December 2009.

⁴⁹ Ms Michelle Scott, Commissioner for Children and Young People, *Briefing*, 11 November 2009.

CHAPTER 3 REVIEW OF THE 2008-2009 ANNUAL REPORT OF THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

3.1 Introduction

The Annual Report 2008-09 of the Commissioner for Children and Young People details activities undertaken by the Commissioner and her staff in the first full year of operation. Whereas the first few months following the Commissioner's appointment in 2007 largely focused on establishing the Office, in the Commissioner's words the first full year of operations has been about consolidating the first year's efforts and expanding operations:

Over the last year we have consolidated on the first year ...it has been a very, very busy year and I think that will be continuing in the forthcoming years.⁵⁰

The following section examines issues raised during the Committee's review which the Committee wishes to highlight. Commentary has been organised into subsections to reflect a similar structure in the Commissioner's Annual Report.

3.2 Review of the Annual Report 2008-09

(a) Consult directly with children and young people

In the period under review, the Commissioner consulted widely with children and young people around the state via various regional and school visits.⁵¹ Children and young people were also given the opportunity to provide direct input into a number of the Commissioner's projects including development of a new website, the Shout Out initiative (which is discussed further below), and the 'Face to Face' publication. The latter relates to age appropriate versions of the Annual Report, which the Commissioner is required to publish under the Act. The Commissioner sought feedback from children and young people with respect to the inaugural Face to Face reports published in 2008 and although she is yet to do the same this year, the Commissioner advised that she intends to seek feedback again to keep improving on each publication.⁵² The Committee encourages the Commissioner to continue with this process of follow through as it will assist in keeping the publications relevant to their target audiences.

In 2008-09, the Commissioner implemented a wellbeing research project to gain an understanding of how children and young people perceive wellbeing and how their wellbeing can be maintained and enhanced. A consultant was engaged in May 2009 with a view to applying a variety of

⁵⁰ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p2.

⁵¹ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p17. Available at: www.ccyw.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 8 December 2009.

⁵² Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p7.

methods to collect the views of children and young people aged 5 to 18.⁵³ The Commissioner advised the Committee that data collection had already commenced and it is anticipated that once the project is completed in early 2010 it will provide the Commissioner and her staff with very useful information.⁵⁴ The Commissioner advised the Committee in March 2010 that approximately 900 children had participated in the research, which had used a variety of means to capture a broad cross section of children.⁵⁵ The Committee will be interested to hear about the outcomes of the project and in particular how the information will be applied, and will therefore revisit this matter again in its next review.

Another significant consultation initiative that was undertaken by the Commissioner in the period under review relates to the development of Shout Out, which was launched in June 2009. Shout Out was developed following feedback from children and young people and refers to an online communication mechanism. Through Shout Out, children and young people can communicate directly with the Commissioner on issues that are significant to them and also learn what other young people are saying.⁵⁶ The Committee is mindful that online consultative mechanisms are not universally accessible by all children and young people but is satisfied that this mechanism represents one of many consultation methods used by the Commissioner. The Commissioner maintains that although various media are employed to consult with children and young people, 'person to person and face to face directly with a child and a young person and others is really still the most critical way of communicating'.⁵⁷ As a new mechanism for consulting with children and young people, the Committee will be interested to find out how Shout Out develops over the coming year and will seek an update from the Commissioner in the next review.

(b) Give a voice to children and young people

In 2008-09 the Commissioner continued to use a variety of means to highlight the views of children and young people including submissions, speeches and public statements.⁵⁸ An example of the latter is discussed in greater detail below in relation to alcohol restrictions in the Kimberley.

Other initiatives undertaken by the Commissioner in 2008-09 to give a voice to children and young people include the development of complaints guidelines, participation guidelines, and progress towards establishing advisory committees consisting of children and young people. These matters have already been reviewed in Chapter 2 so will not be repeated here.

⁵³ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p19. Available at: www.ccyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 11 December 2009.

⁵⁴ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p9.

⁵⁵ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 10 March 2010, p2.

⁵⁶ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p21. Available at: www.ccyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 11 December 2009.

⁵⁷ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p7.

⁵⁸ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p23. Available at: www.ccyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 11 December 2009.

(c) Influence policy

As reported in the Committee's previous review, the Commissioner prefers to limit her comments to several public policy areas in order to avoid diluting her impact. With regard to priorities in the period under the review, the Commissioner advised that:

Some of the key areas of focus continue to be the early years...; issues around juvenile justice; issues around discrepancies in terms of regional and remote communities and access to basic services for children and young people throughout the state. Mental health is another area that we have concerns about, and on a positive note, celebrating and promoting the positive involvement of children and young people throughout the state and the positive way in which children and young people engage in their local communities to shape those communities and influence things and also the very positive programs that are taking place in Western Australia.⁵⁹

The Committee has chosen to highlight a number of the Commissioner's policy priorities in this review.

(i) Alcohol restrictions in the Kimberley

The Annual Report notes that in the period under review the Commissioner actively supported alcohol restrictions in the Kimberley via statements to the media and representations to government. The Commissioner has advocated for a whole of government response to deal with issues in the region and for service delivery to be managed by one lead agency. The Commissioner has highlighted the need for services to support the restrictions ranging from immediate needs such as alcohol withdrawal, to medium- and long-term needs including child development services, housing and employment.⁶⁰

At the hearing in October 2009, the Commissioner elaborated on some of these points and in particular the absence of a holistic approach to service delivery. The Commissioner cited Fitzroy Crossing as an example where the community is still left wanting two years after the alcohol restrictions came into effect. Although the Commissioner had received formal responses from Directors General and Ministers acknowledging the need for support services in Fitzroy Crossing, this had not been reflected in terms of actual services on the ground.⁶¹ The Commissioner described the two major issues she observed during her initial visit to Fitzroy Crossing in May 2008 as being the alcohol restrictions, and the prevalence of Foetal Alcohol Spectrum Disorder (FASD) in the community. In relation to the latter, the Commissioner described the high occurrence of FASD in the community but its lack of access to specialist resources. According to the Commissioner, the lack of a holistic collaborative approach is a major impediment:

⁵⁹ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p2.

⁶⁰ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p30. Available at: www.ccyip.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 14 December 2009.

⁶¹ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p4.

*When there is an issue like that and it involves several government agencies coming together to resolve it or address it, it seems to take an extraordinary amount of time.*⁶²

The Commissioner's statements accord with the Committee's own observations from a visit to the Kimberley undertaken in October 2009. The Committee visited Broome, the Dampier Peninsula communities of Ardyaloon, Lombadina and Djarindjin, and Fitzroy Crossing to gain a better insight into some of the issues confronting children and young people in regional and remote Aboriginal communities, and to inform its review of the Commissioner's activities in relation to Aboriginal children and young people. Some of the main themes to emerge from the trip can be summarised as follows:

- Alcohol restrictions in Fitzroy Crossing, which took effect in October 2007⁶³, have had many positive benefits for the community. The Committee heard anecdotally how the restrictions have resulted in decreased anti-social behaviour and violence, and how adults are now able to pay more attention to their children.⁶⁴
- Notwithstanding the alcohol restrictions, the Committee heard how the Fitzroy Valley community is still dealing with the fallout from alcohol in the form of children and young people with behavioural issues associated with FASD. There is no cure for FASD as it involves irreversible brain damage hence there are long-term ramifications for affected communities.^{65 66}
- Schools and families in the Fitzroy Valley currently lack the support services they need to deal with FASD affected children.⁶⁷
- In Fitzroy Crossing the community has developed its own strategy for tackling FASD and early life trauma and has established a working group comprising community and government organisations at the local and district level. The strategy identifies priorities for prevention, diagnosis and support for children with FASD but due to limited resources,

⁶² Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p5.

⁶³ In October 2007 the Director of Liquor Licensing imposed a restriction on the sale of takeaway liquor in Fitzroy Crossing with an ethanol concentration exceeding 2.7 per cent. The restriction was extended indefinitely in May 2008 with a requirement for an annual review to test its ongoing effectiveness. Information sourced from University of Notre Dame, 'Fitzroy Valley Alcohol Restriction Report' (July 2009). Available at: www.dao.health.wa.gov.au/IntheMedia/FitzroyValleyLiquorRestrictionReport/tabid/237/Default.aspx Accessed on 23 October 2009.

⁶⁴ Mr Geoff Davis, Garnduwa Amboorny Wirnan, and Ms Marmingee Hand, *Briefing*, 7 October 2009 and Ms June Oscar (Chief Executive Officer) and Ms Emily Carter (Chairperson), Marninwarntikura Women's Resource Centre, *Briefing*, 8 October 2009.

⁶⁵ Ibid.

⁶⁶ Ms Meredith Kefford, Volunteer, Indigenous Community Volunteers, Fitzroy Crossing, *Briefing*, 7 October 2009.

⁶⁷ Mr Geoff Davis, Garnduwa Amboorny Wirnan, and Ms Marmingee Hand, *Briefing*, 7 October 2009 and Ms June Oscar (Chief Executive Officer) and Ms Emily Carter (Chairperson), Marninwarntikura Women's Resource Centre, *Briefing*, 8 October 2009.

the strategy has so far relied on volunteers to assist with coordination.⁶⁸ The Committee was very impressed with the strength of community commitment in Fitzroy Crossing to addressing alcohol related issues. Firstly, the persistence of the women of Fitzroy Crossing in advocating for alcohol restrictions and secondly, the commitment to developing long-term support for children and their families who are still struggling with the consequences.

- The Committee was told how a critical housing shortage in Fitzroy Crossing contributes towards difficulties in securing services in the community as there is no accommodation available for staff.^{69 70 71}
- The Committee also heard how another issue contributing towards difficulties experienced by Kimberley communities in securing services was that of intermittent funding for programs.⁷² The current funding model used by government agencies does not favour recurring programs but rather tends to benefit one-off programs.⁷³

The Committee is cognisant that issues surrounding critical housing shortages and inadequate services for FASD affected communities in the Kimberley have already been reported in detail and recommendations have been made to the state government by another Parliamentary Committee.⁷⁴ The Committee is also aware that since its visit, a comprehensive government response to the aforementioned report was issued in November 2009. The state government outlined a number of cross-agency programs and/or working groups that are underway to target prevention, identification/diagnosis of FASD, and intervention. With regard to housing shortages, the government response notes that the state government, through the Ministerial Taskforce for Approvals, Development and Sustainability is addressing the issues of land supply, availability and housing affordability in regional areas. Reference is also made to COAG with regard to assisting in the delivery of remote and regional housing, with Fitzroy Crossing (as well as

⁶⁸ Ms Meredith Kefford, Volunteer, Indigenous Community Volunteers, Fitzroy Crossing, *Briefing*, 7 October 2009. Information also drawn from Indigenous Community Volunteers, 'Helping kids have a better start', ICV Newsletter (September 2009), pp4-6 and 'Overcoming FASD and early life trauma in the Fitzroy Valley: a community initiative', strategy document (V4 updated September 2009).

⁶⁹ Ms Meredith Kefford, Volunteer, Indigenous Community Volunteers, Fitzroy Crossing, *Briefing*, 7 October 2009.

⁷⁰ Mr Geoff Davis, Garnduwa Amboorny Wirnan, and Ms Marmingee Hand, *Briefing*, 7 October 2009.

⁷¹ Ms June Oscar (Chief Executive Officer) and Ms Emily Carter (Chairperson), Marninwarntikura Women's Resource Centre, *Briefing*, 8 October 2009.

⁷² Ms Lorraine Lee, Dampier Peninsula Project Officer, Kimberley Mental Health Drug Service Team, *Briefing*, 5 October 2009.

⁷³ Mr Neil Marshall, Acting Regional Manager West Kimberley, Department of Indigenous Affairs, *Briefing*, 5 October 2009.

⁷⁴ Community Development and Justice Standing Committee, *Inquiry into the Adequacy of Services to Meet the Developmental Needs of Western Australia's Children*, Parliament of Western Australia, Perth, August 2009, pp129 and 138-139.

Ardyaloon on the Dampier Peninsula) identified as one of the 'priority communities' for funding under the Remote Service Delivery National Partnership Agreement.⁷⁵

With regard to the funding of children's services, the Commissioner examined this matter in 2008-09 in a broader service delivery context. The Commissioner encouraged government to consider extending funding for beneficial programs beyond the usual three-year funding cycle thereby ensuring provision of strategic services over the long-term.⁷⁶ One of the Commissioner's stated priorities for the coming year is to advocate for sustainable funding of up to 10 years where programs are proven to work. Further, the Commissioner has also committed to ongoing advocacy for funding to be structured so that the needs of children and young people outside the metropolitan area are considered a high priority.⁷⁷ From its own observations in the Kimberley the Committee concurs that the delivery of services to communities is a significant issue. The Committee will therefore follow with interest the Commissioner's work in this regard.

(ii) Access to services

Further to the issue of access to services by residents of Kimberley communities, the Commissioner indicated to the Committee that practical, on-the-ground services are urgently required. This is not only to prevent future problems but to address needs that children have right now. The Commissioner added that:

*I am surprised at just the lack of information in metropolitan Perth about the living conditions of people in those communities and the lack of access...kids have experienced multiple deaths in their community, extreme violence in their community, and there is not one child psychologist employed by the mental health services in the whole of the Kimberley to deal with trauma. I have raised that many, many times. I think it is an unacceptable standard of service and support.*⁷⁸

The Commissioner's comments accord with statements made to the Committee during its visit to Fitzroy Crossing in October 2009. The Committee heard how the sole child and adolescent mental health worker currently servicing the community is only there in an informal capacity. Also, that children and their families require assistance and there is an urgent need for greater access to services.⁷⁹

⁷⁵ Government of Western Australia, *Response of the Western Australian Government to the Western Australian Legislative Assembly Community Development and Justice Standing Committee in relation to The Inquiry into the Adequacy of Services to meet the Development Needs of Western Australia's Children*, November 2009, pp17-18 and pp23-24. Available at: www.parliament.wa.gov.au/web/newwebparl.nsf/iframewebpages/Committees+-+Current Accessed on 22 March 2010.

⁷⁶ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p32. Available at: www.ccyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 15 December 2009.

⁷⁷ *Ibid.*, pp44-45.

⁷⁸ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p6.

⁷⁹ Ms June Oscar (Chief Executive Officer) and Ms Emily Carter (Chairperson), Marninwarntikura Women's Resource Centre, *Briefing*, 8 October 2009.

With regard to mental health services in particular, the Commissioner met with the Minister for Mental Health and other specialists in 2008-09 in order to consolidate her position on mental health matters.⁸⁰ The Commissioner has since released an Issues Paper on mental health identifying the need for mental health services,⁸¹ and has also made the issue regarding the shortage of mental health services, especially in regional and remote areas, a priority for 2009-10.⁸² The Committee considers access to services, particularly in regional areas to be a significant issue and will follow up this matter again in its next review.

(iii) Activities for children and young people

The Commissioner's Annual Report highlights the lack of activities for children and young people as a recurring theme from her visits to regional and remote communities.⁸³ The Commissioner reinforced this point at the hearing in October 2009 and commented that the issue seems to be quite universal across the state.⁸⁴

The issue of activities for children and young people was also brought to the Committee's attention during its visit to the Kimberley in October 2009. The Committee's main observations in this regard can be summarised as follows:

- In remote communities such as those on the Dampier Peninsula, young people still engage in traditional activities such as fishing and making hunting spears, and cultural practices are still incorporated into the school curriculum.⁸⁵
- Notwithstanding the coastal lifestyle and availability of outdoor activities, there is a lack of dedicated recreational facilities for children and young people in remote communities such as Ardyaloon.⁸⁶
- The Committee heard how children and young people in the Kimberley currently lack things to do in the evenings and on weekends.⁸⁷

⁸⁰ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p37. Available at: www.cyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 15 December 2009.

⁸¹ Commissioner for Children and Young People, *Mental Health Issues Paper 3*, December 2009. Available at: [www.cyp.wa.gov.au/files/resource/Issues%20paper%20-%20FINAL%20-%20mental%20health%20-%20December%202009\(1\).pdf](http://www.cyp.wa.gov.au/files/resource/Issues%20paper%20-%20FINAL%20-%20mental%20health%20-%20December%202009(1).pdf) Accessed on 15 December 2009.

⁸² Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p37. Available at: www.cyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 15 December 2009.

⁸³ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p34. Available at: www.cyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 16 December 2009.

⁸⁴ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 14 October 2009, p8.

⁸⁵ Mr Andrew Carter, Chairman, Ardyaloon Incorporated, *Briefing*, 5 October 2009 and Mr Andy McGaw, Chief Executive Officer, Djarindjin Aboriginal Corporation, *Briefing*, 6 October 2009.

⁸⁶ Mr Andrew Carter, Chairman, Ardyaloon Incorporated, *Briefing*, 5 October 2009.

⁸⁷ Ms Lorraine Lee, Dampier Peninsula Project Officer, Kimberley Mental Health Drug Service Team, *Briefing*, 5 October 2009.

- The lack of activities is more acute for girls who do not always benefit from sports programs like basketball or football which tend to favour boys,⁸⁸ although this is starting to be addressed.⁸⁹

In the period under review, the Commissioner wrote to numerous agencies to emphasise the importance of sport and recreation activities for children and young people.⁹⁰ Regional service disparity has been identified by the Commissioner as a key issue to be addressed in 2009-10 and the Commissioner has undertaken to continue advocating in this regard.⁹¹ Based on its own observations, the Committee concurs that the lack of activities for children and young people, particularly in remote communities is a matter of concern and as such the Committee will follow developments in this area with interest.

The Commissioner gave a radio interview on 9 December 2009, which tied together the abovementioned issues of alcohol restrictions, access to services, and activities for children and young people in the Kimberley. The transcript of the interview is attached to this Report at Appendix 4. Based on its own observations in the Kimberley, the Committee concurs with the Commissioner's assessment of the situation in the Fitzroy Valley. The Committee is also satisfied that the Commissioner is effectively highlighting issues affecting children and young people in this and other communities. The Committee notes that the radio interview was a very tangible example of the Commissioner's work to give a voice to children and young people as required by the Act. The Committee notes also that the Commissioner remains committed to the issue of alcohol restrictions and will continue to focus on this matter.⁹²

More broadly, from its own observations in the Kimberley the Committee supports the Commissioner's view that the long-term consequences of alcohol, acute need for services in regional and remote communities, and need for activities for children and young people are serious ongoing issues that require a priority emphasis. The Committee considers that it is an appropriate exercise of the Commissioner's advocacy functions to highlight these issues and for the Commissioner to focus on influencing policy in relation to these matters.

⁸⁸ Ms Layla Yu, Contact Programs and Festival Coordinator, Garnduwa Youth Sport and Recreation, *Briefing*, 5 October 2009 and Mr Neil Marshall, Acting Regional Manager West Kimberley, Department of Indigenous Affairs, *Briefing*, 5 October 2009.

⁸⁹ Ms Lorraine Lee, Dampier Peninsula Project Officer, Kimberley Mental Health Drug Service Team, *Briefing*, 5 October 2009.

⁹⁰ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p34. Available at: www.ccyip.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 16 December 2009.

⁹¹ *Ibid.*, p45.

⁹² Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 10 March 2010, p6.

Finding 2

It is an appropriate exercise of the Commissioner's functions to investigate and advocate in relation to the issues of alcohol restrictions, services in regional and remote communities, and access to activities for children and young people.

(iv) Cross-agency collaboration

As indicated above, the Committee heard first hand how service delivery in the Kimberley is in part due to the absence of a holistic collaborative approach. The Committee heard for example how from an agency perspective, there should be a greater focus on addressing the problems rather than on which agency delivers what.⁹³

The Committee therefore recognises the significance of cross-agency collaboration, and notes that the Commissioner has identified this as a priority for 2009-10. In the coming year the Commissioner has undertaken to continue advocating for increased collaboration between state and federal governments, and to assist agencies in meeting the needs of children and young people through promotion of Complaints Guidelines and Participation Guidelines.⁹⁴ The latter measures have already been detailed in Chapter 2.

(v) Positive involvement of children and young people

One other area of the Commissioner's activities in 2008-09 which the Committee wishes to highlight in this review is the focus on positive contributions made by children and young people. In the period under review, the Commissioner used public statements, media pieces, and the Commissioner's website to promote children and young people. A forum hosted by the Commissioner during Children's Week in October 2008 and attended by over 150 government, industry and community stakeholders was also used to showcase the positive contributions that children and young people can make.⁹⁵ Although outside of the period under review, the Committee notes that the Commissioner will be sponsoring two awards in 2009-10 recognising a young person who has participated actively in the community, and an adult who has contributed significantly to the wellbeing of children and young people.⁹⁶

Recognising that positive reinforcement can help to counteract the often negative image of children and young people in the community, the Committee notes the Commissioner's work in this area.

⁹³ Mr Neil Marshall, Acting Regional Manager West Kimberley, Department of Indigenous Affairs, *Briefing*, 5 October 2009.

⁹⁴ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p45. Available at: www.cryp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 16 December 2009.

⁹⁵ *Ibid.*, pp25 and 30.

⁹⁶ Ms Michelle Scott, Commissioner for Children and Young People, *Transcript of Evidence*, 10 March 2010, p10.

(d) A professional environment that values staff, sound research, evaluation and collaboration

In its previous review, the Committee noted the establishment of the Commissioner's office. In 2008-09 the Commissioner and her staff relocated to permanent premises in Subiaco which is more accessible to children and young people due to its ground floor location and proximity to public transport. The office was also designed with input from children and young people.⁹⁷ Since the Committee's last review, the Office of the Commissioner has also expanded with a staffing complement at 30 June 2009 of approximately 17 full time equivalents.⁹⁸

(e) Summary

The Commissioner's Annual Report 2008-09 demonstrates that the Commissioner continues to adopt a proactive approach. This is reflected in an increase in the Commissioner's activities from the previous year as a result of progressing initiatives already underway and also in a number of new undertakings. As detailed in this Report, the Committee is satisfied that the Commissioner exercised the functions required by the Act in the period under review.

Finding 3

The Committee is satisfied that in 2008-09 the Commissioner for Children and Young People exercised the functions required by the *Commissioner for Children and Young People Act 2006*.

The Commissioner has identified several areas of priority and focus for 2009-10 many of which have been flagged by the Committee for follow up in its next review. In this Report, the Committee has also identified a number of significant matters which it will continue to follow with interest.

In summary, the issues identified for follow up by the Committee are:

- Reporting by the Commissioner against KPIs in the 2009-10 Annual Report;
- The progress of initiatives in public policy areas such as early childhood, the wellbeing of Aboriginal and Torres Strait Islander children and young people, and mental health;
- The application of an assessment tool by the Commissioner to facilitate the evaluation of new legislation;
- Outcomes of monitoring by the Commissioner of government agencies' handling of complaints made by children and young people;

⁹⁷ Commissioner for Children and Young People, *Annual Report 2008-09*, 22 September 2009, p26. Available at: www.ccyp.wa.gov.au/files/article/AnnualReport_09.pdf Accessed on 16 December 2009.

⁹⁸ Ibid., p13.

- The uptake of the Commissioner's Participation Guidelines by government and non-government agencies;
- Outcomes of the Commissioner's wellbeing research project;
- Progress of the Commissioner's Shout Out initiative; and
- The Commissioner's efforts in relation to advocating for: more sustainable funding of government programs with a view to improved service delivery; and improved access to services by children and young people in regional areas.

In addition, the Committee will maintain a watching brief on the matters of:

- The establishment and progress of advisory committees consisting of children and young people; and
- The Commissioner's proposal for a wellbeing indicator framework for Western Australian children.



MS A.R. MITCHELL, MLA
CHAIRMAN

APPENDIX ONE

BRIEFINGS HELD

The following briefings assisted the Committee with its review of the 2008-09 Annual Report of the Commissioner for Children and Young People.

Date	Name	Position	Organisation
5 October 2009	Mr Neil Marshall	Acting Regional Manager West Kimberley	Department of Indigenous Affairs
	Ms Layla Yu	Contact Programs and Festival Coordinator	Garnduwa Youth Sport and Recreation
	Ms Lorraine Lee	Dampier Peninsula Project Officer	Kimberley Mental Health Drug Service Team
	Mr Dean Holder	Kimberley Regional Manager	Department of Sport and Recreation
	Mr Paul Searle	Coordinator	Burdekin Youth in Action
5 October 2009	Mr Andrew Carter	Chairman	Ardyaloon Incorporated
6 October 2009	Mr Andy McGaw	Chief Executive Officer	Djarindjin Aboriginal Corporation
	Ms Audrey Shadforth	Member	Djarindjin Aboriginal Corporation
	Ms Valerie Hunter	Member	Djarindjin Aboriginal Corporation
	Ms Jill Cottle	Coordinator	Djarindjin Childcare Centre
7 October 2009	Ms Meredith Kefford	Volunteer	Indigenous Cultural Volunteers
7 October 2009	Mr Geoff Davis	Coordinator	Garnduwa Amboorny Wirnan Kimberley Sport and Recreation
	Ms Marmingee Hand		Garnduwa Amboorny Wirnan Kimberley Sport and Recreation

JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Date	Name	Position	Organisation
8 October 2009	Ms June Oscar	Chief Executive Officer	Marninwarntikura Women's Resource Centre Fitzroy Crossing
	Ms Emily Carter	Chairperson	Marninwarntikura Women's Resource Centre Fitzroy Crossing
11 November 2009	Ms Michelle Scott	Commissioner for Children and Young People	Commissioner for Children and Young People WA
	Ms Caron Irwin	Executive Director Corporate Development	Commissioner for Children and Young People WA

APPENDIX TWO

HEARINGS

The following public hearings were undertaken by the Committee in its review of the 2008-09 Annual Report of the Commissioner for Children and Young People.

Date	Name	Position	Organisation
14 October 2009	Ms Michelle Scott	Commissioner for Children and Young People	Commissioner for Children and Young People WA
	Ms Robin Ho	Manager Legal, Policy and Research	Commissioner for Children and Young People WA
10 March 2010	Ms Michelle Scott	Commissioner for Children and Young People	Commissioner for Children and Young People WA
	Ms Robin Ho	Manager Legal, Policy and Research	Commissioner for Children and Young People WA

APPENDIX THREE

TRANSCRIPT OF HEARING

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

REVIEW OF COMMISSIONER'S 2008-09 ANNUAL REPORT

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 14 OCTOBER 2009**

Members

**Ms Andrea Mitchell (Chairman)
Mr Martin Whitely (Deputy Chairman)
Hon Helen Bullock
Hon Nick Goiran**

Hearing commenced at 8.36 am

SCOTT, MS MICHELLE

**Commissioner for Children and Young People,
examined:**

HO, MS ROBIN SOO CHOON

**Manager, Policy, Legal and Research, Commissioner for Children and Young People,
examined:**

The CHAIRMAN: Ladies and gentlemen I declare this hearing open and thank you all for your attendance. I have a statement that I need to make before we proceed. On behalf of the Joint Standing Committee on the Commissioner for Children and Young People, I thank you for your appearance before us today. The purpose of this hearing is to assist the committee in its examination of the 2008-09 Annual Report of the Commissioner for Children and Young People. For the benefit of Hansard and those observing, I will introduce myself and the other members of the committee present here today. Firstly, I am the Chairman, Andrea Mitchell, MLA, member for Kingsley. On my left is the Deputy Chairman, Martin Whitely, MLA, member for Bassendean, and committee members Hon Helen Bullock, MLC, and Hon Nick Goiran, MLC. This committee is a joint standing committee of the Parliament of Western Australia. This hearing is a formal procedure of the Parliament and therefore commands the same respect given to the proceedings in the house itself. Even though the committee is not asking witnesses to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament. This is a public hearing and Hansard will be making a transcript of the proceedings for the public record. If you refer to any documents during your evidence, it would assist Hansard if you could provide the full title for the record. Before we proceed to the questions we have for you today, I need to ask you a series of questions. Firstly, have you completed the "Details of Witness" form?

The Witnesses: Yes.

The CHAIRMAN: Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

The Witnesses: Yes.

The CHAIRMAN: Did you receive and read the information for witnesses briefing sheet provided with the "Details of Witness" form today?

The Witnesses: Yes.

The CHAIRMAN: Do you have any questions in relation to being a witness at today's hearing?

The Witnesses: No.

The CHAIRMAN: Thank you. We shall now move on to the proceedings as such. Firstly, Michelle, we thank you for having your annual report submitted on time. We knew there was never going to be any doubt about that but thank you very much, and may I congratulate you and your team on its preparation and the information that is involved in it.

Before we go on to our questions, I think it is much better if we give you an opportunity to express to us how you felt the year has been. I certainly would like to hear some of the achievements that you think you have made and also some of the areas that you think you perhaps did not get to where you wanted to get to and certainly, in particular, where you would like to be in this next 12 months.

Ms Scott: Thank you, Madam Chair. This year has been another year that has been very busy and active. I know that I have met with the committee throughout the year and the committee has a very active interest in my work. If I could just recap, though, for the committee, I have probably 15 or 16 full-time staff who are charged with the responsibilities and functions under the Commissioner for Children and Young People Act. If you look at section 19, you can see that the functions are considerable and extensive. Over the last year we have consolidated on the first year and some of the questions. I hope I will be given an opportunity to explain to the committee our activities in full. Suffice to say, we have been active in key areas of consulting with children and young people throughout the state, with their families, with stakeholders, community organisations and government agencies. That has been a very key part of our work and is reflected in my legislation. The other key area for me as commissioner is influencing outcomes for children throughout the state—the 500 000 West Australians. We do that in a number of ways: trying to influence policy, programs, services and legislation that enhance the wellbeing of children. The mechanisms for doing that are varied. Firstly, I am a strong advocate and meet regularly with ministers and directors general about areas of concern. We have made, I think, 33 submissions since the office's inception and we very actively participate in the parliamentary process in terms of the standing committees of the Western Australian Parliament and also federally. We take the opportunity to comment on legislation either proactively or when legislation is brought to my attention. All these indicate opportunities or provide us with opportunities to influence outcomes for children and young people. Some of the key areas of focus continue to be the early years and I would like to talk to the committee a bit further about that; issues around juvenile justice; issues around discrepancies in terms of regional and remote communities and access to basic services for children and young people throughout the state. Mental health is another area that we have concerns about, and on a positive note, celebrating and promoting the positive involvement of children and young people throughout the state and the positive way in which children and young people engage in their local communities to shape those communities and influence things and also the very positive programs that are taking place in Western Australia. That is just a very sort of brief overview, Madam Chair, of what we have been doing. It has been a very, very busy year and I think that will be continuing in the forthcoming years.

The CHAIRMAN: Commissioner, coming into the second year, did you find anything completely different which you missed the first year or has it really been building on what you started out previously?

Ms Scott: I think it has built on from the previous year. One of the wonderful opportunities I have as commissioner is that the capacity to travel and meet directly with people in communities is, I think, a great source of information and intelligence about what is going on in the community itself. I have access to the best research in relation to children and young people. I meet with directors general, senior officers and ministers and through that process I have a pretty good understanding of where the gaps are in terms of services. That is not to say we have exhausted the list of gaps, but I think the second year has really consolidated my view about what some of the critical areas of need are. One of the challenges for me as commissioner is that once you identify these significant challenges, how do you actually effect change in terms of community attitudes, perhaps, or even government response? I think one of the challenges this year has been that we have consistently highlighted, for example, in the early years the significant issues that remain here in Western Australia. We have an increasing population—birth rate and population rate. As the committee is aware, over the past five years there has been a 20 per cent increase in the birth rate in Western Australia and services just have failed to keep up with that demand. Parliamentary committees have come to the same conclusion as me, several of them now, and really the challenge is what do we do about it as a community and in terms of a government response to improving services for children and young people.

The CHAIRMAN: You said you want to expand on the early childhood years, would you like to do that now?

Ms Scott: Yes. I suppose that has been a critical issue. As the committee is aware, I have taken a particular approach in relation to the early years, drawing on the experience overseas and what is happening in other states, particularly Victoria and South Australia. I have advocated strongly that we have a plan for what we want to do in relation to children and young people zero to eight years of age. We need a plan like they have in some of those states. The commonwealth has just developed an early years framework, which has been endorsed by COAG. I think that is very good for the commonwealth. Western Australia very quickly needs to have that plan. That is something that I have been advocating very strongly for. I have also been calling for an office of early childhood to bring together the disparate programs, services and policy developments within government across a range of portfolios including health, education and communities. They are two key things and the third key thing, which is becoming a major part of my own activity in the absence of another government agency assuming responsibility, is measuring of outcomes for children and young people in Western Australia. We do not do that; we do not do it very well at all. Other states are more advanced; we are drawing on the work of Victoria and, more recently, Tasmania, and also international work that has been taking place. Robin is leading that project in my office—a monitoring framework—so I will be able to report to the committee and the community on the outcomes that we are actually achieving in Western Australia. I hope that that will add to my armoury in terms of convincing decision makers that this is a very important area for government and community investment, because it provides one of the best opportunities for us to give children a good start in life and make a difference to outcomes later in life.

Mr M.P. WHITELY: Michelle, so that is along the lines of what I think it is called the state of the state's children report in Victoria, which is produced every two years.

Ms Scott: That is right.

Mr M.P. WHITELY: We have had a previous discussion about the capacity of you to do that work without extra resourcing and, as I understand it, you do not have any extra resourcing to do it. I think the argument has been made that this information is out there; it just needs to be pulled together. Could you comment on whether you think that is an accurate assessment?

[8.50 am]

Ms Scott: I think that from our discussions there are two things. The funding is an issue that I would like to discuss with the committee at some point. I understand we are meeting in November to discuss my budget. I would like to come back to the committee at that stage about that, although initially I am looking at what I can do within my internal budget, so that is my first port of call. I am exploring that, and I am having discussions with a range of government agencies about those issues, including the Department of Treasury and Finance. What I find is that when I talk with people about what I think is a commonsense approach to this issue, the fact that we have significant public investment and we do not actually measure the outcomes, everyone says, "That's absolutely right, Michelle, and you're correct, and we need to do something about it." It is that latter thing that I am finding hard—that is, actually getting a commitment to do something about that, and actually start measuring the outcomes. But there is a significant appetite within government to do that, because it would be very helpful and useful information to government. That is the answer to the first part of the question. The second was that you asked me, I think, whether this information, in terms of the indicator and outcome information, exists. We think that probably broadly it does, but until we define which indicators we are looking at, we will not know that. We have had really good discussions with a whole range of very senior officers who are willing to work with us and believe they have access to that sort of information, but as we refine the outcomes and the indicators that we actually want to measure, we will know for certain whether that data is available.

Mr M.P. WHITELY: How is the Victorian data pulled together? Does it do its own research, or is it a desktop study of other research; and what agency in government actually has responsibility for it?

Ms Scott: What was previously their office for early childhood and education initiated that project. I think the project was about \$1.5 million originally, so it was quite a big project. In Victoria, they actually have legislation that governs the arrangements around that. That also includes governance by directors general across a range of agencies, so there is actually legislation that says that directors general will participate in this process, and they meet regularly. My recollection is that a lot of the data was available, but it was pulling it together. But in some cases I think they had to source the data; it was not readily available—that is my recollection anyway—but a lot of it was.

Mr M.P. WHITELY: You might have said, but what is the agency that has responsibility for this?

Ms Scott: It was the office for early childhood and education. That has now actually been absorbed into the education and early childhood department in Victoria.

Hon NICK GOIRAN: Commissioner, can I take you to the report, at page 30, and in particular the section under “Safety and protection: Alcohol restrictions”. The last paragraph in the first column there states —

The Commissioner actively supported the implementation of alcohol restrictions in Western Australian communities by requesting action through both media statements and representations to the Government.

My question is in relation to the next statement, which reads —

She called for the restrictions to be a part of a comprehensive, coordinated strategy and that service delivery should be managed by one lead agency to avoid the issues caused by fragmentation and duplication.

Can you comment on that as to whether that is being done, in your view?

Ms Scott: The short answer to that is no, and it remains a major area of concern for me. I appeared before a federal parliamentary inquiry on Friday—the Senate Select Committee on Regional and Remote Indigenous Communities. We had a discussion about that very issue, and the committee members advised me that they had recently been to the Kimberley, and been to Halls Creek and to Fitzroy where those alcohol restrictions are in place, and that the community had indicated to them exactly what I was saying: that there is no comprehensive approach in relation to other services. That is not to say that government is not looking at that. I understand, particularly from the Drug and Alcohol Office, that within their responsibility, they are looking at what they can do. But what I am calling for is that holistic approach to service delivery, and that is what I think is absent. In a community like Fitzroy, the alcohol restrictions have been in place for over 12 months now.

Hon NICK GOIRAN: Two years?

Ms Scott: Yes, 18 months or so. That is a concern to me, the longer this goes on. More recently, in the past couple of months, I also met with some members of the Fitzroy community, who indicated that that still was the case—an absence of a holistic, integrated approach in terms of other services.

Hon NICK GOIRAN: If I could just follow that up, has there been any response to your call on that issue from the government?

Ms Scott: The response has been when I have met with directors general, and also the formal responses when I have written to ministers and directors general is, yes, they understand the need for that. What I have not seen yet is the plan. Does that answer your question?

Hon NICK GOIRAN: Yes, you are answering the question. I am just not satisfied with the outcome.

Ms Scott: Yes; neither am I.

Mr M.P. WHITELEY: We were up there last week, and it is fair to say, I think, that we were all very impressed by the immediate effect of the restrictions, and we are very supportive of them. But one of the things that became clear was the impact of foetal alcohol spectrum disorder. We were given information that about 30 per cent, from memory, of the kids at the school have FASD, and it is quite severe—it has affected their short-term memory. Yet the school does not get any specific extra resourcing for that. It is wonderful that some sort of normality has been restored, although housing is still a problem, but there is no extra resourcing for FASD and the school is in danger of drowning in that problem. Have you any thoughts on that?

Ms Scott: The first community I went to as commissioner was Fitzroy. There were many issues, but the two major ones that people raised with me were, first, the alcohol restrictions, and the second issue was FASD—foetal alcohol spectrum disorder. That was May 2008, I think. At that stage different members in the community—parents, grandparents—the school and community organisations were saying to me, “We have an issue here in Fitzroy. We don’t even know the extent of it. Even getting children diagnosed is an issue, and once they are diagnosed, what specialist supports might you bring in to assist a child?” That high concentration in the community that does not have access to the specialist resources we might have in the Perth metropolitan area is a real challenge. Immediately after that visit, I came back and I met with some of the directors general and I met with various others and raised with them, “What are we doing at a state level about foetal alcohol spectrum disorder, and, in particular, what are we doing in Fitzroy?” The health advisory network, which is part of the health department, is developing a model of care. The Department for Communities does some work, and they bring an international expert over periodically, who actually has been to Fitzroy. I am very supportive of those initiatives. Once again, I think it raises the issue that Mr Goiran was raising before; that is, when there is an issue like that and it involves several government agencies coming together to resolve it or address it, it seems to take an extraordinary amount of time. The people in Fitzroy probably told you that, in the absence of that, they get on and are developing something themselves. June Oscar and the health service have actually started working with a GP in developing up their own model of support. I think it is a very important issue. It is an issue, actually, that has not been given much attention nationwide in Australia, and has only recently come on to the agenda for Ministers for Health, for example, in the past couple of years. There is an urgent need to identify what the problem is for individuals and provide practical support, practical advice, for parents and for other professionals such as teachers about how do you relate to a child in that situation.

[9.00 am]

Recently, in the last six months, I addressed a forum that teachers and principals were at—another community—and a deputy principal came up to me and said, “If you could do anything, could you do something about FASD? We have all these kids with FASD and we just don’t know what to do. We want to do something, but we just don’t have the training, the expertise and the specialist resources that are required to assist them.” As you appreciate, there is a range of behaviours and disability, so you cannot generalise. So that is quite important; it is quite specific.

Hon NICK GOIRAN: Commissioner, can I please follow up on that? You mentioned that there is an urgent need. Can I put it to you that the need is greater than that. I think that the word—it is no criticism at all of you, commissioner—“urgent” has lost some of its true meaning. I think that it is probably not at the emergency level that it was previously in Fitzroy Crossing, hence the need for the alcohol restrictions, but the fact is that we are going to come up to two years and you have called for something to be done, which, from my view, seems quite a reasonable request, and it sounds to me from what I am hearing that actually nothing has been done about that. There has been rhetoric about it, but there has actually been no follow-up. We are coming up to two years and we are talking about children with a form of brain damage who are supposed to be the leaders of the future for that community and throughout Western Australia, and as each month goes on, we restrict the ability for them to get the proper education. Therefore, it seems to fly in the face of the

suggestion of minimising the gap. Here we have a very real and live situation and very little has been done about it—or it has been done, from what I can see, in a piecemeal fashion. I guess the point of my comment, commissioner, is that I would certainly encourage, from my point of view, that we escalate things above “urgent” in this situation, because it sounds to me that unless people shout out—I think that is one of your catchcries—nothing happens.

Ms Scott: I am not sure how members of the committee felt when you went to the Kimberley, but having been a number of times myself as commissioner, I am surprised at just the lack of information in metropolitan Perth about the living conditions of people in those communities and the lack of access. One of the issues that I have raised previously—I think I have mentioned it to the committee in a couple of the briefings—and a good example is the Fitzroy high school. When I first visited it—which predates the new school, which you probably visited, which is fantastic—the acting principal at that stage said to me that as a result of the violence and the alcohol in the community, many of the children in his school had experienced trauma at a level that we cannot even comprehend. So, if I relate it to myself, my own daughter’s situation is that she has experienced the death of grandparents. He was saying that these kids have experienced multiple deaths in their community, extreme violence in their community, and there is not one child psychologist employed by the mental health services in the whole of the Kimberley to deal with trauma. I have raised that many, many times. I think it is an unacceptable standard of service and support. It seems that you must get to some degree in a state—people do not appreciate that children do not have access to these kinds of services.

Mr M.P. WHITELY: I had not been to Fitzroy Crossing for 15 years, and the physical improvement, and also the fact that the place was full of sober people, not drunk people, was striking and very positive. People like June Oscar are incredibly impressive, and the new high school is incredibly impressive—money has been spent there—so the whole place looks better, but the difficulty is that it is very easy to say, “Oh, yeah, that’s the problem solved.” That is the way we tend to think. But that school, to me, obviously needs extra staff now. It cannot wait for a whole-of-government commonwealth and state response to FASD; we need to recognise that these kids are suffering and, as Nick said, many of them are suffering a form of brain damage and they need extra support, otherwise that community will continue to drown as a result of what has happened in the past.

Ms Scott: Just on the child psychologist issue, that is something that I put to the director of mental health services. They are undergoing a major review of child and adolescent mental health services. I said that is fantastic, but in the meantime, right now, this is what is needed—practical, on-the-ground, basic services. That is what it is. I think I have mentioned this to the committee on a number of occasions. These kinds of investments are not to prevent problems in the future; kids have these needs right now. That is what they are about, and getting some priority for this issue. I travelled to other areas in the Kimberley as well as other communities, and those communities that do not have alcohol restrictions are saying that they desperately want them, but they are also saying that they want activities for kids, they want safe houses, they want good education, they want employment—they want all those things that will enable their community to function, develop and grow.

The CHAIRMAN: I think it was actually quite interesting, too, that Fitzroy actually does have a school psychologist, but only because she is married to a teacher who has gone there this year, so once again it is that ad hoc way of getting some things looking like they are happening, but if the teacher leaves, she goes too; she is not there in her professional capacity herself.

Hon HELEN BULLOCK: To completely change the subject, we touched on the Shout Out program. Can you just elaborate on that a bit? I just find that quite interesting.

Ms Scott: We developed, if you like, a tool or a mechanism for communicating directly with children and young people. Firstly, we asked children and young people whether they thought that

that was a good idea, and they said yes. We have developed it in a number of ways. One is that whenever I visit communities, obviously, I meet directly with children and young people. That remains the main way of me and my staff communicating—that is, face-to-face personal contact. I visit a lot of schools in the metropolitan area, a lot of groups of children. But we wanted to have some way that they could sort of relate to my office that was not the Commissioner for Children and Young People. You are going to meet, I think, with the English commissioner on Friday. The English commissioner does not actually call his office the commissioner for children; he calls it 11 million. So if you look at his website and everything, that was all developed with kids. We did a similar thing in terms of Shout Out. It was a mechanism for communicating directly with children and young people. We are in the process of developing some newsletters. It is our online mechanism for doing that, and that is a developing method of communicating with young people, but it is not the sole mechanism. I want to emphasise to the committee that person to person and face to face directly with a child and a young person and others is really still the most critical way of communicating.

The CHAIRMAN: Michelle, I am going to change direction again. You were talking about that ability to influence ministers, directors general, legislation. How do you think you are going there, and are there any pitfalls?

Ms Scott: I think that I have a very positive and good relationship with directors general and ministers. All the issues that I have raised to date, people acknowledge are issues. I suppose it really is the next stage of what happens about that. Just in that early childhood area, the committee members are aware of the child health issues in Western Australia, and we have had now two parliamentary committees that have also reinforced the views that I have held and put to government. That is urgent, too, and needs to be addressed; and in this economic climate I think it still needs to be addressed. The challenge is getting it addressed.

[9.10 am]

Hon NICK GOIRAN: Can I ask, commissioner, moving on to your reports to children under 13 years of age?

Ms Scott: Yes.

Hon NICK GOIRAN: I have to confess that it is the first time I have come across it. I did not realise that this had been done. I think this is the second year this has been done.

Ms Scott: That is right.

Hon NICK GOIRAN: There is also another one, which I will refer to later, for over 12 years of age. But for the time being for the one under 13 years of age, I am just curious to know whether there has been any feedback on the take-up of this; in other words, under the age of 13 is a very broad category. What is the authentic age range that children are actually going to engage with a report of this nature?

Ms Scott: I cannot say that we have had the feedback this year, but last year when we produced the report, we specifically sought feedback from kids and young people. The first report was received positively in the sense of the reports back from kids and young people. We went to specific schools: this is our report; what did you think; could you read it; did it appeal to you? The general appeal was: it is really colourful and bright, and that is good; we do not want so many words; and we like more pictures because then we can sort of understand it. So, as you are aware, this is a statutory obligation under the act, so that is why we produce these reports. I have not had feedback this year but we intend to seek that feedback so that we are learning each year.

Hon NICK GOIRAN: Can I just encourage the commissioner to follow that through, because whilst it is a statutory requirement, my attitude is that these things need to have some take-up and some meaning, otherwise the statute becomes meaningless. I am not in any way criticising the document that has been prepared; I am merely curious as a father of several children in that age

range and I can imagine the reaction I would probably get if I presented this to some of mine. But admittedly, again, that is why I am asking you about the age range, because one of my daughters is seven and I do not know that she would necessarily engage with something like this, but perhaps a 10, 11 or 12-year-old may well do so—just a general comment. The other comment I want to make in terms of the reports, and it probably crosses over to the other report for over 12 years of age as well, is where there is a section which reports back to the children on what they have said and then there is a following sheet which indicates what the commissioner has done in relation to that, I support all of that style, if you like, in terms of repeating back the feedback and indicating the action that has been done. My only query is that nowhere that I could find in the reports do we send the message to children that the relationship between them and their parents and being involved in strong families is critical to their overall wellbeing and their happiness. So it seemed to me on reading the report that there was feedback from the children on certain issues and there has been follow-up that is good, but I wonder if there is scope for the commissioner to, if you like, broaden some of the perspectives of the children as well. So, just like we have got the message there saying, “We are encouraging you to shout out about issues”, I would have also thought there was scope to say, “We are also encouraging you to be actively involved in your family situation, to be a strong contributor in your family”, because at the end of the day I would have thought in order for children to be most well adjusted, it is very interdependent with the relationship with their carers and providers, guardians, parents, whatever situation they might find themselves in. So, just a general comment there, for what it is worth.

Ms Scott: Thank you.

Hon HELEN BULLOCK: From your report, I know that you travelled extensively through this WA state. One of the problems you identified in the remote area was not much things for young people to do. I think after you came back you actually mentioned that and took up the issue with the relevant departments and personnel. I am just wondering in the coming year or years do you have the intention to go back to those communities to sort of follow the issue up to see if there is anything that has been done?

Ms Scott: Yes, I would like to do that. As you have probably seen from the report, I have travelled to the Kimberley quite a bit and also down south. I have some priorities over the next 12 months, which is the wheatbelt area and there are particular areas I have missed and I have not travelled to yet. So that is my immediate priority. I would like to return to some of those communities. Even a community like Fitzroy I would like to go back and see again and talk with them. We also keep in contact with some of the key stakeholders in those communities and —

Hon HELEN BULLOCK: Do you keep some kind of a log that says, “In this community I identify this problem and this is what I need and I would like to go back and follow the issue up”?

Ms Scott: Yes, we do. Every community we visit we keep records of what the issues are and what actions we have taken. The issue of activities for kids just seems to be everywhere I go—down south, up north et cetera. It is very interesting, I met with the English commissioner myself earlier this week and he said that that was a significant issue in England as well. So it is quite interesting, is it not? So that is an area that remains outstanding, I think, in terms of a comprehensive approach here in Western Australia, and I will continue to push for that. I very much would like to return to some of those communities. That will depend on budget; it is very expensive to go to some of those communities. That is another issue I would like to discuss with the committee. I also want to put in place—it may not be me that returns to the community, but Robin or my staff who can maintain that contact; so yes.

Hon HELEN BULLOCK: By saying that, I just want to say that I think we should track the issue up and do what we can to push things along basically.

Ms Scott: Yes, thank you.

Mr M.P. WHITELY: Michelle, I have an issue that I have been trying to get some interests to buy into and it comes out of other concern and other anecdotal evidence in Western Australia and research that has been done in other jurisdictions—that is, New South Wales and Queensland. It is the number of kids in foster care or living in state-run institutions that are on either antipsychotics, antidepressants or amphetamines. I cannot remember the proportion but I think it was the New South Wales Public Guardian did a report that showed, I think, 50 per cent of kids in institutions and 25 per cent of kids in care were on some form of psychotropic medication. It made big news over there as it being a way of actually substituting proper care for these kids. Obviously they often come from traumatised backgrounds and have got deep emotional needs, and the assertion has been made that those needs are not being met and that they are, in fact, being covered up. My concern is that I have actually approached the relevant minister and even the Premier trying to get information about the number of kids in care in Western Australia that are on these, and the response has come back that it would take too much effort to actually collect the information because you would have to have a review of case files. I think somebody needs somewhere to be doing it, because I believe kids in care are the most vulnerable and often damaged kids. Have you followed the work in those other jurisdictions and do you have any thoughts on the issue?

Ms Scott: I have and there has been some discussion at commissioner level across the states about ADHD and also FASD as well and what some of those concerns are. Queensland particularly has been quite active in that area and they have been leading that role nationally. I appreciate your comments; it is an important area; and children in care are extremely vulnerable.

[9.20 am]

Mr M.P. WHITELY: It is actually not just ADHD; it is actually the use of antidepressants, antipsychotics and anxiety drugs as well—the whole lot of them. It is not ADHD on its own. If you do not do the research and then you do not know how the problem is, you do not have to respond. I think that getting that first level of response which is saying, “How big is the problem?” is being avoided. I think somebody somewhere needs to be asking that question.

The CHAIRMAN: Commissioner, can I just ask if you could give us an up-date on the status of the well-being research project that started in the second half of the year?

Ms Scott: Yes, we started it. The tender was awarded in May of this year. They had commenced their work. They had ethics approval for the work. The work obviously involves working with children. They have already started the data collection. I think some in the metro area and some down south. They also have a commitment—I am just going by memory here, Robin—but in Derby and Fitzroy and also the wheatbelt and Australind. So it has already started, and we hope to have most of the data by December this year. The project will not be complete until early next year. I think that will provide us with very useful information.

The CHAIRMAN: Also, could you just provide the committee with the progress of establishing advisory groups consisting of children and young people?

Ms Scott: Yes, I can. As the committee is aware, for the first couple of years I was not wanting to rush into establishing advisory committees just for the sake of it. I used existing mechanisms. I want to say to the committee that we have been promoting the active participation of children and young people. You probably read in our annual report of two major projects, which were the Western Australian Museum and also the clinical health senate, which informs the corporate executive of the health department. Those are just two concrete examples where we have worked in partnership with those organisations to actively involve children and young people. Shout Out was developed. The website was developed. We talked to other stakeholders but we also consulted with children and young people. Some of the children who were involved in that consultation were children I had met in Derby and children that I had met in Hedland, so we would go back to them and say, “The commissioner would like your views now on this.” That was a way of maintaining contact with them and also getting advice for me. What we have decided to do, though, is to establish two

advisory committees, one in the regional areas and one in the metropolitan area. The approach that I am taking this year, which will be subject to review and evaluation after 12 months, is rather than just select individuals to join an advisory committee, I am calling on existing groups that already exist in the community, would they like to nominate their group to be my advisory group for the year. The advertisements will go in the paper this week—just the public sort of advertisement—but we intend to write to local councils, relevant organisations, youth advisory councils, schools et cetera, advising them and seeing if we can elicit responses from those already established groups. So they just have to fill in a simple expression of interest. One of our staff can assist them with that. But it is an already established group. It will be operating for the full calendar year next year and it will be subject to review.

Hon NICK GOIRAN: Can I just clarify then, just so that I understand it correctly, that the intention is to seek out an existing group to be the advisory panel for a calendar period?

Ms Scott: Yes.

Hon NICK GOIRAN: Can I just express a word of caution about that approach. Some groups may congregate together all from one perspective and, therefore, you might not get a broad range of perspective from that advisory council if everyone turns up to the table with the same world view. That would be the only danger I see with that. But I am sure, commissioner, you would be able to see through any inappropriate agendas that might be pushed through by the advisory panel. That would be the one danger. I appreciate that, if I can call it, it is a worthwhile thing to do.

Ms Scott: One of the criteria for people for the group to nominate is that they have to show how they do reflect the broader community and how they will be able to engage more broadly, not just with their own group but with the community. One of the projects for each advisory committee is that they have to nominate a community project that they would be involved in. So I think with those requirements we hope that they will be more reflective of a broad range of kids issues in their community.

Hon HELEN BULLOCK: Just in your annual report, in the operations and activities heading, you actually identified four of them: consult directly with children and young people—that is good; give a voice to children and young people; and the third one, you can do a lot by influencing the policy. Through the influencing of those policies, do you think any outcomes changed through your influence?

Ms Scott: Yes, I do. The English commissioner and I were discussing this issue the other day. There are a number of areas where I have been very active where I think we have influenced the agenda, not necessarily to the full extent that I would like, but there are certainly some areas where I think that that is the case in the first two years. One area I was very active in, and working with other commissioners, was around paid parental leave, and the federal government has announced that it will support that. It was important, in terms of children and support for mothers when they have children, to have at least six months paid parental leave. It was a campaign that we were very actively involved in. Another area that we have been involved in federally is actively supporting the ABC having a children's channel. The government has announced that it will also develop that proposal. The Early Years agenda, despite not getting as far as I would like, the fact that it is on the agenda for government I think is a very big advance. It was not 12 or 18 months ago. It was not an issue that was being looked at. It was not then taken seriously. The fact that the government commissioned an independent person to conduct a review—we do not know the outcome of that yet—meant that government was taking that seriously. That is an area where I think we have had some influence. On other areas, such as a complaints policy, the committee is aware that I produced some guidelines. We have had informally very good response to that. But from my meetings with director generals about that, they have started to take this issue seriously. We have actually got a project now which we are going to develop and implement over the next six to 12 months. Drilling down further to see how government agencies have responded to that, one approach we had recently

was from the Ombudsman who said, “We are doing a survey of all the complaints procedures in government. Because of the work you are doing, we would like to ensure that government agencies that deal with children and young people—we want to know whether they have developed specific policies for children and young people.” So now that has become a part of the work that they are doing. There are those sorts of areas.

[9.30 am]

The CHAIRMAN: I do not think that we have any further questions. I think you have covered most areas very satisfactorily; thank you, commissioner. Before I finish, is there anything else that we have not covered that you would like to mention?

Ms Scott: I suppose, just in summary, Madam Chair, I would like to say that a key role for the commissioner is to turn the spotlight on gaps in services and programs for children and young people and also to turn the spotlight on the positive contribution they are making and the positive programs that are supporting them and their families here in Western Australia. That has been a focus in the first two years, and it will continue to be a focus for me as commissioner.

In terms of some of the additional significant issues other than what we have already canvassed here today, I would like to draw the committee’s attention to page 44 of my annual report, which canvasses just four or five key issues that will continue to be areas that I will be focusing on in the forthcoming year—the significant population growth and increasing numbers of children and young people; the wellbeing of children and young people; and improved outcome reporting. I think that there are two others. You can read them anyway. One is about —

The CHAIRMAN: Disparity in regional services.

Ms Scott: Exactly, and collaboration is the other. We have canvassed some of those issues around collaboration today. Collaboration is not only at a state level. There is a significant involvement at a federal government level, particularly through COAG initiatives. It is at the commonwealth-state level as well. They are some of the key things that I will be focusing on.

The CHAIRMAN: I can certainly say that we look forward to working through them with you and supporting where possible.

Ms Scott: Thank you.

The CHAIRMAN: I will close the hearing now. I thank you for appearing before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days of 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 submission for the committee’s consideration when you return your corrected transcript of evidence. Thank you all and may I thank the media for attending today as well.

Hearing concluded at 9.34 am

APPENDIX FOUR

TRANSCRIPT OF RADIO INTERVIEW WITH THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

The following is a transcript of an interview with the Commissioner for Children and Young People, Ms Michelle Scott (**MS**) which aired on RTR FM on Wednesday 9 December 2009.⁹⁹ The presenter was Mr Damian Smith (**DS**).

DS: The WA Commissioner for Children and Young People, Michelle Scott has just returned from her second visit to Fitzroy Crossing and she says things are improving for the troubled community in the state's remote north but there's still work to be done. It wasn't so long ago this town was hitting the news every other week for all the wrong reasons and in fact it still gets a bad wrap I think but not quite so often. So what has changed? The Commissioner last visited Fitzroy Crossing in May of last year so I asked her what improvements she had seen in the situation since then.

MS: I think the alcohol restrictions are really having a positive impact in the community and the community is a lot calmer and the police reported to me reductions in family violence. Other community organisations reported to me that children were a lot safer. I also visited the school in the Fitzroy Valley - the district high school - which is a brand new school and since I've been to Fitzroy that's been completed and I met with some of the children and I could see just having the new facilities at the school were very positive for the community as well and I suppose the final thing that I really noticed was that agencies and the community are working a lot more together and cooperatively and sharing information and working together to determine what are the further priorities that need to be addressed in the community.

DS: What was the trigger for those agencies being able to work together in a more effective fashion?

MS: I think that around the alcohol restrictions there was a lot of community engagement and discussion about those issues and how important the alcohol restrictions were in the community. And through the Department of Indigenous Affairs the Fitzroy Futures Forum has been created as a vehicle by which agencies and members of the community can come together, share information and also determine what sorts of other services and supports need to be brought into the Fitzroy Valley so I think that mechanism which had been started on my first visit has really sort of consolidated now and agencies and community are working together very well.

⁹⁹ RTR FM, 'Commissioner sees signs of hope', 9 December 2009. Available at: www.rtrfm.com.au/stories/type/current/category/local/1759 Accessed on 11 December 2009.

DS: So alcohol restrictions are starting to take effect but you have called for more supports and services for the town. What specifically do you mean by that?

MS: I have been very concerned that alcohol restrictions alone aren't the answer to Fitzroy Valley and they're not the answer to many communities. They are a very important element or ingredient to ensuring children are safe however children and their families need more supports than that and some of the very basic things that I called for in May 2008 are still required in Fitzroy today. Those kinds of things are alcohol rehabilitation services, comprehensive mental health services. I've been advised by the Department of Health that there is not one adolescent and child psychologist employed by the mental health services in the whole of the Kimberley. There is a child and adolescent mental health worker in the Fitzroy Valley - she is overrun with demands and we need many more positions in terms of supporting children who have been traumatised and families who have been traumatised by family violence, alcoholism and the high suicides that have occurred in that community. They're some of the things that we need now. We also need basic recreational activities for kids. Before school programs, holiday programs, after school activities and I know that they're things that people in Fitzroy raised with me specifically as requiring urgent attention.

DS: Are these kind of issues particular to Fitzroy Crossing because of its remote nature or can you see elements of them in for example the metropolitan area as well?

MS: Yes, everywhere I have gone throughout the whole of the state in regional metropolitan areas young people raised with me and their families the need for more positive activities for kids to get involved in. There's obviously more choice here in the metropolitan area but in many regional communities kids and their families raise that as a number one priority. Also in terms of remote and regional communities and you don't have to go very far outside of Perth, there is a desperate need for comprehensive mental health services. Specially trained people to work with kids and their families from the very sort of mild issues that kids and parents confront in raising kids through to the more serious end where children are experiencing considerable and serious mental health issues and their families need intense support for those children. So some of the issues are not only to be found in Fitzroy they're found in other regional areas and mental health is a common area. Keeping kids safe - safe houses, hostels for kids to attend schools in a regional centre rather than coming out from remote communities, they're all common issues particularly in the Kimberley that families and community organisations are raising with me.

DS: I wanted to briefly ask you also about a recent federal government announcement. It looks like they're planning to bring in income management across the nation which basically requires people to spend a certain part of their welfare on essentials like food and rent. Do you think it helps?

MS: I think that the evaluations that I've seen so far would indicate that there's some benefit to some families. Already many families have been doing this for years with their Centrelink payment voluntarily asking for certain moneys to be paid for their rent etc. etc. I think income management is just one strategy and what you need behind that are some of the services I just talked about to assist families and also another common sense strategy is many families are crying out for parenting programs. Many parents are saying they don't have the skills to parent. So it's not just about income management it's about a comprehensive range of services that a particular

family might need. So income management on its own just like alcohol restrictions on their own won't be enough. We need comprehensive services for families that are not functioning very well.

DS: Do you have trouble with the argument that people need to be taught to be more responsible with what they do rather than having their hand held and given more bureaucracy?

MS: I think that everywhere I go a lot of parents are asking for more parenting skills - either have someone come into their home to assist them to model parenting behaviour. Also in some families they're asking for basic homemaker services so that they can learn the skills to manage their budget, manage the family finances and manage their household. So many communities are asking for that. Income management has its place but we need some of these other skill based programs that will really in the long-term help parents to be better parents. Some adults have missed out on that and that's what we have to try and rebuild that capacity and those parents' capacity to parent well.

DS: Just briefly what can you do to make these things happen not just in Fitzroy Crossing but across the state? What power do you have to try to push these things forward?

MS: My key role is to turn the spotlight on some of these issues and to advocate to government what programs and initiatives should be put in place. I work at a number of different levels meeting with Directors General raising these issues personally with them, writing more formally to them where I think that's warranted and also meeting with Ministers and writing more formally to them as well. I have also raised issues with my Parliamentary Committee. I report to a Parliamentary Committee - I'm independent of government and so I've raised a number of these issues in my evidence to my Parliamentary Committee. And also each year I table an Annual Report and it's for Parliament to see, for Members of Parliament to see that these are the critical sorts of issues in the community and to take action about them.