



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

ANNUAL REPORT 2010-2011

Report No. 7

in the 38th Parliament

2011

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Joint Standing Committee on the Commissioner for Children and Young People

Annual Report 2010-2011

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AND YOUNG PEOPLE***

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Report No. 7

Presented by:

Ms A.R. Mitchell, MLA and Hon H.H. Bullock, MLC

Laid on the Table of the Legislative Council and Legislative Assembly
on 29 September 2011

COMMITTEE MEMBERS

Chairman	Ms A.R. Mitchell, MLA Member for Kingsley
Deputy Chairman	Mr M.P. Whitely, MLA Member for Bassendean
Members	Hon H.H. Bullock, MLC Member for Mining and Pastoral Region Hon N.P. Goiran, MLC Member for South Metropolitan Region

COMMITTEE STAFF

Principal Research Officer	Ms Dawn Dickinson, (until 1 April 2011)
Principal Research Officer	Ms Renée Gould, (from 4 April 2011)

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TABLE OF CONTENTS

COMMITTEE MEMBERS	i
COMMITTEE STAFF	i
COMMITTEE ADDRESS	i
COMMITTEE'S FUNCTIONS AND POWERS.....	v
CHAIRMAN'S FOREWORD	vii
CHAPTER 1 COMMITTEE ACTIVITIES.....	1
1.1 INTRODUCTION	1
1.2 PUBLIC HEARINGS	2
1.3 BRIEFINGS	2
1.4 INVESTIGATIVE TRAVEL.....	5
1.5 REPORTS TABLED	6
1.6 WORK IN PROGRESS	6
CHAPTER 2 FINANCIAL STATEMENT	9

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 the seventh report of the Joint Standing Committee on the Commissioner for Children and Young People and the Committee's third Annual Report in the 38th Parliament. In the period under review the Committee broadened the scope of its oversight role of the Commission. This is in part because the Commissioner continued to develop the role in the 2010-2011 financial year, and in part because the Committee advanced its own study into the Commissioner's functions during this period.

One notable development in the Commissioner's work resulted in the tabling of the *Report of the Inquiry into the health and wellbeing of children and young people in Western Australia*, the first such inquiry performed by the Commissioner under Section 19(f) of the Commissioner for Children and Young People Act 2006 (the Act). Another was the expansion of the outcomes of the Commissioner's wellbeing research, completed in June 2010, being progressed into numerous policy briefs and other related material during the period under review. These publications were indicative of the type of work that the Commissioner continued to develop and were subsequently examined by the Committee. One such examination included a comprehensive review of the Commissioner's 2009-2010 Annual report within which the Committee not only followed up on matters from the previous year but focussed on the Commissioner's capacity to influence outcomes.

The Committee will continue to review the activities of the Commissioner in the coming year. In doing so, the Committee has agreed to continue its own study into how the Commissioner applies the functions required by the Act in the broader context of what the role is intended to accomplish. The Committee also resolved to assess the Commissioner's recent Inquiry with respect to the exercise of Section 19(f) of the Commissioner's Act; the outcome of which will be reported to Parliament in 2012. The Committee's activities in 2010-11 and proposed work for 2011-12 are detailed in the sections that follow.

I would like to acknowledge the ongoing cooperation of the Commissioner for Children and Young People, Ms Michelle Scott, and her staff. I thank the other Members of the Committee for their sustained contribution: 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). Finally, I would also like to acknowledge the assistance provided by the Committee's Principal Research Officer, Ms Dawn Dickinson, who worked with the Committee until April 2011 and to welcome the new Principal Research Officer, Ms Renée Gould.



MS A.R. MITCHELL, MLA
CHAIRMAN

CHAPTER 1 COMMITTEE ACTIVITIES

1.1 Introduction

The Joint Standing Committee on the Commissioner for Children and Young People ('the Committee') was re-formed in the 38th Parliament in November 2008. The Committee is tasked with examining the exercise of the functions of the Western Australian Commissioner for Children and Young People ('the Commissioner') as defined by the *Commissioner for Children and Young People Act 2006* ('the Act'). Western Australia's inaugural Commissioner, Ms Michelle Scott was appointed to the role in December 2007 and is an independent advocate for children and young people in Western Australia aged 0 to 18 years. The Committee's oversight role is significant in preserving the Commissioner's independence given that the Commissioner does not report to a Minister.

This report details the activities of the Committee in the period 1 July 2010 to 30 June 2011, during which time the Committee adopted a similar approach to the previous financial year in the conduct of its oversight functions including: regular hearings and briefings with the Commissioner; the examination of the Commissioner's publications and activities, and a review of the Commissioner's Annual Report. In addition, the Committee undertook investigative travel to facilitate its own in-depth study into the Commissioner's functions through assessing the activities and legislative models of similar Commissioner's in other jurisdictions.

During the course of this reporting period (Table 1.1), the Committee:

- Held 26 deliberative meetings;
- Has taken evidence from/or was briefed by 40 persons;
- Undertook investigative travel to Melbourne and Wellington in New Zealand in August 2010 and to Brisbane and Darwin in May 2011.

Table 1.1

Summary of activities of the Joint Standing Committee on the Commissioner for Children and Young People, 1 July 2010 - 30 June 2011

Description	Activity
Briefings	17
Deliberative meetings	26
Formal evidence hearings	2
Witnesses appearing	2

Description	Activity
Reports tabled	3
Report findings tabled	6
Report recommendations tabled	4

1.2 Public Hearings

Pursuant to Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2010 - 30 June 2011, the Committee conducted 2 public hearings, taking evidence from 2 witnesses to assist with its investigations (Table 1.2).

Table 1.2

Public Hearings of the Joint Standing Committee on the Commissioner for Children and Young People, 1 July 2010 - 30 June 2011

Date	Witness	Position	Organisation
13 October 2010	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
16 March 2010	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

1.3 Briefings

In addition to gathering evidence during the formal hearings, the Committee received a number of informal briefings. The briefings were used to gain information to assist with the Committee's examinations as well as other matters (Table 1.3).

Table 1.3**Briefings provided to the Joint Standing Committee on the Commissioner for Children and Young People, 1 July 2010 - 30 June 2011**

Date	Name	Position	Organisation
23 August 2010	Mr Bernie Geary OAM	Child Safety Commissioner	Office of the Child Safety Commissioner (Vic)
24 August 2010	Hon Maxine Morand, MP	Minister for Children and Early Childhood Development (Fmr).	Victorian Legislative Assembly
24 August 2010	Professor Peter Dawkins	Secretary	Department of Education and Early Childhood Development (DEECD)
	Mr Paul Linossier	Acting Deputy Secretary Office for Children and Portfolio Coordination	Department of Education and Early Childhood Development (DEECD)
	Ms Michelle Hill	Acting General Manager Data Outcomes and Evaluation	Department of Education and Early Childhood Development (DEECD)
25 August 2010	Dr John Angus	Children's Commissioner for New Zealand	Office of the Children's Commissioner (NZ)
	Ms Audrey Barber	General Manager	Office of the Children's Commissioner (NZ)
25 August 2010	Mr Murray Edridge	Chairperson and CEO of Barnardos NZ	Every Child Counts (NZ)
	Ms Jenny Prince	Member and CEO of Royal NZ Plunket Society	Every Child Counts (NZ)
	Ms Cathy Kern	Member	Every Child Counts (NZ)
	Mr Mike Coleman	Project Manager	Every Child Counts (NZ)
	Ms Barbara Lambourn	Member and Advocacy Manager for UNICEF NZ	Every Child Counts (NZ)
26 August 2010	Mr Carl Crafar	General Manager	Ministry of Youth Development
	Ms Jody Hamilton	General Manager, Centre for Social Research and Evaluation	Ministry of Social Development

JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

CHAPTER 1

Date	Name	Position	Organisation
	Mr Holden Hohaia	General Manager, Child, Family and Community Policy	Ministry of Social Development
17 November 2010	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
14 December 2010	Judge Denis Reynolds	President	Children's Court of Western Australia
9 May 2011	Ms Elizabeth Fraser	Commissioner for Children and Young People and Child Guardian	Commission for Children and Young People and Child Guardian (Qld)
	Mr Barry Salmon	Assistant Commissioner	Commission for Children and Young People and Child Guardian (Qld)
	Mr Bob Van-Kempen	Executive Director	Commission for Children and Young People and Child Guardian (Qld)
	Mr Lyle Gerbich	Manager Strategic Co-ordination and Reporting.	Commission for Children and Young People and Child Guardian (Qld)
10 May 2011	Mr Siyavash Doostkhah	Director	Youth Affairs Network of Queensland
10 May 2011	Hon. Karen Struthers, MP	Minister for Community Services and Housing, and Minister for Women	Queensland Legislative Assembly
10 May 2011	Ms Kerry Holst	Executive Director, Office of Early Childhood Education and Care (ECEC)	Department of Education and Training (Qld)
	Mr Brett O'Connor	Acting Executive Director, Student Services	Department of Education and Training (Qld)
	Suzanne Rothwell	Director Disability Review and Student Wellbeing.	Department of Education and Training (Qld)
10 May 2011	Ms Better Kille	Associate Director-General, Strategy, Policy, Programs and Performance	Department of Communities (Qld)
	Ms Cathy Taylor	Executive Director, Child Safety, Youth and Families Policy and Performance	Department of Communities (Qld)

Date	Name	Position	Organisation
11 May 2011	Dr Howard Bath	Children's Commissioner	Children's Commissioner for the Northern Territory
	Ms Hilary Berry	Senior Policy Officer	Children's Commissioner for the Northern Territory
12 May 2011	Ms Claire Gardiner-Barnes	Acting Chief Executive Officer	Department of Children and Families (NT)
	Ms Bronwyn Thompson	Director Care and Protection Policy	Department of Children and Families (NT)
	Ms Lorraine Williams	Executive Director Regional Services	Department of Children and Families (NT)
12 May 2011	Mr Chips Mackinolty	Manager - Research Advocacy Policy	Aboriginal Medical Services Alliance Northern Territory (AMSANT)
	Ms Michelle Brown	Child Protection Policy Advisor	Aboriginal Medical Services Alliance Northern Territory (AMSANT)
	Ms Barbara Cummings	Project Officer	Aboriginal Medical Services Alliance Northern Territory (AMSANT)
12 May 2011	Mr David Cole	Founder and Director	Balunu Foundation

1.4 Investigative Travel

During the period under review the Committee undertook investigative travel to Melbourne and Wellington (New Zealand) in August 2010 and Brisbane and Darwin in May 2011. During this travel the Committee held briefings with the Children's Commissioner (or equivalent) in each jurisdiction with a view to gaining an insight into the activities and functions of similar Commissioners in these jurisdictions. To further inform this work, the Committee met with relevant Ministers, senior staff from relevant state government departments and representatives from non government organisations. The Committee's briefings were used to inform its ongoing review on the exercise of the functions of the Children's Commissioner.

Table 1.3 (above) lists the individuals the Committee met with during its travel over this period.

1.5 Reports Tabled

The Committee tabled three reports during the period 1 July 2010 - 30 June 2011.

Report No 4—*Joint Standing Committee on the Commissioner for Children and Young People 2008-2009 Annual Report* was tabled in the Legislative Assembly and the Legislative Council on 16 September 2010.

Report No 5—*Functions and Powers of the Joint Standing Committee on the Commissioner for Children and Young People* was tabled in the Legislative Assembly and the Legislative Council on 25 November 2010.

Report No 6—*Review of the 2009-2010 Annual Report of the Commissioner for Children and Young People* was tabled in the Legislative Assembly and the Legislative Council on 7 April 2011.

1.6 Work in Progress

In the period under review, the Committee has continued to monitor, review and report to Parliament on the exercise of the functions of the Commissioner via regular hearings with the Commissioner and through its review of the Commissioner's Annual Report. In 2011-2012 the Committee will continue to consult regularly with the Commissioner through public hearings and briefings, and will report to Parliament on its examination of the Commissioner's activities through its review of the Commissioner's annual report in early 2012.

The Committee continued its study into the Commissioner's functions during 2010-11. The purpose of this study is to broadly consider the appropriateness of the Commissioner's legislated functions.¹ During this period the Committee examined the activities and legislative models of similar Commissioner's in other jurisdictions.² By seeing first hand how other Commissioner's and relevant agencies operate in advocating for children and/or promoting the wellbeing of children and young people, the Committee was able to gain a better insight into the functions themselves and how the role in Western Australia might develop. To further augment this study, the Committee is continuing this work in 2011-12. Further hearings and briefings will be scheduled in 2012. The Committee expects to report to Parliament on the outcomes of this important study in 2012.

¹ Joint Standing Committee on the Commissioner for Children and Young People, *Functions and Powers of the Joint Standing Committee on the Commissioner for Children and Young People*, Parliament of Western Australia, Perth, November 2010, p4.

² Joint Standing Committee on the Commissioner for Children and Young People, *Annual Report 2009-2010*, Parliament of Western Australia, Perth, September 2010, pp5-6.

In May 2011 the Commissioner tabled the first inquiry conducted under section 19(f) of the *Commissioner for Children and Young People Act 2006 (WA)* into the mental health and wellbeing of children and young people.³ An evaluation of this Inquiry with respect to the exercise of section 19(f) of the Commissioner's Act is currently underway, the analysis of which will be reported to Parliament in 2012.

Lastly, the Committee will continue to explore ways of adding value to the work of the Commissioner in 2011-2012 by maintaining a watching brief on matters affecting children and young people; and performing necessary functions as defined in the Act that will help ensure the work of the Commissioner remains effective. This includes receiving briefings from relevant bodies that can assist the Committee with its understanding of significant and topical issues affecting children and young people with a view to referring any necessary matters to the Commissioner under Section 19 (l) of the Act. The Committee is also maintaining a watching brief on the statutory review of the *Working with Children (Criminal Record Checking) Act 2004* with respect to how this review may impact upon the operations of the Children's Commissioner.

³ Commissioner for Children and Young People Western Australia, *Report of the Inquiry into the health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, Perth, April 2011.

CHAPTER 2 FINANCIAL STATEMENT

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

The Committee's expenditure for the financial year 1 July 2010 - 30 June 2011 (in accordance with Standing Order 276) is detailed below:

Table 2.1

Expenditure Items of the Joint Standing Committee on the Commissioner for Children and Young People, 1 July 2010 - 30 June 2011

Expenditure Item	\$
Travel	55000
Protocol	200
Miscellaneous	100
TOTAL	55300

Notes:

- Figures rounded off to nearest \$100.
- Salaries of committee staff are not included.
- Costs of shared administrative expenses, including lease costs for committee accommodation, not included.



MS A.R. MITCHELL, MLA
CHAIRMAN

