

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

**INQUIRY INTO THE MONITORING AND ENFORCING  
OF CHILD SAFE STANDARDS**



**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
WEDNESDAY, 4 MARCH 2020**

**SESSION TWO**

## **Members**

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

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**Hearing commenced at 11.09 am****Mr ROSS WORTHAM****Chief Executive Officer, Youth Affairs Council of Western Australia, examined:****Mr STEFAAN BRUCE-TRUGLIO****Policy and Advocacy Officer, Youth Affairs Council of Western Australia, examined:****Mr MASON ROTHWELL****Senior Policy and Advocacy Officer, Youth Affairs Council of Western Australia, examined:**

**The CHAIR:** On behalf of the committee, I would like to thank you for agreeing to appear today to provide evidence to provide evidence in relation to the Joint Standing Committee on the Commissioner for Children and Young People's inquiry into the monitoring and enforcing of child safe standards which are now incorporated into the national principles for child-safe organisations. My name is Sally Talbot. I am the chair of the committee. I will get my colleagues to introduce themselves.

**Hon DONNA FARAGHER:** Donna Faragher, member for the East Metro Region.

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

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

**The CHAIR:** It is important that you understand that any deliberate misleading of this committee may be regarded as a contempt of Parliament. Your evidence is protected by parliamentary privilege; however, this privilege does not apply to anything that you may say outside today's proceedings. I should also introduce Hansard to you.

Before we launch into the formal part of today, do you have any questions about your attendance here?

**Mr WORTHAM:** We have no questions about our attendance. We do have some opening statements, if that is permitted.

**The CHAIR:** Yes, that would be very welcome. Go ahead.

**Mr WORTHAM:** Lovely. Thank you. First of all, I would like to acknowledge the traditional custodians of the country we are meeting on today, the Whadjuk Noongar people, and pay my respects, the respects of the council, and all of our members to elders past and present, and to acknowledge our Aboriginal children and young people in the community, as I know you all would do. That is why we are here. The work of this committee, the work of the commissioner, and the work of the national principles will go a long way, hopefully, in supporting those children to have a healthier and happier future. Thank you for the invitation to speak to the committee today. We have done introductions, so I will tick that off my list. I do want to say thank you to the committee for allowing us an opportunity to, first of all, submit our submission and then present to you today. For some context, and for Hansard, the Youth Affairs Council is Western Australia's peak body for young people and all those that support young people in WA. We have a 40-year history of working to support the rights, the voices and the welfare of young people across the state. Our membership is made up of hundreds of organisations—community service organisations and youth work organisations—academics, individuals and, importantly, young people themselves from across Western Australia. We at YACWA believe that institutions like government and the non-profit sector need to earn the

trust of young people through consistency and sincerity in protecting their rights and welfare. We believe the national principles are an opportunity to get that right and to ensure that every organisation working with children and young people is consistent, sincere and accountable in ensuring young people are free from abuse.

[11.10 am]

We also believe the commissioner's role in the future monitoring oversight accountability of these principles will be essential to their success, and, hence, our presentation to you today. I have a few more remarks and then I will conclude. In 2019, just last year, we submitted to the inquiry—and I think it should be known within that YACWA and the Youth Affairs Council are highly supportive of the national principles. We believe that they are a critical tool to ensure the safety of children and young people in Western Australia, and we look forward to their full implementation over the coming years.

In our submission we had three critical areas that we canvassed, and I am briefly going to go through them in the next two minutes. The crux of our submission focused on how these principles should be mandated, monitored and enforced across all organisations, government and the non-profit sector, in working with children and young people. We spoke about the need for the national principles to be proactive, robust and independent in their oversight, and have an independent oversight body as a result. This body should have the power not just to monitor the implementation of these principles, but to compel organisations, both government — and non-government, to adhere to these national principles. We suggested the Commissioner for Children and Young People's role as optimal in providing this oversight, provided it has sufficient resources and legislative authority to do so. That is critical and we can talk more on that.

Secondly, another key element of our submission was the need for appropriate support for the not-for-profit sector to implement the national principles in Western Australia. It must be said that the non-profit sector is diverse, as most of you know well, with large differences in size, awareness and readiness of organisations with whom these national principles will apply. We focused clearly on the need to provide that sector with adequate information, capacity building and reasonable time lines for implementation.

Thirdly, in relation to individual independent advocacy, we focused on the need for a dramatic strengthening of the individual independent advocacy and complaints mechanisms within government and the community sector for children and young people. We believe that if we are to have an effective protection system for children and young people, they need to be empowered to speak out and have their voices heard and have that heard in an accountable and transparent way. With all of these three functions, we see them very clearly sitting within the interest of your committee and in the interest of the Commissioner for Children and Young People's role—it must be said in collaboration with government agencies, with Parliaments and, importantly, with the community sector and with young people. With that, I conclude my opening statement and we are happy to take questions.

**The CHAIR:** That is a great scene-setter. You have touched on pretty well all the areas that we wanted to delve down and two, so that is very useful, thank you. We have got six areas of questions, the first of which is this issue about which institutions should implement the national principles. I think in your opening statement you said, clearly, it has to be all institutions. The royal commission talked about how working with children checks have defined this child-related work test, and the royal commission was saying that anybody engaged in child-related work, any institution engaged with that, should be obliged to implement the principles. Do you see any problems with that? You

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can see that there would be challenges—so if we talk about the government sector, the non-government sector and then, as you call it, the not-for-profit or the community sector.

**Mr WORTHAM:** I want to urge my colleagues to speak up as their thoughts arise. Each of us are prepared to talk on different subjects, but I might just shoot off the cuff on that one. I think it is clear that there is a spectrum of organisations and services that children and young people engage in that should have direct connection to the national principles—obviously, for government agencies and funded not-for-profit organisations delivering subcontracted services, there is no question, and then there is no scale, really; we are clear in our minds. That being said, it goes far. I think that the progress report from the state government as well as all of the other reports leading up to today very clearly outlined: sporting clubs, church groups—the list goes on. Volunteer groups and scouting groups and so on and so forth also have an important role in the safety of children and young people. Their adherence to the national principles, I think, should maintain a level of standard. The question I would have is how we support them to achieve that. First and foremost in our minds as the Youth Affairs Council is the safety of children and young people—second, is how we get there. And so we do think that that range is critical. It is about the time, the scale and the support that those organisations with lesser capacity may need. Our collective requirements and responsibility to invest in support mechanisms—again, this is where the commissioner’s role and peak bodies like ours may play a role. The commissioner has clearly done the work in the lead-up to the royal commission around trying to prepare organisations with the idea of child safety, and that can be applied to some of those smaller organisations. But—Sally, did that answer your question?

[11.20 am]

**The CHAIR:** Yes. Did either of your colleagues have anything to add?

**Mr ROTHWELL:** No. I think you have covered it quite well.

**The CHAIR:** We have talked about organisations that have a direct impact on children. What about organisations that have an indirect impact on children, like, for example, the Department of Housing?

**Mr WORTHAM:** That is an interesting question.

**The CHAIR:** I am not singling out Housing but just to give you an example of what we are thinking about.

**Mr WORTHAM:** There is almost a direct approach. If you want to talk about housing, I think there is a direct association for the safety and welfare of children. We do have housing officers going into houses—government staff members. We do have the responsibility and the welfare of children in dwellings that we as a state fund, so I 100 per cent think there is an association there. I do not have in my mind—maybe this is too purist, Sally—a loophole for where these would not necessarily apply. It would have to be very far and indirect for them not to be relevant, such as the Department of Commerce. If you talk about other agencies—local government, sport and recreation—all of those would be really critical agencies that should be associated with these principles.

**The CHAIR:** There would be some services that are delivered without, for example, working with children checks, which are still deliverable to children.

**Mr WORTHAM:** The working with children check is a conversation in its own right and its effectiveness and the role of the working with children check as a state and nationally. The royal commission canvassed a bit of that. I think our capacity as a state and the department’s capacity to process the number of working with children checks that are required if we asked everyone to do it is a challenge. That comes more to the resourcing of the teams that do those processing and the checks, less to the eligibility of who is applying. You may, I guess, wonder if us as a peak body that

does not deliver services should be required to have working with children checks. It is our firm opinion that we should be. We are people working for the welfare of children, albeit not directly with them. I do think there is a need for us to be able to expand the capacity of that team.

**The CHAIR:** Basically you are happy with the child-related work designation. You think that is appropriate?

**Mr WORTHAM:** We have no problem with that.

**The CHAIR:** Is the state government talking with you at all, seeking your views? Have you been involved in any discussions about the implementation of the national principles?

**Mr ROTHWELL:** Yes. Since late 2019, YACWA has been working with the Department of Communities, alongside the Western Australian Council of Social Service to provide some insight and advice on engagement with the community services sector regarding the national principles and their implementation in WA. This has been predominantly advice on best practice engagement and consultation. We have supported the department to promote a statewide online survey regarding the principles, assessing organisations' readiness, awareness of, progress and implementing those as well as identifying some potential challenges and opportunities in their implementation. YACWA has been really just an advice provider; we are not involved in the delivery or the function of that engagement or consultation. We have remained intentionally neutral in that regard. We believe that the department is currently analysing the results of that survey and is planning some face-to-face engagement between now and early May, I believe, based on our advice.

**Mr WORTHAM:** I think it is worth acknowledging the efforts of the department, and there has been flexibility and the response from us as the Youth Affairs Council and WACOSS around the need to do more extensive consultations. Obviously, there is a challenge with time frames to get a response back, to understand that need and capacity. That engagement has been there as well, obviously with Minister McGurk's briefings and I think that kind of openness of the Department of Communities. That being said, there is an ongoing challenge to try to engage with the community services sector in the time frames of this rollout, which we feel need not be only within the frontend consultations but throughout the rollout of the national principles and the effects of this for the community services sector. It is that tiered kind of feedback loop as we go through that process. We will be happy to be involved along the way.

**The CHAIR:** Was the survey carried out throughout the community sector?

**Mr WORTHAM:** It was promoted through the community services sector by WACOSS, us and I believe other peaks, in particular, WACOSS leading that process. We have submitted that to—we have 2 500 people on our direct email list as well as much further than that via social media. I believe those results, as Mason has indicated, the department is analysing now and, hopefully, will be presented to the committee. They will be important results for your committee to take into account on the views of the community services sector.

**The CHAIR:** Do you know what that time frame is? I am not asking you to disclose anything that is not your information.

**Mr WORTHAM:** We cannot say, unfortunately.

**The CHAIR:** That is fine.

**Hon DONNA FARAGHER:** Can I just clarify with regards to the survey, it is a department-led survey, but did you have any input in terms of the questions or anything like that?

**Mr WORTHAM:** Absolutely.

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**Mr ROTHWELL:** Some, yes; predominantly WACOSS. But, yes, we did provide some oversight.

**The CHAIR:** We have come to the second topic, which is the means and processes of implementation. What we find in the royal commission, broadly speaking, is three ways of implementing adherence to the national principles. The first would be through legislation, the second would be through contract management and the third would be a kind of self-reporting, self-assessment tool. The commissioner has raised with us on several occasions now a fourth area of interest, which is community empowerment and demand, so that is obvious what that means. From your faces, you know what that means.

**Mr WORTHAM:** Yes.

**The CHAIR:** We are interested in your views about those various ways of implementing adherence to standards. It is interesting that part of the conversation we have had between ourselves—the royal commission was obviously endorsing legislation as the most powerful tool but presumably people who are advocating self-assessment are doing it because they think it will have an adequate result, not because they think levels of abuse are acceptable. Can you just comment perhaps on each of those areas of possibility?

**Mr WORTHAM:** Sure. I think that we would support all four areas, and I am happy to talk on the fourth, to the commissioner's recommendations as well. There needs to be a multifaceted approach to understanding—the community, services, government, staff, front line, management, across the spectrum, to understand the national principles, to understand the effect that this will have and its impact on service delivery and keeping children safe. So a multifaceted approach is the right way. We would suggest that legislation is a critical element of that in both oversight and implementation of the front-end effect of these principles. One of the challenges, if we were to have a singular oversight mechanism for this, is obviously there are lots of different legislative guides for government agencies, whether it is the Young Offenders Act or the Children and Community Services Act—the list goes on—and the interrelation across those to a singular oversight body needs to be considered. I think most critical is the Children and Community Services Act. I hope your committee is looking at the impact of that act as it has currently been reviewed. I have—full disclosure—sat on the legislative review committee myself for nearly a year for that review to happen. But taking into account the royal commission and the results that we do know now, there potentially should be other effects of those changes from what we know now that are not currently recommended. I do think, from a legislative point of view in regards to oversight, there is an important role that this committee can play.

**The CHAIR:** By that, do you mean that these are changes that are not included in the amendment bill?

**Mr WORTHAM:** Potentially.

**The CHAIR:** Do you know what those are or would you like to take that question on notice?

**Mr WORTHAM:** I would like to take that on notice.

**The CHAIR:** We will make that question A1 and we will remind you of those at the end of the hearing. While you are talking about legislation, and then if we go on to talk about contract management and the other two areas. Legislation in Victoria—they have a standalone act implementing what are now the national principles, then child safe standards. Do you think that we need a standalone act or do you think it can be done by amending existing legislation?

[11.30 am]

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**Mr WORTHAM:** To be honest, we have not done enough comparative analysis and research to fully answer that question. I am confident to say that there is merit to having a standalone act with its associations to other acts, but it is a complex answer in how it would impact on other legislation in Western Australia.

**Mr BRUCE-TRUGLIO:** I think, not so much touching on legislation, but the critical standalone entity that needs to come from any legislative change is the oversight body. That cannot be siloed and segregated, as it is currently. It needs to be an overarching entity that has powers of strong oversight to compel evidence and force change through some sort of penalty. It should have the power to provide systemic advocacy on policies, practices and the legislation, and also have under that a network of individual advocates for young people to make complaints and have their voices heard in a proactive, not reactive, manner. So not it is so much whether that exists under one standalone act or across legislation; that kind of aspect of the legislation is what we see as the most critical kind of thing that should come out of any legislative change.

**The CHAIR:** That is really interesting. We have some specific questions about oversight a bit later on, so we might come back to that point, because it is very interesting.

**Mr BRUCE-TRUGLIO:** Sounds good.

**The CHAIR:** You talked about legislation. What about implementation through contract management?

**Mr WORTHAM:** It is a clear tool for government to use, and we would acknowledge that that makes sense as a tool to implement the expectations of these new standards on contracted organisations delivering services for children and young people. The concern we would have is that that is done without appropriate acknowledgement of the support for those agencies to meet those new standards within contracts. It is not black and white. As I said before, there is a spectrum of need in organisations of various sizes, so contracting alone can be a very blunt instrument. We need more nuanced approaches to delivering good services. There are organisations in Western Australia operating right now who are ready. There are organisations that are large enough that have had the time and have had the resources themselves to prepare. They are actually the outliers. The majority of smaller not-for-profit organisations and community groups need support, and whilst that should not hold us back from the expediency of implementing these by any means, it needs to be acknowledged that there is going to be a learning curve and a development curve that we as a community need to support those organisations in doing. At the council, we have hundreds of members and organisations across the state, and we value the small not-for-profits in regional Western Australia who are doing great work that do not have the loud voice, do not get heard and do not have the resources, and those are the ones that we feel may get missed out if it is just a blanket contracting change.

**The CHAIR:** And simply lose their funding if they do not comply.

**Mr WORTHAM:** And lose their funding because they cannot meet those needs, exactly. Do you —

**Mr ROTHWELL:** No, that was great.

**The CHAIR:** Okay. Self-assessment?

**Mr WORTHAM:** I think we should all have to do it. Is that too blunt? I think the self-assessment tool that the commissioner initially put out, I do not know what year it was—2016? The original one in 2016.

**The CHAIR:** The original one. I think he has put out an updated version since the royal commission.

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**Mr WORTHAM:** Exactly, and those seminars that were produced by the commissioner's office, I attended many of them, and they were fully attended. There was lots of interest at the time without a stick. It was not even a carrot; it was an interest of the community services sector, and I think the commissioner and his office would have seen the strong response. I can personally attest that it has been something my board has gone through and considered, and that we have seen many of our members do, as a proactive approach to trying to improve. There is a desire for the community sector to improve. So self-assessment is great. It in its own right is not enough. I do think we need to encourage and, to use the word, compel organisations to do this, and that may be a process that you can put into contracting. But there is a role for that self-assessment that is not a mandatory punitive approach—not punitive, that is the wrong word—directed approach to improving, and the commissioner's role has been critical, I think, in that being proactive. I would hope that that would continue as a support mechanism, through the self-assessment online tool, the further checklists and policy recommendations and guides that the commissioner has put out, and that that work would have further reach into the regions of Western Australia, further reach into sporting clubs and groups and further reach into some of the incorporated non-profit but not-funded organisations that work with children and young people, which would take resources.

**The CHAIR:** Finally, you were going to make some comments about the idea of community empowerment and community-driven demand.

**Mr WORTHAM:** We have maybe different definitions of what we mean by “community empowerment”, Sally, but I think that what I understand it to mean is having a community that wants this to happen, right? Having a society where we all want children to be safe. That starts with awareness, and for us to be able to have a community that treats people equally, that cares for the safety of strangers, is not a far cry. I think we are very lucky in Australia and Western Australia that we do have a compassionate community, a caring community, and we have seen that in recent events through the bushfires and others where people do step up. So if the state government does come out and the community sector does come out with a very large public campaign to say, “This matters for children, we need you to care”, I think that would be received well. That public awareness raising is something that we do not do much outside of the health sector, and I do think that we could do more of that in child protection, family support, family and domestic violence, and those areas where we as a government and we as a community sector play an important role. We all live and breathe these conversations every day. Most public do not, so for them to get access to this information, we have to push it out to them. Maybe I have misunderstood what we mean by “community empowerment”, but I think that has a role to play.

**The CHAIR:** No, I think that is exactly the kind of language and concepts that we equate with that. You have talked about some organisations being ready to go. Presumably, you are talking about—it is a size thing, is it not? The bigger, more sophisticated, more complex organisations have got their head around it. We are going to move on to the question about how ready people are and how we can help them be ready, but what about the idea of a sort of staggered, staged implementation of the enforcement of national principles? Are we going to need to do that to bring everybody along?

**Mr ROTHWELL:** We would suggest—as has been mentioned, the community sector is quite diverse. We have largely different sizes and scales of organisations providing services or engaging with children and young people. Whatever approach we need to take for ensuring that all these organisations are adhering to the national principles needs to be responsive to that. However that occurs, we do not necessarily have a particular approach that we would recommend. We have considered the idea of a tiered approach. It is just that our approach needs to be responsive to that size, scale and readiness. It needs to be reinforced with appropriate information sharing and



awareness raising, best practice promotion, resource provision to organisations. However that occurs, tiered or not, I think it is important to be considered.

**Mr WORTHAM:** I think there are some interesting examples about compliance within the not-for-profit sector that can be learnt from some other areas. I think about the ACNC requirements for board information and documentation, and there was a two or three-year process for a lot of those changes that were required over the last few years under the federal act to come into effect. That was an interesting example of maybe a component of what these standards will have an effect on, which is the policy side of the effort in organisations. Through that, there was a lot of I would say free and affordable support for not-for-profits to come up to the new standards within constitutions. That can be translated, I think; we could apply something like that. That was over a number of years and there was lots of communication about needing to update your constitution et cetera, so that is potentially something to learn from.

The challenge, that we know—I think it is really clear within the recommendations from the commissioner, as well as the royal commission—that it is not just about policies, it is about culture, it is about practice and it is about training. That is just a component of that compliance factor. It is an important one though, because we know many organisations do not have that work done. I do think we can look at some other examples of how ready the orgs are and supporting them to roll out ideas.

[11.40 am]

**The CHAIR:** That is a great segue into the next tranche of questions, which is about the readiness and capacity of institutions to implement national principles. In terms of the organisations that you work with, what are the biggest challenges that an organisation might face once they have some sort of statutory responsibility for implementing the national principles?

**Mr WORTHAM:** I mean, there are a lot of answers to that question.

**The CHAIR:** Yes. We have broken it down into knowledge, resources and capacity. I guess it is all those and probably another half dozen.

**Mr WORTHAM:** It is all of those, and there are very good bite-size chunks we can approach one at a time. Obviously knowledge—let us talk to the fact that there is a lot of information about what these principles and new standards are, to get across that in a sector that is already busy trying to deliver the status quo, and often stressed and overburdened environments, is a challenge in its own right. It is worth considering the challenge of knowledge, and just putting information out as it has done is not enough. We, as a peak, have a role to play in that, and the community services sector in its own right is a learning and adapting group, but it is often overburdened and under-resourced, just like many government agencies, and so it will take time to spread the word. I do think knowledge is worth acknowledging, and from the idea of community empowerment through some of those messages going to the broader public will reinforce the community services sector's need to be across these changes. Clearly, if there is contracting requirements, that is a pretty direct information portal to encourage new knowledge. Again, I worry about a lot of the smaller not-for-profit organisations in the regions, and their ability to be informed. We are a big state, as you all know, across the panel and from across the state yourselves, we have a challenge to try to communicate the most basic things out, let alone something as important as this. Capacity is another important one. We talked about some of those larger organisations having been ready. Most of those organisations are ones that are leaders in the sector, where we are seeing them two steps ahead, where they have got the core staff whose concern is child welfare in their organisation, and child safety. Likely, those organisations are already delivering large-scale contracts around child protection or family welfare and counselling, so they have had the foresight and desire to improve.

That is rare. Most organisations are working on a shoestring—on the smell of an oily rag, as we say in Australia—right? There is not that backend pool of money to go employ somebody or a consultant to help bring people up to speed. I think we have to inject capacity into the sector somehow. The commissioner is uniquely well placed to do that, through the information that he is putting forward.

**Mr ROTHWELL:** And has been doing that already, so far, through the provision of guidelines and resources, promotion of best practice. Those are really critical elements of the cultural change that we need to see in the sector to build their capacity.

**Mr WORTHAM:** It is worth acknowledging that the commissioner's role as an independent oversight, which we do recommend, as well as a support mechanism, needs to work in concert with line agencies in government who are on the ground. We have districts in each region of the state, and those districts have frontline staff; there are contract managers that have relationships with services. There are portals through those frontline agencies to reach the community services sector. At the council we very much believe delivering services to young people is not us and them; it is not government and the community sector. We are all in one basket in this case, so we need to work in collaboration. The commissioner needs to work in collaboration with those agencies, as well as peaks and direct services to help build that capacity. With our role we currently do not have built into our resourcing to provide training or direct support around these standards; however, it is not something that we are discounting; we are happy to consider that, if we have a small role to play. That being said, the commissioner's office is uniquely placed to continue to do the work that it has been doing.

**The CHAIR:** Do you think that organisations are already talking to children about the implementation of the national principles? You do not want to, sort of, create a circularity there, but obviously one of the national principles is about listening to the voices of children.

**Mr WORTHAM:** We have seen—and I do not just hope, I am confident—that the not-for-profit sector is having conversations with children and young people and families all the time. We, as a sector, firmly believe that we need to be guided by those that we are here to serve. I do find outstanding examples across the state from small, medium and large organisations that have different ways of doing that. I know that we are listening, and I know that we are having conversations about service improvement with children and young people. We, as a peak, of course, that is part of our core business, but I think talking about frontline services, it is something that is part of our DNA. That being said, are we talking about the national principles in these new standards? Probably not. I would imagine if we are doing that and when we do more of that, it needs to be in a very safe way, with those children and young people, that adapts the learnings from a very open and transparent commission, and applies them in a safe way and communicating in an adapted way for the concern of those kids.

**Mr BRUCE-TRUGLIO:** I think a critical part of going forward—talking to children and young people about the implementation of the standards—is not so much about the principles themselves, but if they are to work, young people need to know what their rights are under this system, under whichever organisation in their care, where they can go for advocacy and where they can go to have their voice heard in complaints mechanisms. I think any youth engagement strategy that could be developed as part of this needs to focus on providing that information to young people, and also ensuring that organisations that have children and young people under their care are providing that information to young people, because, often, during our submission, we found that speaking to young people when they were under these services that had no idea where they could go to if they had an issue or a complaint, and they went to a service and their complaints were not heard. Youth

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engagement needs to centre around young people knowing their rights and where they can go to complain. It is a critical aspect.

**The CHAIR:** Do you think the principles need to be condensed into a kind of bumper sticker form? We were very impressed travelling overseas recently to see, for example, the SHANARRI principles in Scotland are actually on the back of a bus. They are part of an advertising campaign.

**Mr WORTHAM:** There is no harm in that; that is great.

**Mr ROTHWELL:** With any youth relevant reform that affects the services that a young person receives, or the environment that they are in, we will always support the provision of appropriate youth relevant information, preferably that is designed in partnership with young people themselves. It is critical that young people know what is affecting them.

**Mr WORTHAM:** I do think that Stefaan and Mason have made a really good point, that I have neglected to focus on, which is the best form of protection and safety that we can have is that firstly, we prevent harm from happening, but if something may happen we have young people, children, empowered to stand up against it, to voice concern, to feel safe and have trusted people they can go to to be able to do that. Complaints mechanisms, whilst they sound to some young people quite dry, we know that they are actually really effective if they are done well. Awareness raising of—I think we look at the international human rights movements, and looking at the Convention on the Rights of the Child and how we have tried to translate that very complex legal language to young people and children across the world, there is a lot of learnings, and from your recent trips to the UK we would be able to learn from that as well. There is no harm in doing that, and I think we should do it.

[11.50 am]

**Mrs J.M.C. STOJKOVSKI:** One of the things that we did pick up when we were in the UK, and it sort of ties into what you are talking about, is capturing the voice of children without complaints, so capturing their voices about other things as well. It is something that this committee has been talking about. We have never had a hearing where we have spoken to children or young people. How do we do that?

**Mr WORTHAM:** Safely, yes.

**Mrs J.M.C. STOJKOVSKI:** Yes, how does the committee do it safely; how does Parliament do it safely; how do other organisations do it safely?

**Mr WORTHAM:** Not in this room.

**Mrs J.M.C. STOJKOVSKI:** Not in this room, noted. How important is it? As a mum, I often read lots of things that say you always have to listen to your children—it can be hard when they are small—because if you listen when they come to you with a small thing, then they will come to you with the big things. How do we do that? How do we listen to children—other than not in this room—so it does empower them to have their voices when they need them?

**Mr WORTHAM:** Can I say that the first thing that we as a state should do, we have done. Sometimes it is worth acknowledging the things closest to us, which we probably do not often see. If we did not have the commissioner's role in Western Australia, I would say we need to have a Commissioner for Children and Young People, and so we need to be able to have an effective mechanism that speaks directly with Parliament that listens to the voice of children. Thankfully, we have that. I think we need to tap into that more and resource that more to do that. You, as a committee, as well, I think being more involved in those, and having children and young people present their ideas to you guys is a phenomenal thing. We have seen that in many cases. We run youth summits of this subject

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where, at the end of those summits, the coolest thing that young people get to do is present to MPs and commissioners—people who have the legislative authority and the decision-making capacity and power to listen to their ideas and do something with them. They speak to mayors and that sort of level of people. If you open up that chance—oh my gosh—that is such a great way. We would be pleased to work with you on how to do that safely, but I implore you to look in your own systems and use the commissioner’s office to the best of its capacity.

**Mr BRUCE-TRUGLIO:** I think another aspect of that I would talk to you specifically about is hearing the voices of children and young people who are most vulnerable in our society in institutional settings. If you look back to the Commissioner for Children and Young People’s 2017 report reviewing our oversight mechanisms, it found that the individual advocacy component of our oversight was largely neglected in a lot of systems. I think a key point to your point of talking to young people not only when they have complaints is being proactive rather than reactive. Often with our systems it is in response to crisis or abuse, but we need to be going into these systems and talking to young people about their general thoughts and feelings about how they are, how they are doing, rather than just responding to crisis. I think a system that could be looked at is Queensland’s community visitor program. It has powers to go in and talk to young people in a variety of settings, and this is largely proactive. The proactivity is the most important thing. How we do that in a safe way or what is the best practice in that is still to be explored, but I think that is a critical factor, going to your point.

**Mr WORTHAM:** We have a singular staff member, one person, who is an amazing person, superwoman, who is the advocate for children in a department with 5 000 children in care. That is woefully inadequate, as Stefaan was saying. I think it is exactly right that how we build the capacity internally to listen to kids as well is going to be really, really important across the state, and also for an oversight role. If we need multiple functions to ensure that children and young people are safe, proactively and retroactively, those roles within government agencies need to be independent; they need to be trusted. There is that function as well, which I think we do not have. The best we have is a really amazing person, but a singular staff member with an overwhelming job to try to listen to the voices of 5 000 kids. We are really lucky that the state funds the CREATE Foundation as well in Western Australia to help listen to children and young people in care. We do not have that for the justice system, we do not have that for the mental health system and we do not have that for particular groups of young people who are often neglected and abused. We do not have an LGBTIQ+ rights youth-led organisation in Western Australia. We have got volunteer groups, but we cannot get funding for them to help listen to those needs. We have opportunities that we can easily seize and learn from to the take the point that Stefaan was making into action.

**Mrs J.M.C. STOJKOVSKI:** Sorry, I took us slightly off track there.

**The CHAIR:** No, that is another good segue into the next area, which is monitoring and oversight. Stefaan, you have already made some comments about the perceived need for some sort of statutory provision when it comes to oversight. The 2019 state government update that was released in December talks about an integrated approach to oversight. What do you understand by an integrated approach?

**Mr BRUCE-TRUGLIO:** What I comprehend of that is that it is similar to the model we have proposed in our submission, and what I mentioned before is the single oversight body that has encompassing powers across tiers of systemic oversight of particular institutions, systemic advocacy across the board, and individual advocacy and complaints. This would work in tandem across the system. I think there are obviously a number of duplicating agencies that currently carry out oversight across the system. Ross, do you want to touch on that?

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**Mr WORTHAM:** I think the reference you are making is that, say, for example, we are lucky in Western Australia to have the Office of the Inspector of Custodial Services. That office is a really important office for the role of reviewing the welfare of children and young people at Banksia Hill, and we have seen some very reactive reports from that office. We would advocate that office continues and that it needs to continue to exist in its own specific function. That being said, the singular oversight body, if we did have that in an integrated approach, would have direct line relationships to the inspector's office to have access to institutions and facilities like Banksia Hill or Kath French Centre, where we know we have children and young people's liberties in our own hands.

**The CHAIR:** Yes, because OICS does not cover Kath French, of course.

**Mr WORTHAM:** It does not, no, absolutely not.

**The CHAIR:** Kath French is only covered by the Ombudsman.

**Mr WORTHAM:** Exactly, and the Ombudsman is the second one that we know is an important function in Western Australia, and again it is another function of a society that I am very proud of, and that we should be very proud of; however, for children and young people it is not great. The focus and specialisation in hearing the stories and assessing the needs is not great. OICS and the Ombudsman do not talk to children and young people well, if at all. They look at systems, policies, procedures. The commissioner's office is very good at talking to children, so what we need to do is have an oversight system that does both of those things. Let us look at policies, let us look at legislation, let us look at procedures and compliance to those, but let us also hear directly from children in each of those institutions and have that integrated, to use the word, across other functions. It is not an endless basket of problems. We know the baskets. We have got the mental health system, the health system, the justice system, the child protection system and the education system that we know we need to do more of where we have legislation that guides our work in those areas. The integration is a puzzle that we can put together. I think, again, that the commissioner's role of bridging the gap between understanding policy, legislation, procedures and the voice of children and young people is unique. As I said in my opening statements, it would take additional resources and legislative reform, but it is something that we as Western Australians could lead the country on if we did it well. We are a unique state that is different in our ability to be agile and adaptive. I trust in our Parliament and our ability to listen to the community, so I do have faith that your work as a committee can help guide the commissioner's role in doing something unique.

**Hon DONNA FARAGHER:** With regard to that, do you see any concerns that if the commissioner was to take on that role in terms of the oversight, despite more resources and all those sorts of things, that it might become quite overwhelming terms of the work that the office may have, which may then potentially be of some detriment to the other work that the commissioner does? I suppose that is that fine balancing act, but I am keen to hear your perspectives on that.

[12 noon]

**Mr WORTHAM:** It has been a concern since the beginning and one that not just us but, I think, others have very much brought to the forefront of our thinking. It is a concern and a risk to note and mitigate, not to deter. Noting it and how we mitigate that risk is important. Resourcing may not be enough. One person is not enough in the largest of institutions. I look at our outstanding director general of Communities, who is doing a fantastic job, but how that one person is across so much blows my mind! That being said, I do not work in the office of the Commissioner for Children and Young People, but understanding their views on this, if they still believe that they can manage that with additional resources, I trust them. In addition, I do think that additional resources means staffing but it also potentially could mean—one of the challenges that we know we need to hear

more of, as an example, is from Aboriginal children and young people. In our submission, we directly recommend—the ninth recommendation—that we appoint an Aboriginal children’s commissioner within the office of the children’s commissioner to have a specialist focus on that. If we did more targeted work like that, we might be able to spread that burden of the enormity.

**Mr BRUCE-TRUGLIO:** A critical aspect to mitigate that concern, which is a very valid concern, is the fact that collaboration is the key to the success of any implementation of this, and the CCYP can be the leading body coordinating the oversight mechanism but cannot act in a silo. As Ross said, it needs to work with OICS, the Ombudsman and organisations like YACWA and other peak bodies, and then the community services sector and government institutions need to be resourced to build their own capacity so it is not the CCYP conducting all capacity building; it is a holistic community-led response, which, hopefully, facilitates a long-term cultural change, which makes it a lot more effective in the long term in the way the CCYP is able to carry out the function.

**Mrs J.M.C. STOJKOVSKI:** I think we are all hearing that you think that this role should sit with the commissioner. If it did not, how do you see that working?

**Mr WORTHAM:** It is a great question. I was hoping you would not ask! The reason why is that I do not have an answer. It does not sit with the Ombudsman, in my mind. It is looking at a frame from different angles. You have the specialist function within the Commissioner for Children and Young People to engage with and listen to the needs and be concerned about the needs and welfare of children and young people. It also has the need for it to have some sense of independence, and that oversight function needs to maintain a sense of independence to be effective in its advocacy and in its response. You may need to create a different institution if you do not embed it within CCYP. That may be an option.

**Mr ROTHWELL:** The CCYP is a strength in WA. It is a strong office and it already has that independence and it is already undertaking a lot of these functions. I think that part of why it has not necessarily been considered in detail by YACWA is that to us it does not make much logical sense to not utilise that strength and asset. It would take a considerable amount of time and resources to establish that body and to establish the culture that the CCYP has created and the connection that it has with the sector and the history it has of working with young people to not put it within that body with appropriate resourcing. To come back to your point, we can mitigate the risk of overburdening the commissioner.

**Mrs J.M.C. STOJKOVSKI:** I suppose, from our point of view, should a group that does the teaching, or guiding, of the community sector or the government sector on the national principles, necessarily be the body that also does the oversight?

**Mr WORTHAM:** That is a good question. Those are separate functions, so capacity building versus oversight and accountability. Oversight and accountability clearly need to sit within a legislatively appointed independent body that has a direct line to Parliament. We do not have many of those. Being able to see the CCYP in that light is great. From a capacity building point of view, going to Stefaan’s point, it does not solely need to sit with the commissioner. I think the almost oversight of the accountability within all the line agencies relevant for children and young people and the community sector has a role to play, but, as Stefaan said, there is a role for those line agencies to look at their own efforts in capacity building, whether it is through voluntary or contractual means, and there is an expectation in the community on the community sector that we lighten that burden. We cannot sit that accountability with a line agency like Communities because it is bigger than that, so it would need to be a separate body. Subcontracts to peak bodies, from a community sector point of view, may lighten the load, and that is something that we have seen effectively used in Western Australia. We have multiple sectors that this will affect, from disability through to family and

domestic violence through to children and out-of-home care and youth justice. We have peak bodies uniquely associated with all of those subgroups and so that is a tool, but, from a central point of view, in our minds, as Mason was saying, we have not really thought past it because it just makes sense.

**The CHAIR:** Are you suggesting, in those examples you used, that the peak body would have an oversight function as well as being an umbrella?

**Mr WORTHAM:** No, I was not suggesting oversight; I was suggesting support and capacity building for our sectors. Thank you for clarifying.

**Mrs J.M.C. STOJKOVSKI:** So similar to what the club development officers did when they went into local governments to make sure that all clubs had their constitutions up to date?

**Mr WORTHAM:** Yes, and that is something that can be done within line agencies as well. I think that would be more within a line agency example, and/or it could be supported and outsourced to the not-for-profit sector through peaks. We do have a peaks structure in Western Australia and it is something for the committee to utilise and for the state government to engage with. I would probably suggest that it is a multifaceted approach to capacity building, though. But we go back to the question of who has the helicopter umbrella view of the whole system and that sense of oversight and accountability of not only compliance, but also building skills. It still comes back to the commissioner's role.

**The CHAIR:** We have two or more areas we want to discuss with you. I am inclined to jump now to an idea that was raised with us in some of our investigations overseas, which is the idea of professionalising the role of the safeguarding officer. Obviously, we have not really contemplated anything like that in Western Australia before. Have you come across that idea—that role—and would you like to talk us through what your observations are?

**Mr WORTHAM:** We have. I think it is an interesting observation from your travels from other countries that have gone down this journey a little bit before us. I am curious to know if it was in the not-for-profit sector or within government. I am assuming those roles were in the not-for-profit sector.

**The CHAIR:** Yes.

**Mr WORTHAM:** In the not-for-profit sector we do have organisations operating in Western Australia that have those roles and we do have national organisations—not to be named today—who have been looking at child safeguarding and child rights as part of their core business and have self-funded those sorts of roles for organisational advocacy and skills building. I will step back from the specific examples and talk about the big picture. Of course, it is a good idea that we resource someone whose whole job is to be concerned with the organisational capacity and compliance. It does have downsides. One of the clear downsides is that you put all your energy into one person, so others devolve their responsibility.

**The CHAIR:** You create a silo when you are expecting it to demolish one.

**Mr WORTHAM:** You create a silo within a system. This needs to be about a change of culture and about the protection of children being everybody's business. If we have a singular role, that person's job needs to be more than just what they do and the policies they look after but also be about the leadership change and the cultural compliance and cultural shifts within organisations. The first concern is that we would be putting all our eggs into one basket and a bunch of us would not get involved, in that sense. The other one is the resources for that role. I do question where that would come from. I think it is great for organisations large enough to self-fund that and/or for those that have large enough contracts from government delivering services to children and young people

where they can fit that role effectively and financially responsibly within their contracts. That is great, and I think that is possible in some cases, especially if you have multimillion-dollar child protection contracts or multimillion-dollar disability services contracts, in which case that may be an option.

But again, scalability, size difference and capacity changes for every organisation. It will not be real and so how we roll that out would be a question.

[12.10 pm]

**The CHAIR:** I guess it links back to our previous questions about how ready organisations are. The thing that impressed us—if I could just speak for myself; I think I can encapsulate our conversations about this—was that we saw it being raised in the context of organisations that thought they had all their bases covered. But of course, child abuse in its various forms often crops up when you are least expecting it. These child safeguarding officers were the people who could, in a sense, bring everything together and jump across different contexts to point out where the risk areas might be.

**Mr WORTHAM:** It is absolutely a great role but it is not the only answer. My point is that there is no silver bullet and it cannot be seen as a silver bullet. It is a great role; it is a great function. I have worked in an organisation that has had that role. I have personally held the child safeguarding officer function within Western Australia for an organisation that holds that role, and I have seen that that can work. It was an investment from that organisation; there was no government funding for that role. That is a unique example of an effort from the sector. I am 100 per cent supportive of it. I think it would be a great option for government to fund that role within organisations.

**The CHAIR:** Better put that on the record!

**Mr WORTHAM:** Absolutely. I can spell it for you if you want! I do not want to discount it. It is a great idea but it is not a silver bullet and it needs to be taken in the picture of culture change.

**The CHAIR:** Unfortunately, we have left the most complex area until last with only a few minutes to go. I notice you have made submissions on this subject. It is the area of information sharing. Our investigations overseas brought us face to face with the GDPR in the UK and various other jurisdictions. We noted with interest in Ireland that they have a slogan “Dare to Share”, which is a way of focusing people’s minds on the issue. The royal commission makes a specific recommendation about the need to have a close look at our data-sharing protocols in order to safeguard the wellbeing of children. Do you have any general comments you would like to make to us or draw our attention to information you think we might not be aware of?

**Mr WORTHAM:** I think we would be supportive of the royal commission’s recommendations. Put plainly, sharing information in the best interests of the child is something that we would support. We know that sharing information and the challenges of doing that, whether it is through legislative protocols or privacy information that get in the way of sharing information, can be detrimental when one agency may know information that another agency is not aware of. We have seen in Western Australia examples on a microscale, through the integrated offender management teams that have been established over the last 15 years, of attempts to proactively share information about the welfare of families across agencies. An enormous amount of data is collected on our citizens in Western Australia from school and housing through to more tertiary services like justice and child protection, and mental health and health. We do not see that information uniquely shared. You are right, Sally, it is a basket of worms because it is about our privacy and it is about the sanctity of privacy. At the same time, if we know something and we know that information sharing is in the best interests of the child, it is critical that that information be enabled. How do we do that? I believe that we are looking at legislative changes within our privacy and information sharing legislation

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within Western Australia. There may be options within that that flow on in effect to the royal commission's recommendations. We would what be in opposition to that.

**The CHAIR:** As an umbrella organisation or a peak body, have you done any work with your members about what resources they think they will need to deal with changes in information sharing?

**Mr WORTHAM:** That goes to a couple of points. We have done work with our members in relation to reporting compliance and reporting changes within contracts. I think that goes hand in hand with collecting information and, therefore, sharing information. We do not see in Western Australia singularised systems like we have nationally for reporting. For example, within homelessness services is the SHIP system, which is a nationally resourced database for collecting client information and data and reporting. We do not have that within our contracted services. It is very rudimentary. Reporting and information collection is very clunky across agencies and different within agencies, let alone across agencies, to contracted services. To transition to a point where we have streamlined, readily accessible and live information about families and those involved in services, we have a long journey. Of course there would be capacity questions about changes for service provision. We do not want to be over-compliant. We do not want to spend 60 per cent of our time filling out paperwork, but I am confident that there is an appetite from the sector to improve its systems. As a result of the royal commission, if we had an impetus to collect better information in systems that enable us to share that across agencies for the welfare of children, you would get support from the sector.

**The CHAIR:** I think that brings us to the end of our questions. I will formally close the session. Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary document for the committee's consideration when you return your corrected transcript of evidence. Further, the committee will write to you with any questions taken on notice during the hearing or that may arise during the inquiry process. You have taken one question on notice. We will clarify that for you when we write to you. Thank you very much. That has been very useful. It was great to hear from you.

**Hearing concluded at 12.17 pm**

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