



Commissioner for Children and Young People
Western Australia

Information Statement

Commissioner for Children and Young People WA

April 2017



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Introduction

This statement is published in accordance with Part 5 Section 94 of the *Freedom of Information (FOI) Act 1992* which requires each government agency to prepare and publish annually an Information Statement that contains:

- Detailed information about the operations of the Commissioner for Children and Young People (the Commissioner)
- The types of documents held by the Commissioner
- The way in which members of the public may have access to these documents.

This document may be viewed on the [Commissioner's website](http://www.cyp.wa.gov.au) (www.cyp.wa.gov.au) at or it can be obtained free of charge as per below:

Contact us

By post or in person:

Manager Corporate Services
Commissioner for Children and Young People
Ground Floor / 1 Alvan Street
Subiaco WA 6008

By telephone:

(08) 6213 2297 or 1800 072 444 (country free call)

Business hours:

8.30am to 4:30pm
Monday to Friday (excluding Public Holidays)

About us

The position of Western Australia's Commissioner for Children and Young People was established in 2007 under the *Commissioner for Children and Young People Act 2006*.

The Commissioner is the independent advocate for all children and young people under 18 years of age in Western Australia. The Commissioner must always act in the best interests of children and young people with the aim of improving their wellbeing, and is dedicated to ensuring their voices are heard. The Commissioner is required to give priority to the interests and needs of Aboriginal and Torres Strait Islander children and young people and to children and young people who are vulnerable or disadvantaged.

The Commissioner is directly responsible to the Parliament of Western Australia and regularly meets with the Joint Standing Committee on the Commissioner for Children and Young People.

Our Vision

That all children and young people are heard, are healthy and safe, reach their potential and are welcomed as valued members of the community and in doing so we build a brighter future for the whole community.

Our Values

The office of the Commissioner for Children and Young People is committed to be collaborative with all stakeholders and ensure the values are core to all of our actions and work: *Respectful, Inclusive, Creative, Positive, Determined and Independent*

Legislation

All of the Commissioner's work is underpinned by the *Commissioner for Children and Young People Act 2006* (the Act)

The Act outlines the guiding principles, powers and functions of the office. Under s. 19 of the Act, the Commissioner:

- advocates for children and young people
- promotes the participation of children and young people in decision making that affects their lives and encourages government and non-government agencies to include children and young people in decision making
- monitors the wellbeing of children and young people generally in the community

- monitors the trends in complaints made by children and young people to government agencies
- promotes strategies and outcomes which enhance the wellbeing of children and young people
- promotes awareness and understanding in the community about the wellbeing of children and young people
- consults with children and young people and their families in their communities
- considers and make recommendations on laws, policies, programs and services affecting children and young people
- inquiries into any matter affecting the wellbeing of children and young people.

By law, the Commissioner does not deal with complaints made by or on behalf of individuals.

Approach and priorities for 2016 to 2020

The office of the Commissioner will align the work of the office to three key platforms for 2016–2020. They include:

1. Promoting the rights, voices and contributions of children and young people

Being aware of, understanding and acting to uphold the human rights of children and young people are fundamental to recognising and supporting children and young people as valued citizens of the community

2. Monitoring and advocacy to strengthen the wellbeing of all WA children and young people

Supporting children and young people’s healthy development recognises their place as equal citizens in our society and builds a brighter future for our State. The challenges our children and young people face continually evolve and need to be recognised and addressed by evidence-based programs, policy and legislation. Monitoring children and young people’s wellbeing and considering the latest research is essential to inform decision making and develop innovative approaches.

3. Prioritising the needs of disadvantaged and vulnerable children and young people

Ensuring the State’s laws and policies actively support children and young people’s wellbeing and respect their role as citizens sets the broader agenda for the community. Assisting agencies to continually improve the opportunities and services for children and young people who present as vulnerable, disadvantaged or face additional inequities is an essential role of the office.

Structure

At 30 June 2016, the Commissioner employed 16 full-time equivalent staff. There are three key focus areas:

The **Policy and Research** team provides policy advice, legislation review and a research capability to the Commissioner in key areas such as early childhood development, education, youth justice, child health including preventative and mental health, disability, alcohol-related harm, participation and the rights of children and young people, access to complaints mechanisms, wellbeing and child protection and safety.

The **Communication and Participation** team supports children and young people's participation in the work of the Commissioner, so they have a voice in the office's work. This team develop resources to promote community and stakeholder awareness and understanding about the needs of children and young people. It produces the Commissioner's publications including the Annual Report and published reports of inquiries and research.

The **Corporate Support** team provides financial, human resources, information technology, administrative and governance support to the Commissioner and staff.

Decision-making functions

The Commissioner, Director Communication and Engagement, Director Policy and Research and Manager Corporate Services form the Corporate Executive, which meets monthly to provide direct support to the Commissioner, set strategic direction, plan and monitor operational activity and expenditure, and endorse policies, initiatives and programs.

Public participation in the formulation of policy and performance of agency functions

There are several avenues for the public to become involved in formulation of policy and performance of agency functions at the Commissioner for Children and Young People WA.

The Commissioner appoints reference groups and project-specific advisory groups as required to provide advice on the development of policy or research work. The Commissioner also appoints advisory committees of children and young people.

The Commissioner consults with children and young people on aspects of policy making. For example, the Commissioner has conducted consultations with children and young people on alcohol-related harm, disability, views on wellbeing, mental health and complaints systems. The Commissioner also consults with children and

young people during visits to schools and organisations throughout Western Australia.

Documents held by the Commissioner

Documents generally available outside the Freedom of Information (FOI) Act

Website

The [Commissioner's website](http://www.ccyp.wa.gov.au) (www.ccyp.wa.gov.au) incorporates all of the Commissioner's publications including:

- reports
- brochures
- resources
- publications
- public submissions
- speeches, presentations and details of events attended
- media releases
- newsletters

All of these documents are available for download free of charge. Documents can also be provided in alternative formats on request.

Feedback, subscription to the Commissioner's newsletter and voluntary requests to receive information may be made online. Personal details of feedback providers, subscribers and enquirers are kept in an electronic database accessible only to the Commissioner and staff.

Other Documents

Access to non-personal information, apart from that specified above, is subject to a formal request under FOI.

All records are stored securely in an electronic records management system.

Records include:

- notes of meetings held by and/or attended by the Commissioner throughout Western Australia
- records of submissions to consultations conducted by, facilitated by or attended by the Commissioner and staff
- correspondence
- photographic records of meetings, events and consultations
- consent details of children and young people who participate in consultations, meetings or forums conducted by, facilitated by or attended by the Commissioner and staff

- personnel records including records relating to the establishment, recruitment, employment and termination of the Commissioner's staff
- policies and procedures of the Commissioner for Children and Young People.

Under s. 23 of the Act, the Commissioner does not have the power to investigate how another organisation has dealt with a child or young person in a single situation or incident.

Freedom of Information procedures

How to make a Freedom of Information (FOI) application

The Western Australian *Freedom of Information Act 1992* gives all Western Australians a right of access to information held by the Commissioner.

The Commissioner aims to make information available promptly and at the least possible cost. Wherever possible, documents will be provided without the need for a Freedom of Information request.

If information is not routinely available, an applicant has a right to apply for documents held by the Commissioner and to ensure that personal information in documents is accurate, complete, up to date and not misleading.

Applications must:

- be in writing
- give enough information so that the requested documents can be identified
- give an Australian address to which notices can be sent
- be lodged with the Commissioner with the accompanying application fee (where the application is for non-personal information – see below).

Applications for documents should be addressed to:

Manager Corporate Services
Commissioner for Children and Young People
Ground Floor / 1 Alvan Street
SUBIACO WA 6008

No fee or charge is payable for an application for personal information about an applicant. Personal information includes factual or routine information, for example date of birth, length of employment, and qualifications; and opinions or evaluative material such as advice or recommendations of a third party, for example records of interviews or material in personnel records.

Requests for any other information under the FOI Act must be accompanied by a \$30 application fee.

Service delivery

Under the FOI Act, the Commissioner is required to process requests for information within 45 days of receiving the application. While the FOI Act encourages open government through the release of documents and information, there is provision under Section 23 to refuse access on a range of grounds.

Notice of decision

Applicants will receive written notice of the Commissioner's decision relating to the request. The notice will include the following information:

- date of the decision
- name and designation of the decision-maker
- reasons for deleting any matter
- reasons for deferring access
- arrangements for giving access
- reasons for refusing access to any matter
- the amount and basis for any charges levied and
- the rights of review and procedures to be followed.

Review rights

An applicant who is not satisfied with a decision made on an FOI request is entitled to request a review of the decision by the Information Commissioner. This must be done in writing within 60 days of receiving notice of the decision, or 30 days if the applicant is a third party. The Information Commissioner must respond to the complaint within 30 days.

Amendment of personal information

A person can apply to amend personal information in a document held by the Commissioner. This provision exists to ensure the Commissioner does not unfairly harm the person referred to, misrepresents facts about them or does not give a misleading impression.

Applicants must provide details and, if necessary, documentation in support of their claim to amend inaccurate, incomplete, out of date or misleading information.

In addition, applicants must indicate how they want the amendment to be made within the options set out in the FOI Act, including:

- altering information
- striking out or deleting information
- inserting information and
- inserting a note in relation to information.

Charges

The *Freedom of Information Regulations* 1993 set out the charges which may be levied when processing an FOI application:

- Charge for time taken dealing with the application - \$30 per hour
- Charge for access time supervised by staff - \$30 per hour
- Charges for photocopying - \$30 per hour for staff time; and 20c per copy
- Charges for staff time in transcribing information from a tape or other device - \$30 per hour
- Charge for duplicating a tape, film or computer information - actual cost and
- Charge for delivery, packaging and postage - actual cost.

In cases where charges levied are expected to be higher than \$25, the applicant will be provided with an estimate of charges as soon as possible after receipt of the application. The Commissioner reserves the right to request an advance deposit. A reduction in charges may be sought in the case of financial hardship.

Contact details

For further information on FOI matters please contact:

Manager Corporate Services
Commissioner for Children and Young People
Ground Floor / 1 Alvan Street
SUBIACO WA 6008
Phone: (08) 6213 2297
Fax: (08) 6213 2220
[Commissioner for Children and Young People WA website](http://www.ccyp.wa.gov.au)
(www.ccyp.wa.gov.au)

Information on FOI in WA, including application procedures and FAQs, is available on the [Information Commissioner's website](http://www.foi.wa.gov.au) (www.foi.wa.gov.au) or by phone 08 65517888.

The Public Sector Commissioner's (PSC's) functions in relation to public interest disclosures are set out in Part 4 of the PID Act, information is available on the Public Sector Commission's website <https://publicsector.wa.gov.au/public-administration/official-conduct-and-integrity/public-interest-disclosures> or by contacting the PSC Advisory Line on 086552 8888.

A Speaking Out: A Guide to making a Public Interest Disclosure digital media file is available at <https://publicsector.wa.gov.au/document/speaking-out-guide-making-public-interest-disclosure>.