

CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2021

Second Reading

Resumed from 4 August.

MR D.J. KELLY (Bassendean — Minister for Water) [12.04 pm]: I rise to make a contribution to the debate on the Children and Community Services Amendment Bill 2021. I want to begin by congratulating the Minister for Child Protection for getting this bill back on the notice paper so quickly. This bill was passed in the lower house during the previous Parliament, but it did not, unfortunately, get through the upper house. I am very pleased that the minister has managed to get this bill back before the new Parliament.

This bill is part of this government's commitment to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. I am proud to be part of a government that is doing that. This bill has a number of features. The one that I want to particularly address is the extension of the mandatory reporting obligations to ministers of religion. The reason I want to do that is that I certainly believe that churches, and the Catholic Church in particular, are still not facing up to their responsibilities to deal with this issue, both historically and going into the future; therefore, any measures that can drive home the responsibilities that these organisations have is welcome.

To illustrate the fact that these organisations have not fully, even today, owned up to their responsibilities, I want to talk a bit about my experience, having been taught by the Christian Brothers at Christian Brothers College in Fremantle, in dealing with instances of sexual abuse of children at that school. As the story will go on, I have since become aware of what has happened at other Christian Brothers schools in Western Australia. I was a student at CBC Fremantle in the 1970s. A teacher at that school, Brother Daniel McMahon, was my religion teacher in grade 4. At the time, he was also the principal of the primary school. Even as a grade 4 student at that school, it became completely obvious to me that Daniel McMahon was not a fit person to be anywhere near students, much less young students. He was a bully of a man. An adequate description of what he looked like would be Ernest Borgnine—he was a short, stocky character. He was very violent to the students. Corporal punishment was what he was expert at. But he also had a charming side. He could sing. That was sort of his party trick. I was not aware at the time that he was a paedophile. However, it was obvious to me as a grade 4 student that the guy should not be in charge of students, but there he was as the principal of the school.

I was at that school for nine years. I watched this guy's career. After I had graduated and left CBC Fremantle, he went on to be the vocations officer for the Christian Brothers. That meant that he was responsible for identifying students who might be eligible or be candidates to join the Christian Brothers. At the time, I thought that was a really strange choice, but that is the choice the Christian Brothers made. I did not think too much more about it until 2013. I was aware of the emerging issue of child sexual abuse in the Catholic Church and the royal commission and the like, but, as I said, I did not think too much more about him in particular until 2013.

In February 2013, I was a candidate to become a member of Parliament. I opened *The West Australian* of 16 February and there was a double-page spread about Brother Daniel McMahon revealing that he was a paedophile. Obviously, I was a little bit shocked, but in some ways not surprised. The story in *The West* outlined that up until 1990, he had abused children at, I think, Aquinas College and St Mark's College, Bedford in Western Australia. He then moved to Tasmania and became a parish priest until his death in 2012. He had recently died and *The West* did an exposé on him; there he was, in all this glory, revealed as a paedophile in *The West Australian*. I was in the middle of an election campaign and wondered what I should do with this new-found knowledge.

After the election, I decided to write to the school. In July 2013, I wrote to the Christian Brothers College Fremantle and its principal Shaun Kenny. I said to him that I had a copy of the newspaper article and that he would now be aware that this former teacher at the school was a paedophile. We all know that one reason people do not come forward is that they often wonder whether they will be believed. My letter said to him that now he knew this guy was a paedophile, the decent thing to do would be for the school to contact former students who may have come in contact with him, make them aware that the school now knows that this guy was a paedophile and that if they have any issues, they should feel free to come forward. The reply I got back from principal Shaun Kenny in July 2013 was underwhelming. It was a one-paragraph response that made reference to the existence of a royal commission and a rather incomprehensible sentence saying that my letter had been referred to the Christian Brothers professional standards committee. It sort of implied that further action would be taken. I never heard anything more from the school or the Christian Brothers on the issue. The school had been presented with the information, which I am pretty much sure it would have known already, that one of its former principals had been a paedophile and it should do something about it. Clearly, the response I got was that there was not much interest in doing anything.

I sat on that information for a while and wondered what I should do with it next. Quite out of the blue, I got an email from Brother Tony Shanahan, who at that stage had been posted to Africa. He had taught me in year 12 at CBC Fremantle. He emailed me to say that he wanted to apologise for an incident at the school that he had been

worrying about since 1979. He was the last Christian Brother to actually hit me. He had slapped me across the face and he wanted to apologise for that incident. I sent him an email back saying, “Tony, you don’t really need to worry about it. It’s not something that I’ve dwelled on. I’ve referred to it at dinner parties as the slap, and you shouldn’t carry that burden.” But I was aware that he had risen in the ranks of the Christian Brothers to be the head of the Christian Brothers in Western Australia, so I said to him, “What you really should be worried about is your response to allegations of child sexual abuse in your school.” He wrote back to me and said that he was not really in a position to do much about that, but that he could arrange a meeting with Brother Clinch, the head of Christian Brothers in Australia, if I wanted to take these matters further. I said that that would be a good idea.

In May 2015, I, along with member for Morley, met with Brother Clinch and one of his offsiders in Parliament. I went through this story and basically said how disappointed I was at the lack of response from the school. Brother Clinch’s response was, again, underwhelming. I said to him that he had a responsibility to outreach to former students to make them aware that the organisation now knows that Brother McMahon was a paedophile and that he should do something about it. I should also tell members that one of the things Brother Shanahan informed me about was that they were aware that Brother McMahon was a paedophile as far back as the late 1990s, which was after he had gone to Tasmania as a priest. He claimed that they had informed the authorities in Tasmania that Brother McMahon had been abusing children. Brother Clinch gave no commitments about any outreach to students. His first response was, “How would we do that anyway?” I said that the organisation has an old boys network and it regularly sends out newsletters and the like so it could use that forum. After that meeting, the Christian Brothers never got back to me. They undertook to consider what I had said and I never heard from them again. That was in 2015. Again, I wondered what I should do with that information. I bundled up that information, the acknowledgements from Brother Shanahan that they knew about Brother McMahon back in the 1990s, and I put that into a submission and sent it to the royal commission. I thought that I had done what I was going to do and it would now be up to the royal commission.

Last year, during the pandemic, there was some further publicity, I think, around George Pell and those issues started me thinking about these things again. The Perth Archbishop Costelloe made a statement assuring parishioners in Western Australia that there would be no cover-ups around these issues in the Perth archdiocese. Having known what had gone on with Brother McMahon, that did rankle. I contacted Gareth Parker on 6PR and did an interview in which I went through the story that I have retold members today. I was always very impressed by and admired the bravery of the victims. I thought that in my position, the more I talked about this stuff, the more I would shine a light on what has gone on and the more things might change.

[Member’s time extended.]

Mr D.J. KELLY: I gave the interview with Gareth Parker and I thanked him for the interest that he had shown in allowing me to tell this story. After the interview, I was contacted by at least a dozen former students of a variety of Christian Brothers schools, some who had had contact with Brother McMahon and some who had stories to tell about other brothers. What struck me is that I had never met anyone who had been abused by Brother McMahon at my school, CBC Fremantle. The article in *The West Australian* had talked about other schools. I was contacted by a number of former students—I will not say how many or who they were, because I understand that a number of them are now pursuing compensation—of CBC Fremantle who were abused by Brother McMahon. It was very confronting and one of those sliding doors moments. I was at that school. He taught me. While I was there, he was abusing students. It really is quite confronting when you realise it gets as close as that. The stories were absolutely horrific. He was a brute of a man and he used that strength not only on the football field and in the playground and when he administered corporal punishment, but also when he abused students while he was at the school.

I gave that interview and a number of ex-students contacted me. Since then, I have had a number of meetings with those ex-students. My understanding is that as a result, a number of them are now pursuing compensation. In one sense that is pleasing, but I also discovered that there are other ex-students who, independent of me, have been talking to other schools, trying to get them to do what I asked CBC Fremantle to do, which is to use their old boy networks to go out there and say, “Look, we know we had paedophiles teaching at our schools. This is who they were and this is when they were at your school. If you want to come forward, you should do so in the confidence that we acknowledge what went on.” Those other ex-students have, similarly, hit a brick wall. Schools like Trinity College and Aquinas College have not come forward and done the outreach they could do if they took this issue seriously.

One of the things about the royal commission in Western Australia is that it dealt with institutions like the former Castledare Boys’ Home and Clontarf School—institutions that no longer exist. The Catholic Church likes to portray this as a historical issue that was relevant to organisations and institutions that no longer exist. That is not the case. The abuse that I am aware of took place at schools like CBC Fremantle; CBC Highgate, which is now Chisholm Catholic College; CBC Leederville, which is now Aranmore Catholic College; Aquinas College; and Trinity College. Those schools very much still exist and in my view they have an obligation to reach out to former students and acknowledge what happened. What do they know? I am sure it was not only Brother Danny McMahon; I am aware, for example, that Brother Best, who was also principal at CBC Fremantle, is now in jail in South Australia.

He has been convicted. The royal commission estimated that possibly 20 per cent of Christian Brothers were abusers, and those schools know who those Christian Brothers are and where they taught. Those schools could be reaching out to former students to make that information available and allow them to come forward in the confidence that they will be believed.

The interview I gave on 6PR resulted in a number of students at my old school coming forward. People who were abused think that they are alone and that their stories are shameful. Just the fact that there is an environment in which they will be believed would encourage them to come forward. These are people whose lives have been irreversibly altered and impacted upon. They can now come forward and seek some justice.

After that interview I was contacted by Wayne Tinsey, the executive director of Edmund Rice Education Australia, the body that runs the schools I have mentioned. My initial conversation with him was quite positive. He led me to believe that CBC Fremantle was going to do some outreach to students on this issue, and I thought that was pretty positive. He said they would send some stuff out to students and I said, "If you want me to be involved, I can have a look at what you're going to send out." The response back was, "No, we've got it covered. We're going to deal with it." I was a bit disappointed by that. He said that there would be information about it in the next school magazine that was sent out, and that I should watch out for it.

I did that, and I have to say I was really disappointed. Later in 2020 I got the latest edition of *Touchstone*, which is the CBC Fremantle old boys' magazine. I am still on its mailing list. I went through that edition and could not see anything. I thought, "What was that conversation with the CEO about?" There was nothing in that magazine. A couple of weeks later I had a look at it again and on page 18 there was an article titled "Art from the Heart". I read it and in it there was a reference to a sculpture that had been erected at the school that included an apology to kids who had been abused at Christian Brothers schools. There was nothing specific about Brother McMahon or anyone else, just a general apology, which I initially missed. If that was the school's effort to reach out to students, I am very disappointed.

As I said, I have been in contact with a number of ex-students who have been talking to Trinity and Aquinas about getting them to do outreach. Those guys put in a considerable number of hours trying to get those schools across the line, to zero response. One of the ex-students had contact with David McFadden, the current principal of Aquinas. I quote from an email he sent on 15 May 2020. It was a conversation about the interview I gave on 6PR. These guys have been trying to get Aquinas to do some outreach for some time. David McFadden, the principal of Aquinas College, said in the email —

The owners of Aquinas College, Edmund Rice Education Australia (EREA) have adopted the position that it does not support the sending of blanket letters to all former students of its schools.

This was after I had conversations with Wayne Tinsey from EREA, in which he was very positive. Aquinas College is one of the foremost Catholic colleges in Western Australia, and for its principal to say that EREA had actually adopted a policy position that it does not support sending material out to former students is quite disgraceful. It has considered the issue and decided that it is not going to do anything about it.

I ask both the Catholic Church and those schools to reconsider their position. Brother McMahon, as an example, taught at Aquinas College, CBC Highgate, CBC Fremantle, St Patrick's College Geraldton and Trinity College. He also taught in New South Wales and South Australia, and then went to Tasmania to become a priest. Those schools know what he did. They have access to old boys' networks and they could write to those former students and say, "We now know what he did. You should have the confidence to come forward, knowing that you can do so in an environment where you will be believed and get the justice that you deserve." They have not done any of that. What they did in 2012, when McMahon died, was allow Brother McAppion—who taught me in year 9 at CBC Fremantle and who is still alive, to the best of my knowledge—to fly to Tasmania to deliver the eulogy for Brother Danny McMahon. He posted it online, and it outlines what a wonderful man he was. I do not know whether Brother McAppion knew Danny McMahon's history, but he should have known. Because the Christian Brothers and the Catholic Church hide these stories, it resulted in Brother McAppion flying to Tasmania to deliver McMahon's eulogy. McMahon had access to children as a priest in Tasmania for 20 years. If those organisations were up-front and fessed up to what they knew about the paedophiles in their ranks, the Catholic Church would be in a much better position.

I tell that story today because I have so much admiration for the victims who have come forward. Their bravery is immense. As a former student, this is a sliding door moment for me; I could have been one of those students, but thankfully I was not. I feel it is incumbent on this Parliament to do everything that it can to right the wrongs of the past. That is why I am very pleased that the minister brought this legislation to the house. Removing the statute of limitations on bringing forward compensation claims is one of the things that we did in the first term. That allowed John Lawrence and Paul Bradshaw, two former students of Congregation of Christian Brothers, to get compensation. That is great; may there be more of them who come forward. I congratulate the minister for bringing this legislation forward as one more step in allowing victims of child sexual abuse to get justice from religious organisations such as the Catholic Church and the Christian Brothers.

MS K.E. GIDDENS (Bateman) [12.30 pm]: With the Acting Speaker's indulgence, I will rely on my notes a little bit more today than I would ordinarily because the Children and Community Services Amendment Bill 2021 covers such an important topic and one in which I really want to be clear in my words.

In 2013, I moved with my husband and family to Wyndham, a small town in the East Kimberley. As we were driving into town on that very first day, having spent several days travelling from Perth, we passed a funeral procession. It was the funeral of a 12-year-old girl who had died by suicide. At the time, it was not in the media. I could not believe the death of a child by suicide was not in the national news. Later, the media would start to report these deaths, and the child to whom I refer was the subject of a coronial inquest into the deaths of 13 children and young persons in the Kimberley region of Western Australia. It was in Wyndham that I decided to become a teacher, and this really accelerated my own journey of witnessing the devastating and lifelong impacts of child abuse and neglect on our children.

I was somewhat reluctant to start my contribution to this debate today with the story I just shared, as I do not want to contribute to stereotypes or ideas that child abuse and harm is a unique characteristic of remote or Aboriginal communities. It is not. I went on to teach in a range of schools across different demographic and geographic locations, and, sadly, child abuse exists in all communities. However, my experience in Wyndham, and later in Kalgoorlie, gave me a deeper understanding of the importance of embedding cultural understandings into government responses to child protection.

The Aboriginal and Torres Strait Islander child placement principle and cultural support planning is a really important aspect of this amendment bill. It amends section 12 of the act and will set out an order of priority for placing an Aboriginal child in a care or placement arrangement. The first priority is placement with a member of the child's family. The second priority is placement with an Aboriginal person in the child's community in accordance with local customary practice. The third priority is placement with an Aboriginal person, who may be anywhere in Western Australia; and, finally, the fourth priority is placement with a non-Aboriginal person, who also may be anywhere in Western Australia.

This amendment is critical to minimise the additional trauma of dislocation from family, culture and country, and will result in meaningful improvements for the outcomes for Aboriginal children in the care system. The amendment will also have practical outcomes. A report dated this year and titled *Children and youth reported missing from out-of-home care in Australia: A review of the literature and analysis of Australian Police data* was prepared for the Australian Federal Police missing persons coordination centre. The report provided the following insights: children who went missing 10 times or more, were over nine times more likely to be in care compared with children who went missing once, and, nationally, just 37 per cent of non-care youth were repeat missing persons. The report found evidence that young people often went missing in order to return to their home or their friends or partners. Separation from siblings was shown to cause great distress, and the loss of, or infrequent contact with, one's siblings was a reason that young people in care ran away. We can see how prioritising the placement of Aboriginal children in the care system within their family networks is so important.

Humans are social beings and we are hardwired for connection to those who are closest to us. This amendment recognises this fact, and it is my hope that it will significantly reduce the associated trauma of dislocation from extended family, culture and community for Aboriginal children.

I would also like to add my contribution today to another aspect of the bill—that of mandatory reporting. Again, I would like to talk to my personal experience as a teacher to demonstrate how critical mandatory reporting is for the protection of children and young people. Unfortunately, in my role as a teacher, I made many reports of suspected child abuse, child sex abuse and severe neglect under the mandatory reporting framework. Although I never hesitated to make those calls, the mandatory reporting legislation removes any doubt or personal judgement about what teachers, in my case, should do if they suspect a child is being harmed. It may seem obvious that reporting child abuse should not be hard. As I said, for me, I never hesitated. But from living in a small or close-knit community, I can understand the circumstances in which a teacher, for example, might consider the impacts of their decision to report and hesitate to do so. Mandatory reporting removes all doubt. I commend this part of this bill, which brings into the mandatory reporting requirements additional workers such as early childhood workers, ministers of religion, out-of-home care workers, school counsellors, registered psychologists and youth justice workers.

Of this group of professionals, the most attention has been paid to ministers of religion, with an argument mounted by some against their inclusion on the grounds of protecting the sanctity of the confession and the protection of freedom of religion. We proudly live in a society in which we uphold and protect certain freedoms, but I do not know any example for which a particular freedom is not balanced or constrained by responsibilities or a hierarchy of other rights or freedoms. It is, in my opinion, both a moral and intellectual failure to argue against the inclusion of ministers of religion on this basis. We do not accept, for example, underage marriage on the basis of religious practice. We outlaw other religious practices because they cause harm, nor should we ever accept there is a valid reason for protecting and harbouring known child abusers.

Tackling child abuse, child sex abuse and harm is an all-of-community effort, and we each carry an obligation to do what we can. Only 38 per cent of child victims disclose their abuse. Here is another disturbing fact that I uncovered:

70 per cent of child sex offenders have between one and nine victims, and 20 per cent have 10 to 40 victims. It beggars belief to me, having worked with children and young people, that someone, somewhere, did not have a suspicion, belief or even confirmed knowledge of such abuse. The onus is on those of us in positions of authority, by virtue of our profession, to provide the voice and power to those who do not. The best words that I can use in support of the expansion of mandatory reporting are those of a survivor of child abuse, who in a Message to Australia as part of the Royal Commission into Institutional Responses to Child Sexual Abuse said —

Child sexual abuse is not just a crime against the person, but is also a crime that attacks the social fabric of the nation. Too often those entrusted with the care of children have covered up these crimes through secrecy and intimidation, to protect institutional reputation. Such practices are abhorrent to any who value dignity and compassion.

I would like to talk briefly on the gendered nature of child abuse and child sex abuse. Females are five times more likely to be abused than males. However, eight per cent of child sex abuse victims are males. Our society has an increasing recognition of, and support for, victims of child sex abuse, which is fantastic and well overdue. I cannot speak, of course, to the experience of being male, but through the shared experiences of male friends and colleagues of mine and people whom I have known in different places who have shared with me their experience of child sex abuse or the experiences of people they have known, I think there is still a way to go to better support the experiences of male victims of child sex abuse. I think there are still some cultural issues and a lot of shame around male victims of child sexual abuse, and we have a way to go to address that. We heard from the Minister for Water about his experience in tackling this institutional silence and of the need to give a voice to those boys at boys' schools, in his examples, who may have experienced child sexual abuse, and the kinds of barriers that he came up against in that effort. There is a way to go yet and I look forward to supporting and working with those who want to give further voice to those experiences.

In conclusion, I would like to pay tribute to the survivors of child sexual abuse, harm and neglect. I carry with me the experiences of those I have known personally, of my students, friends and family. I acknowledge their courage and the courage of all victims and survivors. There is no easy or single fix to this wicked problem, but this bill, and the amendments within it, will help contribute to improved outcomes for children and young people, and I am proud to support it. Thank you.

MS H.M. BEAZLEY (Victoria Park) [12.41 pm]: Before I begin my contribution to the Children and Community Services Amendment Bill 2021, I would like to thank the member for Bassendean for his powerful contribution, which I wholeheartedly support.

Home is where we find safety and security and, in the best-case scenario, empowerment. We want nothing more than for our children to be raised in a community that cares. The intention of this bill is to implement the recommendations of the 2017 statutory review of the Children and Community Services Act, including to introduce mandatory sexual and other abuse reporting for a wider range of occupations involved in the care of our children, and the strengthening of cultural and family requirements and consultation for the placement of Aboriginal and Torres Strait Islander children in care.

On mandatory reporting, the bill will amend the range of occupations that are required to report to the CEO of a department of the public service if they believe that a child has experienced sexual abuse in the past or currently. That is sexual abuse in relation to a child, including sexual behaviour in circumstances in which the child is the subject of bribery or coercion; there is a threat of exploitation or violence; the child has less power than another person involved in the behaviour; or there is a significant disparity in the developmental function or maturity of the child and other person involved in the behaviour. Mandatory reporting of child sexual assault is currently limited to teachers, boarding supervisors, police officers, doctors, nurses and midwives. This bill seeks to amend this list to include school counsellors, registered psychologists, early childhood workers, out-of-home care workers, youth justice workers and ministers of religion. I know many women whose lives would be different today if this legislation had been in place 30 years ago.

Under this bill, a minister of religion will not be excused from criminal responsibility for information disclosed during a faith-based activity, including religious confession. Failure of religious ministers to report the knowledge of child sexual abuse will not be excused based on their responsibility to hold confession in confidentiality or if their own beliefs are contrary to this knowledge of abuse. As a Catholic, I understand the sanctity of the confessional. I have an understanding of the theological arguments enshrined in canon law. However, if, like me, members have had exposure to canon law, they will also know how confusing and contrary it can be. In addition, as the member for Cockburn stated yesterday when speaking on this bill, in our society no religious law does or should trump secular law. As a Catholic who has always ascribed to the values of social justice and the rigorous and public pursuit of such, any arguments for the sanctity of the confessional, in my view, pale in comparison to our collective responsibility to ensure the safety of our children. It is crucial that all areas of society that are responsible for the care and wellbeing of a child are held accountable for reporting damaging or distressing situations that affect the safety and protection of our children. There should be no reason why any of these occupations cannot report these abuses if they are aware of them.

Working in any capacity with children should offer them a structure of support, care and trust. To learn that a facet of a child's web of support is responsible for a break in that implicit trust requires all those in that child's support structure to ensure that abuse is reported and the child is supported. That is our social responsibility as communal protectors of children—to prioritise their needs and welfare above all else—and I cannot accept any argument other than that.

On the updated principle for Aboriginal and Torres Strait Islander child placement, this bill rightly recognises the priority of placement arrangements for Aboriginal and Torres Strait Islander children. This amendment will prioritise a connection to family, culture and country by preferencing placements that are closer to the child's community. The current order of placement is: placement with a member of the child's family; placement with an Aboriginal person in the child's community, in accordance with customary practice; placement with an Aboriginal person, who may be anywhere in WA; and then placement with a non-Aboriginal person, who also maybe anywhere in WA. The intent of the current legislation is quite clear: that there is the capacity, which I am informed by my community and local legal services has happened, whereby workarounds have been found in order to place children in the least prioritised category rather than the relevant decision-makers embracing the intent of the law. My hope is that the tightening of the legislation through the amendments to the act will provide a stronger compulsion for decision-makers to prioritise family, community and on-country placement, and that the importance of maintaining these connections is given even greater weight when making life-determining decisions on behalf of a child.

For many, connection to family is the foundation from which we gain our emotional and psychological support. This is especially true of Aboriginal and Torres Strait Islander communities, with family standing as a form of spiritual, cultural and emotional guidance through life. When it relates to out-of-home care, Aboriginal and Torres Strait Islander children continue to be over-represented in our country, with one in six children coming into contact with child protection services. Of those, one in 18 were in out-of-home care, as of mid-2020. That is more than 3 000 Western Australian Aboriginal and Torres Strait Islander children, which is 11 times the rate for non-Indigenous children. Research shows that maintaining a connection to family and culture for these Aboriginal and Torres Strait Islander children results in more favourable lifelong health outcomes, less interaction with the justice system, and prolonged life span compared with Aboriginal and Torres Strait Islander children placed in out-of-home care when connection to family and culture is severed.

The bill amends the placement priority to preference not only family, but also close proximity to the child's community. Subject to the best interests of the child, the new order of priority of placement is: a member of the child's family; an Aboriginal person in the child's community, in accordance with local customary practice; an Aboriginal person in close proximity to the child's community, which is a new priority; either an Aboriginal person who may reside anywhere in WA or a non-Aboriginal person in close proximity to the child's community, which is also a new priority; and, finally, now down the longer list, with a non-Aboriginal person who may reside anywhere in WA.

Importantly, the replacement of section 81 of the act will extend the consultation process prior to a child being placed in care. Before making a placement arrangement of an Aboriginal and Torres Strait Islander child, the CEO must in future consult with an Aboriginal person or Torres Strait Islander who is a member of the child's family; an Aboriginal or Torres Strait Islander representative organisation; and an officer who is an Aboriginal person or Torres Strait Islander who, in the opinion of the CEO, has relevant knowledge of the child, the child's family or the child's community. In this bill, for Aboriginal and Torres Strait Islanders, "family" is defined as a person regarded as such under customary law or tradition at the child's community. This is placed as an equivalent of western definitions of family, such as parents, grandparents, siblings, cousins and the like.

An elective Aboriginal representative organisation must also participate in the development of an Aboriginal child's cultural support plan. It goes without saying that Aboriginal and Torres Strait Islander children benefit greatly in their development and overall sense of identity and wellbeing from being in proximity to their community and country. Every child deserves to maintain their cultural identity. Aboriginal children deserve to remain connected to the community that raised them and the country where they were born, and to learn all there is to know about their family, community, country and culture. This is where the cultural support plan matters most. The cultural support plan for an Aboriginal or Torres Strait Islander child ensures the retention of that child's connection to family, community and culture, regardless of their placement. An Aboriginal child being asked by friends, "Who is your mob? Where are you from?", should have a response that reflects their continuous connection to the root of their story. It is fair to say that this connection is most likely to be enhanced when a child is within or near the community where they were born and raised. It is important that the amendments to section 9 of the Children and Community Services Act as proposed by this bill are implemented, and I summarise: it is imperative that every child be treated as a valued member of our society in a manner that respects the child's dignity.

Debate interrupted, pursuant to standing orders.

[Continued on page 2469.]