

SELECT COMMITTEE INTO CHILD ABUSE IN WESTERN AUSTRALIA

Establishment - Amendment to Motion

Resumed from 16 October on the following motion moved by Mr R.F. Johnson -

- (1) That a select committee be established to inquire into child abuse in Western Australia, including -
 - (a) the extent of and reasons for all forms of child abuse;
 - (b) the effectiveness of current stratagems for preventing child abuse, assisting abused children and dealing with abusers; and
 - (c) the adequacy of the system for the placement and helping of children in care.
- (2) That the committee report by 25 September 2003.

to which the following amendment was moved by Mr P.G. Pental -

To insert a new paragraph as follows -

- (c) publication and review of the protocols used by the department for the substantiation of allegations made;

MS S.M. McHALE (Thornlie - Minister for Community Development, Women's Interests, Seniors and Youth) [4.08 pm]: I remind the House that before the debate on this motion was adjourned last Wednesday, I had indicated that I would not be supporting the motion moved by the member for Hillarys and I would not be supporting the amendment moved by the member for South Perth. I will make some brief remarks about the amendment, and after we have voted on it I will return to the substantive motion.

The member for South Perth referred to the departmental practice of referring in certain circumstances to substantiated allegations of child sexual abuse when the person accused had not been convicted by a court. From my experience as a minister, I recognise that that also caused me some concern about the language used. I pointed out the difficult situation the department finds itself in, as the major government agency responsible for child protection. On the one hand, it has the obligation to investigate and, on the other, it experiences difficulties in securing convictions in court. The degree of evidence required in a criminal trial is different from that the department might use when looking into matters of child protection to determine whether a person is responsible for the abuse of a child. Evidence in a criminal trial is subject to very stringent judicial requirements. I indicated to the member for South Perth that the director general of the department was conducting a review into departmental practices about the language used when recording evidence about a person believed responsible for the maltreatment of a child. I want to put on record the state of the review. I assure the member for South Perth that his concerns are being looked at by this Government.

In the course of its duties the department acquires, records and releases information on individuals in order to achieve safety for children. The department has a statutory responsibility to investigate allegations of child abuse. Investigating officers have a responsibility to acquire and analyse information, and to form opinions on the implications of that information. A factor to be considered in determining continued risk and planning for the safety of a child is identifying the person responsible for the maltreatment.

The policy and procedures for the practice of formally identifying persons believed responsible was established in the late 1980s and early 1990s, as the department embraced information technology. Since that time, there has been increased community concern and interest in the way that agencies record, manage and release information on citizens, as well as increased requirements for accountability and transparency. In April 2002, the director general of the department commenced a review to ensure that the department's policies and procedures for recording and releasing information on people believed responsible were justifiable, contemporary and relevant. To allay the concerns of the member for South Perth, I advise that the terms of reference of the review are to examine the implementation of executive decisions for the development of departmental policy, guidelines and procedures for identifying and recording the details of persons believed responsible for the maltreatment of children.

Decisions on the release of such information to third parties, when there are child protection concerns, will also be examined. That may involve job applications either within, or external to, the department. The review will also examine practices in other States and seek legal advice, as appropriate. It will conduct a review of case files to better understand current case practice in determining a person's responsibility for the abuse of a child. It will also consider appropriate terms for a person believed responsible for the maltreatment of a child and develop

Extract from Hansard

[ASSEMBLY - Wednesday, 23 October 2002]

p2285b-2301a

Ms Sheila McHale; Ms Sue Walker; Mr Rob Johnson; Speaker; Acting Speaker

proposals for the description and criteria for the application of such terms. In addition, it will consider appropriate measures for the management of existing "person believed responsible" records.

I assure the member for South Perth that his concerns about the language used, which, in the case of his constituent, referred to substantiated allegations - when in fact the allegations had not been substantiated in court - are being looked at. The review commenced some time ago -

Mr R.F. Johnson: How long ago?

Ms S.M. McHALE: In April 2002. The review is being conducted by the director general of the department and will be completed by either the end of this month or early November. I wanted to elaborate on my comments from last week so that I could articulate in some detail the terms of the review and to assure members, particularly the member for South Perth, that the concerns he raised some years ago are being examined. I share some of his concerns and I am pleased that the director general has initiated this review. I will be happy to report the findings of the review to the House.

I do not support the amendment to the substantive motion because I do not support the motion. The concerns of the member for South Perth will be addressed by the department. As such, there is no need for his amendment. The work undertaken will look at the critical issue of how my department manages a person believed responsible. I will speak later on the substantive motion.

MS S.E. WALKER (Nedlands) [4.16 pm]: I support the amendment moved by the member for South Perth. I will speak briefly on the amendment because I support the substantive motion moved by the member for Hillarys. If there is to be a proper review of child abuse in Western Australia, it must be extensive and full. Protocols used by the department must be reviewed as part of an investigating committee's terms of reference. I have read the member for South Perth's comments about the problems he has experienced. It is vitally important that there be an external review of what is occurring within the department. From what the minister has said, it appears that there will be an internal review of the department. When speaking of child abuse, the member for Hillarys mentioned physical, sexual and emotional abuse, as well as neglect. Prior to being elected to Parliament, I had some dealings with the Department for Family and Children's Services, which is now the Department for Community Development. However, I do not have the extent and depth of knowledge I had when dealing with prosecutions of paedophiles and child sexual abuse.

I support fully the member for Hillarys in moving his substantive motion. I also fully support the member for South Perth in his amendment. This is a vitally important issue in Western Australia. I do not believe the general public is aware of the full extent of child abuse in Western Australia. It is important that an independent committee look at the big picture, including the protocols in place. It must be more than just an internal review; that is not sufficient. That is not an aspersion cast on the director general. An objective overview is vital.

MR R.F. JOHNSON (Hillarys) [4.19 pm]: I thoroughly agree with the amendment moved by the member for South Perth. In saying that, the minister and I are keen to return to the substantive motion. The member for South Perth's amendment is very important. I was pleased to agree to have this amendment attached to the substantive motion I moved last week. It is important that children who have been sexually, physically or emotionally abused and have suffered neglect and had their lives put at risk, get their day in court; but it is also important that the people accused get their day in court. I have zero tolerance for anybody found guilty of child abuse in any way, and I place that fairly and squarely on the record. However, we must also bear in mind those who are innocent. The general public is concerned that the Department for Community Development can make a finding that a claim has been substantiated. If that is the case, the department has an absolute obligation to the abused child to report the case to the police and to ensure that it goes to the Director of Public Prosecutions. If somebody is accused of child abuse and the allegation is substantiated, it is totally irresponsible and unfair for no further action to be taken. I know that that is the concern of the member for South Perth. Through his amendment, he wants to ensure that the protocols used by the minister's department to substantiate allegations are published and reviewed. Quite frankly, that is simply open and accountable government.

Ms S.M. McHale: Typically, the cases have been referred to the police but the problem relates to the collection of evidence and police substantiation. We must be clear that when the department is made aware of allegations of abuse, it is very strict with its protocols and it refers those cases to the police.

Mr R.F. JOHNSON: Obviously the member for South Perth does not share the minister's confidence in the department and the way in which it handles these sorts of allegations. If the department finds that a person is guilty, it means it has accepted that the allegations have been substantiated. The department then has an obligation and duty to further the process, and request that action be taken by the police. A substantiated allegation cannot be left; the matter must be taken further.

Ms S.M. McHale: You have not heard what I said. The department refers those cases to the -

Extract from Hansard

[ASSEMBLY - Wednesday, 23 October 2002]

p2285b-2301a

Ms Sheila McHale; Ms Sue Walker; Mr Rob Johnson; Speaker; Acting Speaker

Mr R.F. JOHNSON: Does that happen in every case?

Ms S.M. McHale: The protocols for the Department for Community Development and the Police Service are such that yes, the cases are referred to the police. It is the issue of evidence that is -

Mr R.F. JOHNSON: Therefore, every case that has been substantiated by the minister's department has been referred to the police?

Ms S.M. McHale: I would expect that to be the case.

Mr R.F. JOHNSON: No, that is different from what the minister just said. I want the minister to provide an unequivocal answer.

Mr E.S. Ripper: Should she go and examine the files personally?

Mr R.F. JOHNSON: Absolutely. A responsible minister would do that. It is not fair to Western Australians or the children involved to not proceed with those allegations. If the minister's department finds cases that are substantiated, every single one of them should be referred to the police and, if necessary, the DPP. That is the way it should be because it is a fair and open process and in the best interests of the child. We believe that the publication and review of the department's protocols must be -

Ms S.M. McHale: Let me repeat that substantiated cases are referred to the police. The problem is with the collection of evidence by the police to substantiate that case in court. As far as the department is concerned, it refers the cases to the police.

Mr R.F. JOHNSON: Is that in every single case in which the department has found the evidence to be substantiated?

Ms S.M. McHale: Every case that the department believes is substantiated, yes.

Mr R.F. JOHNSON: Every single case?

Ms S.M. McHale: Yes.

Mr R.F. JOHNSON: That is fine if that is the case, and I will not challenge the minister on that at this stage. The department should follow the process through even if the police decide that the case is not on their list of priorities or that it is too hard a job to collect the extra evidence needed. If the minister's department has collected the evidence then it is there for the police to use. If the department has found someone guilty, the police must have enough evidence to charge and take that person to court because the department must have evidence to substantiate the allegations.

Mr E.S. Ripper: Do you now support political interference with police prosecution?

Mr R.F. JOHNSON: The minister has an absolute obligation and duty to protect the children in this State, which is not happening at the moment. I will be saying a lot more on that when I respond at the end of this debate. However, at the moment I am talking on this amendment, and I put on the record that I support it. For a start, it is good for open and accountable government. It is a fair amendment in relation to those who have been found guilty - if one likes - by the department but against whom there is not enough evidence for the police to prosecute. In that instance a differentiation exists between the department and the police. If the police do not have enough evidence, then one might think that perhaps the evidence the department has is not strong enough to substantiate the allegations.

Mr E.S. Ripper: Does the member believe that the standard for the protection of children should be the same as the standard for conviction in a court?

Mr R.F. JOHNSON: Anyone who has sexually, physically or emotionally abused or neglected a child and put that child's life at risk should have their day in court and, hopefully, spend a lot more time in prison at the pleasure of Her Majesty the Queen.

Mr E.S. Ripper: What would you do if a social worker said that he believed that the allegation was substantiated and that the child was in need of protection, but the police prosecutors did not feel they had enough evidence to put the case before a court? How do you suggest that ought to be resolved?

Mr R.F. JOHNSON: If there is enough evidence to suggest that abuse has taken place, the Department for Community Development has an absolute duty and obligation to take that child -

Mr E.S. Ripper interjected.

Extract from Hansard

[ASSEMBLY - Wednesday, 23 October 2002]

p2285b-2301a

Ms Sheila McHale; Ms Sue Walker; Mr Rob Johnson; Speaker; Acting Speaker

Mr R.F. JOHNSON: I took the Deputy Premier's previous interjection so he should at least let me finish. The department has a duty and obligation to take that child into care if there is any doubt about the evidence whatsoever. From what I can see, there is no overwhelming evidence but there is some doubt -

Ms S.M. McHale interjected.

Mr R.F. JOHNSON: Let me finish. I did not interrupt the minister and I do not want to spend too much time on the amendment, because I want to deal with the motion. I will put on record my views and feelings in relation to the amendment moved by the member for South Perth.

The first criterion is for the protection of the child. If there is any question whatsoever that a child has been abused, no chances should be taken and the child should be put into care. I wish the minister's department had done that in a certain case of which she is fully aware and to which I have referred previously. The second criterion is that the matter must then be investigated further. If there is enough evidence to say publicly that the allegation has been substantiated, then the minister must follow that process through. However, if that is not the case, let us see the protocols that the department uses; that is what the member for South Perth is asking for. To be honest, I thought the minister would agree with the amendment and then knock my motion on the head. The amendment provides for good, open and accountable government, which the Premier espouses to support. Yet, this is a clear case in which the minister does not want to be open and accountable.

I will conclude because it is important that we vote on this amendment and then get back to the substantive motion. I support the amendment. I am astonished that the Government and the minister are not prepared to at least support the amendment in the interests of openness and accountability. I know for a fact that the minister will not support the substantive motion, but she could have supported the amendment and then voted against the substantive motion, as amended. She is not taking that opportunity, which is a little naïve, but that is her decision. I support the amendment.

Amendment put and a division taken with the following result -

Ayes (18)

Mr R.A. Ainsworth	Mr J.P.D. Edwards	Mr P.D. Omodei	Ms S.E. Walker
Mr M.J. Birney	Mr M.G. House	Mr P.G. Pandal	Dr J.M. Woollard
Mr M.F. Board	Mr R.F. Johnson	Mr D.F. Barron-Sullivan	Mr J.L. Bradshaw (<i>Teller</i>)
Dr E. Constable	Mr W.J. McNee	Mr M.W. Trenorden	
Mrs C.L. Edwardes	Mr B.K. Masters	Mr T.K. Waldron	

Noes (27)

Mr P.W. Andrews	Mrs D.J. Guise	Mr M. McGowan	Mr J.R. Quigley
Mr J.J.M. Bowler	Mr J.N. Hyde	Ms S.M. McHale	Mr E.S. Ripper
Mr C.M. Brown	Mr J.C. Kobelke	Mr A.D. McRae	Mrs M.H. Roberts
Mr A.J. Carpenter	Mr R.C. Kucera	Mr N.R. Marlborough	Mr D.A. Templeman
Mr J.B. D'Orazio	Mr F.M. Logan	Mrs C.A. Martin	Mr M.P. Whitely
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr M.P. Murray	Ms M.M. Quirk (<i>Teller</i>)
Mr L. Graham	Mr J.A. McGinty	Mr A.P. O'Gorman	

Pairs

Mr C.J. Barnett	Dr G.I. Gallop
Ms K. Hodson-Thomas	Mr P.B. Watson
Mr A.D. Marshall	Mr S.R. Hill

Amendment thus negated.

Debate (on motion) Resumed

MS S.M. McHALE (Thornlie - Minister for Community Development, Women's Interests, Seniors and Youth) [4.34 pm]: As I indicated last week, I do not support the establishment of a select committee into child abuse in Western Australia for several reasons. I want to use the different elements of the terms of reference of the proposed select committee to construct my response. The member for Hillarys has called for the establishment of a select committee to inquire into child abuse in Western Australia, including the extent of and reasons for all forms of child sexual abuse.

Extract from Hansard

[ASSEMBLY - Wednesday, 23 October 2002]

p2285b-2301a

Ms Sheila McHale; Ms Sue Walker; Mr Rob Johnson; Speaker; Acting Speaker

The first reason I do not believe we need a select committee is essentially this: I have said that it is time to do something and to continue implementing the strategies of this Government to protect children. It is time to evaluate what we are doing. It is not the time to spend more time discussing and reviewing. We have gone through an extensive process over the past 10 months of reviewing what is happening with child sexual abuse, specifically with Aboriginal children. The lessons to be learnt from the Gordon inquiry extend to all children, regardless of their cultural background.

Three major sources of information currently exist from research in this very important area of social policy. The National Child Protection Clearinghouse is available to policy makers and service providers. It is an information and advisory resource on child abuse prevention, child protection and associated family violence. The purpose and the mission of the clearing house is to help families and communities create an environment conducive to the wellbeing, care and protection of children. The clearing house is based at the Australian Institute of Family Studies in Melbourne. Research papers are commissioned regularly through the clearing house and go onto a web site.

The second source of data collection is the national data collected by the Australian Institute of Health and Welfare, which is Australia's national health and welfare statistics and information agency. This State's government departments contribute to the data that is then published annually in a report entitled, "Child Protection Australia". This is an incredibly valuable source of information. Again, it provides analysis and comment on emerging trends in child protection across Australia and between individual States. Again, that material is publicly available.

The third source of information for the extent of and reasons for all forms of sexual abuse is the research and papers published by the Australian Institute of Criminology, which examines trends and links between child abuse and neglect, child sexual abuse, criminal activity and family violence, and alcohol and other substance abuse.

We on this side of the House believe that the work this Government has initiated in the past 10 months and the material that already exists is solid evidence-based material. Solid national and international research has been undertaken on the extent of and reasons for all forms of child abuse. It would be a waste of time to establish a select committee that would in effect duplicate the efforts that have already been made. It would take valuable resources from the primary purpose of helping children in this State. It would divert them to a select committee, which will not advance the cause of children's rights in this State.

Mr R.F. Johnson: But you don't know all the cases of abuse that are going on because you don't agree with mandatory reporting. You are relying on members of the public taking the trouble and care to report allegations or suspicions of child abuse.

Ms S.M. McHALE: I will refer to the issue of mandatory reporting later in my remarks.

There are several other sources of current research, knowledge and information that are relevant to our community, two of which are directly related to recent child protection issues within the State. The Gordon inquiry was established by the Premier and the Government following the coroner's inquiry into the death of Susan Taylor. The inquiry's report, which was tabled in Parliament in August, is an extensive inquiry into child sexual abuse in this State.

Mr R.F. Johnson: Only in the Swan Valley community.

Ms S.M. McHALE: The member for Hillarys knows full well that it extends beyond the Swan Valley community. I will remind members opposite of the Gordon inquiry's terms of reference, to disabuse, once and for all, the member for Hillarys. The coroner returned an open finding in the death of Susan Taylor. It is important that that fact is again put on the public record. However, the inquest related to reports of the sexual abuse of children in the Swan Valley Nyungah Community, which is of great concern, and, more generally, to the level of maltreatment that is perpetrated statewide. The members for Hillarys and Nedlands are wrong when they say that the Gordon inquiry report concerned only the Swan Valley. Once again, the member for Nedlands has got it wrong. I will tell her why she is wrong.

Ms S.E. Walker interjected.

Ms S.M. McHALE: If the member for Nedlands stops interjecting and listens to what I say she may learn the extent of the area covered by the inquiry.

The report identified that different government agencies, including the police and the Departments of Justice, Health and Community Development, may be involved with children who have been abused, and that it is often difficult to piece together the picture of a child and his or her family and community. The Government's swift and definite response to the coroner's inquiry was to establish the Gordon inquiry. The inquiry investigated child abuse and family violence in Aboriginal communities and in communities statewide. I remind the member

Extract from Hansard

[ASSEMBLY - Wednesday, 23 October 2002]

p2285b-2301a

Ms Sheila McHale; Ms Sue Walker; Mr Rob Johnson; Speaker; Acting Speaker

for Nedlands of the terms of reference. Only one term of reference related to the Swan Valley community. First, the inquiry's terms of reference were to examine the issues raised by the coroner's inquiry into the death of Susan Taylor and about the way in which government agencies dealt with the issue of violence and child sexual abuse in the Swan Valley Nyungah Community. The second term of reference was to examine how state government agencies respond to evidence that family violence and child sexual abuse may be occurring in Aboriginal communities generally.

I will repeat what I have just said because the member for Nedlands is not listening. Rather, she continues to interject and her ears are not connecting.

Ms S.E. Walker: I just want a simple answer.

Ms S.M. McHALE: I have just given the member an answer.

The second term of reference was to examine how state government agencies respond to evidence that family violence and child sexual abuse may be occurring in Aboriginal communities generally.

Ms S.E. Walker: Were non-Aboriginal communities investigated?

Ms S.M. McHALE: The matter is about sexual abuse in Aboriginal communities. I have already said that.

Ms S.E. Walker: The answer is no - thank you!

Ms S.M. McHALE: My goodness, one would think the member for Nedlands was scoring a political point. She is being quite pathetic, because what I said at the beginning was that the Gordon inquiry was about sexual abuse in Aboriginal communities. However, the lessons learnt from the inquiry go well beyond Aboriginal communities and deal with the way government agencies manage cases of child sexual abuse. How much clearer can I be?

Specifically, the inquiry was to examine the activities of state government agencies in addressing complaints of and in reporting sexual abuse in Aboriginal communities; to identify the barriers and capacity of government agencies to address the issue of family violence, and, in particular, child sexual abuse in Aboriginal communities; and, to comment and make recommendations on the mandatory reporting of sexually transmitted diseases among children and juveniles. That is very clear. There is no way that any recommendations or reports on the mandatory reporting of STDs will apply only to Aboriginal children; they apply to all children.

The final specific term of reference was to comment on any limitations of DNA testing in the Aboriginal community. The point I want to make again is that the findings of the inquiry's report have general relevance to the whole child protection system in Western Australia.

Ms S.E. Walker: Why?

Ms S.M. McHALE: Because we are primarily dealing with children, regardless of whether they live in Aboriginal or non-Aboriginal communities.

Ms S.E. Walker: Different cultures?

Ms S.M. McHALE: The member should be careful about what she says. I would not necessarily go down that path. It is the Government's view - it is also the view strongly held by professionals and those who care about child protection in the State - that the findings of the inquiry's report have general relevance to the whole child protection system in Western Australia. This afternoon the Premier announced that the report from the task force examining the Government's response will arrive in November. That time slippage is entirely justified because those who are involved in the task force are also formulating the Government's response and reaction to the Bali tragedy.

Mr R.F. Johnson: The Government may set up a task force and establish committees, but it does not deal with the problem. That is our concern.

Ms S.M. McHALE: I am absolutely delighted with the member for Hillary's interjection, because he has reaffirmed the basic premise of my deliberations. We do not want to establish another select committee or another task force. The member said it himself, and I thank him for that.

Several members interjected.

The ACTING SPEAKER (Mr Dean): Order, members!

Ms S.M. McHALE: I now turn to the Maria Harries report. It was interesting that last week the member for Hillarys quoted an intern's report on mandatory reporting. That was good, because it is a good topic to give interns. However, he did not acknowledge - I am sure he is aware of this - that a number of months ago, possibly in March, I established an inquiry through the Child Protection Council into mandatory reporting, which was the Maria Harries inquiry. Therefore, it is somewhat unfortunate that the member for Hillarys should come

into this House and not acknowledge that fact. I have used the parliamentary process to inform the House that the inquiry was comprehensive and that it included a detailed literature search and a review calling for submissions on mandatory reporting. The report was deliberately sought to ensure that the issue of mandatory reporting for all children would be considered in concert with the recommendations of the Gordon inquiry report. The last major review of mandatory reporting was done in 1986-87 and I thought it was about time we reviewed both national and international evidence on mandatory reporting and the pros and cons of its effectiveness as a tool for increasing child protection or reducing child maltreatment. It is worth noting that the report found no evidence to suggest that mandatory reporting provided improved protection for children. It is a reporting mechanism, but the available evidence suggests that it may weaken child protection systems by drawing in many unwarranted reports that receive a statutory investigation response rather than supporting services to families that help them care appropriately for their children.

The requirement for the mandatory reporting of sexually transmitted infections in children under the age of 13 was a recommendation of the Gordon inquiry. On the day that the Premier announced the report of the Gordon inquiry to this House, he informed members that this Government was supportive of that recommendation, which is currently being considered by the task force of director generals. The broader issue of mandatory reporting of all abuse was referred to in the report of the Gordon inquiry, but that inquiry was also aware of the Maria Harries inquiry and linked its discussions with the outcomes of that inquiry.

Over the past 10 months this Government has taken on two very serious and difficult social policy issues: sexual abuse of Aboriginal children, specifically; and mandatory reporting, specifically. This Government has confronted those issues and has systematically and methodically worked through the research material and the experience available from national and international sources, and has endeavoured to place itself in a position where, when it comes to making a decision about mandatory reporting and a proper response to child sexual abuse, it will be informed and will have the latest material. Those two reports underpin and inform the deliberations of my department, the Premier's department, the Attorney General's department, the Minister for Health's department, the Department of Education and a number of other agencies. We have collected very sound and solid evidence to make our informed and considered decisions. It is important for all members to realise that these two reports - the report of the Gordon inquiry and the Maria Harries report - are very solid and were produced by professional and reliable people.

The member for Hillarys referred to child abuse in Western Australia being rife and that that abuse also occurs in Western Australian Aboriginal communities. Of course it does. Abuse transcends culture, abuse transcends socioeconomic status and abuse transcends a whole range of social factors. The important thing is to deal with it. This Government will deal with it, not by setting up a select committee but by responding to the Gordon inquiry and the Maria Harries report and to the information it receives from bodies such as the Australian Child Protection Council and so on. Abuse does occur in Western Australia, but I question the member for Hillarys when he says that it is rife. My department has a responsibility to receive and investigate allegations of child maltreatment. The figures show that the number of allegations has risen over the past three years. The annual report of the department indicates that the total number of allegations of abuse or maltreatment of children across the major categories has increased to 3 036. I am referring to neglect, physical and sexual abuse, emotional abuse and unknown. This is not a good statistic. In 1999-2000 the total number of allegations was 2 600; in 2000-01 it was 2 828; and in 2001-02 it was 3 036. They are total allegations; they are not substantiated cases. When we refer to mandatory reporting, it is important to understand the difference between allegations and substantiated cases.

Ms S.E. Walker: What about proven cases?

Ms S.M. McHALE: Substantiated cases means proven cases.

Ms S.E. Walker: Are they substantiated by the department or proven cases in court?

Ms S.M. McHALE: When we are looking at figures and comparing what is happening in different States - those States that have or do not have mandatory reporting - it is important to understand that there has been an increase in the number of reported allegations, although the substantiation rate - whatever that means to the State or jurisdiction that is reporting those figures - has not necessarily gone up following mandatory reporting. It is a complex issue, but it is important not to be convinced that the increasing rate of allegations means that children are being protected more, because that was not the evidence in the material that Maria Harries reviewed. Members might think Maria Harries got it wrong, but when we talk about allegations we are not talking about increasing child protection. Members should not be fooled by what is seen to be an increasing rate of allegations.

In 2001-02 the department received 2 800 child maltreatment allegations and approximately 49 per cent of those were substantiated. I will check with the department whether they were substantiated in court or substantiated by the department. The rate of substantiation in the other States has not gone up commensurate with the

allegations. It is important to understand that mandatory reporting is not a tool for child protection. It may well be a reporting tool, but if our goal is to increase the safety of our children, mandatory reporting is not necessarily the way to go.

I will now recap. In the past 10 months this Government has initiated two major inquiries into child protection - the Gordon inquiry and the Maria Harries report. The Maria Harries report was commissioned in March 2002 and was undertaken by the social policy unit at the University of Western Australia on behalf of the Australian Child Protection Council. I tabled that report in August and, of course, it has been considered alongside the Gordon inquiry report. Both of these inquiries examined in detail the extent of child abuse in Western Australia and the Government's and the community's responses thereto. The findings will form the basis of our strategies for responding effectively to child abuse. These findings have been taken into account in the development of our new department, and in building mechanisms to improve collaboration and cooperation across government agencies and, importantly, with non-government service providers. In 2002-03 the Department for Community Development received an increase of \$4.9 million in its budget for the care of children. That builds on an increase in 2000-01, and a further \$2 million recurrent expenditure in 2002-03.

The department has also developed a strategic framework for the care of children and young people. Again, this has been done in consultation with the non-government sector. This framework identifies key areas for action and also key achievements to be reached up to the year 2005 in prevention and family support, prior to entry into care, the provision of quality care, and, of course, leaving care. This Government has recognised the importance of listening to what children tell us, particularly children in care, who are the most vulnerable of the children we deal with. Many of them have been sexually abused. Our recognition of the importance of giving a voice to children and young people in care is in the funding of the organisation called the Create Foundation WA. This has allowed the department to hear first-hand the voices and the experience of the children who are now in care because of sexual, physical and other abuse. Those voices, which are so critically important, will provide input to the work the department is doing, both on the new legislation and the strategic framework for care for children.

The department has also implemented, since July of last year, another strategy called looking after children, known as the LAC system. This is a system of case management to improve the outcomes for children and young people in care in the areas of health, education, family and social relationships, identity, issues of emotional and behavioural development, and their own self-care skills. We are talking about children who are very vulnerable, and have not been given the care and the appropriate parenting that they needed. There are deficiencies in their skills. The LAC program is a very good program that has been implemented and worked through in concert with placement agencies, the Foster Care Association of Western Australia and the Create Foundation. The department has also been working with the not-for-profit care for children sector to provide an appropriate mix of services, so that a range of suitable options is available for children. This has been a very complex program and it is still being finalised, but it is overdue. It has caused some pain, but the outcomes will mean there is a better mix of services for children, ranging from one-on-one care through foster carers to special group homes, taking account of the number of Aboriginal children in care and ensuring there is appropriate care and support for children from non-English speaking backgrounds. The result of this work will be a new funding agreement with agencies. It is hoped that this will be signed by December 2002 and will form the basis of a very strong partnership between the government sector and the department for the delivery of services to the children who are most at risk.

The department has also been working with the Foster Care Association on a project to address concerns about the reimbursement of incidental expenses. I know the member for Hillarys has also been working with the Foster Care Association in this area. The reimbursement of incidental expenses is additional to the subsidy and clothing allowance that carers receive, and the pocket money paid to carers. A proposal to clarify what is covered by reimbursement and to improve equity and consistency in the payments is now being considered by the department. Next Friday I will be in Canberra at a round table with the federal Minister for Children and Youth Affairs, Hon Larry Anthony, and other state ministers, to look collectively, and hopefully in a bipartisan way, at how we can support foster carers both nationally and at a jurisdictional level. I will be very happy to report the outcomes of those discussions to the House.

The House needs to be aware of some other recent reports to understand why the Government does not support the member's motion. I refer to "The Cost of Caring" by the Social Policy Research Centre; "Supporting Strong Parenting in the Australian Foster Care Sector", produced on behalf of the Australian Foster Care Association; and "A Time to Invest", published by the New South Wales Child and Family Welfare Association. All these reports have called on the federal Government to have a greater role in foster care, perhaps through a national plan for foster care and increased financial support. I am sure that that underpinned the considerations of Hon Larry Anthony, when he determined to call a meeting of state ministers to discuss ways to better support foster carers and the children and young people in their care. We will be looking at a range of options for the better

support of foster carers and their children, and one of them could well be a system of payments to families, perhaps through a family tax payment. I am sure that many good ideas will come from the meeting with Hon Larry Anthony next week.

I wish to put a number of other points on the public record, so that members can see that the Government is taking its position on the motion of the member for Hillarys, not because it is not interested in the subject of the motion, but because there is no need.

Mr R.F. Johnson: You almost said that you are not taking it seriously.

Ms S.M. McHALE: Absolutely not. There is no need for a select committee. Will all due respect to the member for Hillarys and his desire to assist in the discussions about child protection, there is no need for a select committee.

I will talk about the public health approach to child protection. We have a huge source of information in Western Australia. We are very blessed with the work that is being done by Professor Fiona Stanley through the Institute for Child Health Research, which is a valuable source of information, knowledge and research. That research takes a public health approach to child protection issues. We use that information, working collaboratively with Professor Stanley's researchers, to see how we can apply that research to service delivery and the approach we take to early intervention, support for families at risk, and working with the children who are the most vulnerable. Another key strategy of note that has been successful in Western Australia is the joint response to child abuse of the Western Australia Police Service and the Department for Community Development. This project was established by the previous State Government, and continues to demonstrate the effectiveness of collaborative partnerships in the investigation of child abuse. I recognise that this was a good project when it was established, and the Government has maintained and strengthened that program. The joint response project has recently been expanded to include the Department of Health - I acknowledge the Minister for Health for his drive and leadership - through the involvement of Princess Margaret Hospital for Children child protection unit. This will enhance the project's effectiveness in apprehending perpetrators of abuse and, obviously, in protecting children from abuse.

I am not saying that these mechanisms are perfect or are the only ones we need. However, they are the sorts of initiatives - such as the collaboration between Princess Margaret Hospital for Children, the Police Department and my department - that are needed to ensure that a serious effort and attempt is made to combat child abuse. As I said last week, there is nothing more distasteful or unacceptable than the physical, emotional or sexual abuse of children. The key agencies are endeavouring to work together. They are being informed by the Gordon inquiry. I agree that the Gordon inquiry was set up in response to the coroner's report on Susan Taylor. However, members are wrong if they think that the lessons to be learnt from the Gordon inquiry will apply only to the management of sexual abuse of Aboriginal children, because the lessons are generic. I stress that point. The tripartite government response to child abuse through the police, health and community services departments is a good example of a strategy that is enhancing the effectiveness of the Government in doing two things - apprehending perpetrators and protecting children from abuse.

The motion calls for a review of the effectiveness of some of the strategies. That suggests that these programs and initiatives operate in a vacuum; that they do not act in concert with research or the academic world. As minister I want evidence to show that the investment being made is making a difference. That is hard, because there has been an assumption that programs are rolled out and will somehow succeed. I do not accept that. Agencies with good intentions are sometimes misguided. Their projects may or may not work. It is okay to try a project, evaluate it, and if it will not work, to make that decision. I insist on knowing that programs are being evaluated. I am happiest when I know that they are being evaluated externally, and that we can stand by those evaluations. I expect programs that operate in my department to be evaluated and for their adequacy to be measured.

Several reviews and reports have been undertaken in Western Australia in recent years, including the Auditor General's report on accommodation support provided to young people unable to live at home. That report was first produced in 1998 and updated in 2001. It provides valuable information on how well or otherwise we are managing to support children in care with foster carers and other children who are living out of home. There were lessons to be learnt for the management of case managers and the turnover of placements of children, and the disruption that can cause. We are learning from reports such as that, and we will continue to learn. Another report was prepared by Bandt Gatter and Associates in 1996, titled "Review of Out of Home Preventative and Alternative Care". An earlier report titled "Roundabout of Care: A Study of Children-Youth Who are Difficult to Maintain in Stable Placements" came out in 1994. Considerable national and international research has been undertaken on child protection. The common themes that emerge from the literature and research include the complex nature of the problems that result in children being placed in care, and access to treatment services for children in care and their families.

I have spoken in this House about some of the antecedents that lead to children being taken into care, including serious issues that relate to drug dependency, substance and alcohol abuse, domestic violence and other social issues. The material is available. It is a question of the willingness to learn from the material and try different things. We need to look at reducing the number of multiple placements of children in care. We need to address the unacceptable turnover of child protection staff in agencies and government departments. We need to address the difficulty of recruiting suitable foster carers and parents. Those are the problems I face, and they are caused by social issues that need to be addressed collectively, such as drug and alcohol abuse and domestic violence. The problems that a number of our ministers deal with actually converge when talking about children in care. I do not resile from the fact that these are complex issues. The member for Hillarys is well aware of that. These issues require action.

In response to some of the issues that have emerged from the literature, the children and young people in care advisory committee was established within the Department for Community Development in February 2002 to provide independent advice to the director general on matters regarding care for children and young people. That is another source of independent advice to the director general. The Child Protection Council is a valuable source of independent advice to me as minister. The mandate of this council is to look at the effectiveness of child protection measures in this State. The Child Protection Council has been busy over the past year or so looking at a range of issues, including shaken baby syndrome and how to better respond to child injury and death. I endorsed a recommendation to set up an independent child death review team to analyse unfortunate cases in which children have died or have been severely injured while in the care of the department or an agency.

The point I always come back to is that we have the data; we have the information. We have reliable research from reputable researchers, including Fiona Stanley, the University of Western Australia, the Australian Institute of Health and Welfare, the Australian Institute of Family Studies, Princess Margaret Hospital for Children and King Edward Memorial Hospital. The Government has the will to face this serious issue and tackle the matter head on. I am proud that the Premier set up the Gordon inquiry, because we will learn a lot from it. The Gordon inquiry was a risk to agencies, because it would expose the adequacy of departmental response and the adequacy or inadequacy of the relationships between agencies, and rightly so. The Government is prepared to take those recommendations on board, to look at how well or otherwise our departments have performed, and to make changes where they are needed. I will be happy to see the outcomes of the task force, because it will enable this Government to tackle an issue that for many decades has not been dealt with satisfactorily.

I will reflect on what the Government is doing. The department has been restructured and will be far more responsive to children's needs. That is predicated on developing partnerships based on collaboration with the non-government sector and other agencies to protect children and develop a nurturing environment. This is Children's Week. This week is about reminding all of us that children need a protective environment. They need and have a right to have a safe and healthy environment.

Mr D.A. Templeman: Hear, hear!

Ms S.M. McHALE: I thank the member for Mandurah. It is important to recognise that that is what Children's Week is about. Local initiatives are being developed to support parents. We need local initiatives. We need to work with people on the ground. That is being done through the community development model. That is what the department is trying to do in partnership with the City of Mandurah and the member for Mandurah, who recognise the social issues in that area. The Government is providing the resources so that we can work collaboratively.

The department has conducted research that has not been done previously; for example, the work on mandatory reporting. It is not afraid to ask the hard questions, nor is it afraid of the answers and the implementation. I set up that inquiry into mandatory reporting in March. The report is a good report; I recommend that all members read and digest it. The Government is open to commissioning research and implementing recommendations. We have commissioned independent research into mandatory reporting to find out whether it delivers positive outcomes for children.

Mr R.F. Johnson: You have already said this.

Ms S.M. McHALE: We are reshaping and debating the way in which child protection workers provide services for children and families and the theoretical models that underpin that work. That is essential work. We are implementing evidence-based models for child protection. We need to make sure that the department's processes are sound and based on evidence. We are committed to the Gordon inquiry and to implementing the findings of that inquiry. That is because we are committing to doing it better and to using the findings of the research that has been done. The department is implementing services that are targeted at the people who need them the most. The family extension services are targeted specifically at young families who are having difficulty in caring for their children. The department has a very good early intervention model in which it is working with families at risk. It is ensuring that our prevention and intervention methods have a much stronger

focus than is the case in other States. The department is doing research and developing strategies to ensure that it reaches the families who are most in need.

Mr R.F. Johnson: You have said all this about three times now. It is becoming tedious repetition. I do not want to be rude, but I remind you of the importance of families.

Ms S.M. McHALE: I find some of the interjections extraordinary. I do not think the member wants to hear that we are developing strategies.

Mr R.F. Johnson: I do, but I do not want to hear it three times. You have a family. I have a family. I am saying you need to remember families.

Ms S.M. McHALE: We are delivering the sorts of services that will work in the area of child protection. I will now summarise. The State Government is aware of the need to deal with child abuse and neglect in this State as a matter of urgency. The motion to set up a select committee is not the way to go. With all due respect to the Opposition, we need to focus on developing improved systems and working collaboratively. That is exactly what this Government is doing. We are working with the Child Protection Council and other organisations that have a focus on children. We support and are committed to the improvement of services, and to the interpretation and evaluation of information. We have nothing to gain from a select committee into child abuse. That is the issue. However, we have everything to gain from looking at how we can improve services and communication between agencies to ensure that agencies that work with children share information and work collaboratively in the interests of the child. Nothing will be gained from following the course proposed by the member for Hillarys. With all due respect, the time for action is now.

MS S.E. WALKER (Nedlands) [5.23 pm]: I support the motion moved by the member for Hillarys. When this motion was first raised by the member for Hillarys in the party room, I thought then, and I think now, that it is one of the best proposals that I have heard since I have been a member of this House. I mention also in that context Hon Robyn McSweeney, who has had experience in dealing with child abuse. It is heartening to listen to people who have had experience in dealing with child abuse, as I have had, because they know what happens psychologically, emotionally and physically to these children.

The minister's performance today was very inept. The minister did not tell us what targets and objectives her department has set. She did not tell us how the department identifies children who are at risk and what factors it looks for, nor did she tell us what the department does when it finds that a child has been abused. She did not tell us the extent of the problem in Western Australia and the percentage of children who are abused, nor how the department goes about finding out this information. She talked about statistics and reports and skimmed over the top, but she did not get down to the nitty-gritty. She did not tell us what other damage is done to children who are sexually abused. She did not tell us how many children have committed suicide as a result of being sexually abused. She did not tell us whether she and the department are interested in that matter. She did not tell us how many children have undergone serious medical operations or suffered serious health problems as a result of being sexually abused. She did not tell us how that sexual abuse has affected their schooling and their behaviour and how we can, and are, helping those children. She did not tell us how many paedophile rings have been identified in Western Australia and whether the department knows about that and is doing something about it. She did not tell us how many fathers or mothers are abusing their children, and how many strangers are abusing children. She did not tell us what sort of evidence constitutes a substantiation by the department. All she told us was the reports that have been written. She did not tell us what the reports contained. She did not provide any down-to-earth information that can give us confidence that the extent of child abuse in Western Australia is recognised and is being dealt with.

I accept that there are services and organisations in Western Australia that deal with child sexual abuse. I have worked with the police child abuse unit and have found it to be exceptional. I have also seen the work of the Princess Margaret Hospital for Children child abuse unit. From my experience, these sorts of agencies put in an enormous amount of time and effort above and beyond the call of duty. The member for Hillarys has raised an important issue. I accept that sometimes people fall through the cracks, and that is very disappointing. This motion refers to the extent of child sexual abuse in Western Australia of children from all cultures. I do not accept that by looking at just one section of the community we can know the extent of the problem in the whole community. That is not to say that I do not fully support the Gordon inquiry; I absolutely do. I have no problem with that inquiry. However, it does not go far enough. That is why I support the motion. I have listened carefully to the minister's comments. The minister probably regrets some of the things she has said. The minister's comments boil down to the fact that she does not think another committee should be set up, because it will be a waste of time, and she does not believe that the sexual abuse of children in Western Australia is rife.

Mr R.C. Kucera: It will be a waste of money.

Ms S.E. WALKER: All the minister needs to do to see the extent of child sexual abuse in Western Australia is go to the library and look at the newspaper reports over the past five years. The member for Hillarys has spoken

about different types of child abuse - physical, sexual and emotional - and about child neglect. I cannot comment on child neglect in depth, because I do not know enough about it. However, I have worked with information from the Department for Community Development, and I can tell members that every sexual abuse of a child also involves emotional and physical abuse. The general public does not have any idea of the amount of sexual molestation perpetrated on children in Western Australia. I say that because when I started work at Crown Law and started summarising cases of child sexual abuse in Western Australia, I was staggered at the number of children abused and how that information does not get out to the general public. I thank the member for Hillarys for raising this issue; it is very important. I welcome an inquiry; it is well overdue. I will be pleased to be part of such a committee. The committee will not be a bureaucratic one; it will be a committee of this Parliament. If a select committee is not established, the issue could be referred to the Community Development and Justice Standing Committee, of which the member for Joondalup and I are members. The member for Joondalup has had extensive experience of children in foster care. Children in Western Australia deserve that type of attention.

The number of young children sexually brutalised in Western Australia is enormous. I will relate some cases of child sexual abuse. Child sexual molestation involves violence and emotional abuse. What is considered by the courts to be a minor offence is not to the child concerned. Indecent dealing by an adult male paedophile touching the breasts of a 12-year-old girl is sexual; it emotionally affects the child. It is an assault in law. The example of the sexual penetration of a six-year old girl by an adult male paedophile is sexual; it is violent. It can involve physical tearing of the child. It is also emotional; it is the imposition of an adult male on a physically immature child. The continual sexual molestation by a father over many years is sexual, emotional and violent. I did not hear from the minister today about all the terrible things that happen to children when they are abused sexually. They are affected in all ways, including their schooling. I will discuss one case that has always stood out in my mind, although there were many such cases. It represents the evil that a male predator can inflict. It involved the father and stepfather of young children. The father sexually abused his daughter for 19 years. When he stopped the abuse, he left his wife and married a woman with four daughters. The daughter from the first marriage complained to the police and the father was prosecuted and convicted. He subsequently sexually molested his four stepdaughters with the assistance of his wife. Three of the girls prosecuted him. I became involved with the prosecution by the fourth daughter. If members went to the sentencing courts they would hear what happens to children in this State. The fourth girl was raped by the stepfather on a washing machine when she was six years old. After he raped her, he left her there. The abuse carried on for years. The sisters gave evidence in the trial that they used to hear whimpering from the stepfather's bedroom when the sister was in the bedroom with him. It is important to say these things. I was privileged to have assisted in the conviction of that man for the sexual molestation of that girl. At the time, I did not think I would be able to read out her victim impact statement. I have never been so emotional about a document in my life. Whenever she came home with, for example, an honour certificate from school, he raped her. What she said in her victim impact statement was extremely powerful. I raise this, and I feel very strongly about this, because I have dealt with many victims. I met them when I was a prosecutor. They gave me intimate details and I had to take them through the system. I know what happens to them and I know the level of violence they may suffer. The child abuse unit at Princess Margaret Hospital for Children could tell members of the horrific injuries such children suffer.

People ask about the reasons for such behaviour. Most of it is sexual depravity. I cannot understand the Government's reasoning in not wanting to pursue this.

Mr R.C. Kucera: We do not want to sit around and talk about it; we want to get on and fix it.

Ms S.E. WALKER: I am not listening to the minister, thank you very much.

Mr R.C. Kucera: You cannot tell me anything about child abuse; I have years of experience in the police.

Ms S.E. WALKER: Have you? That is big of you! What is the Minister for Health doing about this? Why does he not stand up and tell the House what happens to victims? He will not do it because he just wants to politicise the process, as he did with the MRIs! He is politicising the process!

Several members interjected.

The SPEAKER: Order, members!

Ms S.E. WALKER: Victims of these crimes often suffer from the same effects. The perpetrator often tells the victim that it is their little secret and there may be threats to kill the child, the mother or other family members. Some victims fall pregnant; some commit suicide. Many fail to have proper relationships when they are adults. I would like to know the extent of child abuse in Western Australia. I want to know that we can contribute something meaningful to the victims and alleviate some of the horrors they experience. We have a responsibility to protect children, to set up proper systems and to provide funds to identify and stop abuse.

I always found it incredible that, in many cases, wives stay by their husbands in child abuse cases. They think of themselves and their relationship, not the children. I found it incredible that some did not know what was happening in their own homes for years.

Unfortunately, Western Australia has child sex rings. Members need only visit the library to read the files on child abuse in Western Australia. I conducted some research on the files last night. The file of clippings for this year is much larger than for previous years. When I worked for the Director of Public Prosecutions, the unit that had the biggest growth in work was the one dealing with child abuse complaints. People are encouraged to come forward if they have been abused. It takes a lot of courage for people to come forward. One would often hear defence counsel say in mitigation that it was the first time the person had been convicted of anything. It was the first time such a person had been caught! It is only when a child victim grows older and has the courage to come forward that the perpetrator is brought to book.

I want to discuss further the issue of paedophilia. I have with me a copy of a book titled *Child Sex Rings: A Behavioral Analysis*. It is published by the Behavioral Science Unit of the Federal Bureau of Investigation. It is important, because of what is happening in our society, to discuss this. The author, Kenneth V. Lanning, writes of the denial by society of the prevalence of sexual abuse. He states -

Society's attitude about child sexual abuse and exploitation can be summed up in one word: *denial*. Most people do not want to hear about child sexual victimization and would prefer to pretend that it just does not happen. Today, however, it is difficult to pretend that it does not happen. Stories and reports about child sexual victimization are a daily occurrence.

Let us look at the types of people who rape children; it is not just fathers, mothers or stepfathers. *The Australian* of 24 October 2000 carried a story of a former Labor MP who raped one of his female primary school students. On 30 September 2000, a story was carried about a former music teacher in a northern suburb school facing a jail sentence after admitting to 15 sex offences against young girls. On 18 August 2000, Peter Longley, who taught at Scotch College and Guildford Grammar School, was reported as admitting to 23 charges of indecent dealing with six boys between 1957 and 1984. In the same year, an article appeared about a preprimary schoolteacher who was due to appear in court on 136 charges allegedly involving young girls. A teacher in Queensland, previously involved in the computerisation of Western Australian schools, was charged with a string of offences against students in that State. What about the Christian Brothers? An article states that 67 men who were previously orphans in the care of the Christian Brothers in Western Australia may miss out on compensation. It is just the tip of the iceberg. In the same collection in the library I found an article in *The West Australian* of 29 November 2000 stating -

A Kwinana father has been sentenced to the maximum 20 years jail for what District Court Chief Judge Kevin Hammond described as the worst case of child sexual abuse he had seen in 19 years on the bench.

The 28-year-old man repeatedly raped and sodomised his three daughters, aged three to six, and sodomised his four-year-old son between March and December last year.

Another father and daughter case referred to in *The West Australian* of 30 December 2000 stated -

A woman has been awarded a total of \$46,000 in criminal injuries compensation after enduring almost daily sexual abuse at the hands of her father during her teenage years.

I have seen many cases like that. It is not until one is searching through the system that one realises what is out there. People do not realise what is happening in the community, which is why I support the member for Hillarys. I want the public to know about this and I want to see what we can do about the extent of child sexual abuse.

An article in *The Sunday Times* of 28 May 2000 stated -

WA's oldest prisoner, a 91-year-old sex offender, could be released from jail in January . . .

The man was jailed in May 1996 at the age of 87, for the rape and attempted rape of four of his stepdaughters and a daughter conceived during one rape - a continuous series of crimes committed from 1947 to 1965.

[Leave granted for the member's time to be extended.]

Ms S.E. WALKER: The author of *Child Sex Rings: A Behavioral Analysis* said -

It is important for professionals dealing with child sexual abuse to recognise and learn to manage this denial of a serious problem. Professionals must overcome the denial and encourage society to deal with, report, and prevent child sexual abuse from happening again.

An article in *The West Australian* of 28 December 1999 stated -

Doctors are being urged to play a more active role in identifying sexual abuse as a key risk factor for suicide in young patients.

New research shows 20 per cent of young Australian women and 5 per cent of men have been abused but many GPs do not raise it as an issue when they deal with suicidal patients.

In relation to suicide it further concludes -

“One factor that has been reported . . . but may be easily overlooked in a clinical context is sexual abuse.”

Another article in *The West Australian* of 4 October 1999 states -

Ten years after children are sexually abused, a high percentage of them are involved in criminal activity, suffer depression and have eating disorders, a world-first study by Australian researchers has found.

One issue that the book I previously referred to raised is not about incest or father-child relationships, but about acquaintance molestation. It states -

These kinds of molesters have always existed, but our society has not been willing to accept their existence.

The author of this book refers to child sex rings. It is important that this committee, if set up, investigate child sex rings and make it clear where paedophiles operate, the types of rings in existence and which groups in the community should be put on alert about this type of person. The book states -

The seduction process takes place over time. The offender who is operating a sex ring has many other victims. He is willing to put in the time it takes to seduce a child. It may take a few minutes or a few years. Some molesters may even start grooming a potential victim long before the child has reached his age preference.

It continues -

The essence of the seduction process is the offender providing attention, affection, and gifts to the potential victim. Gifts and financial incentives are important, especially for kids from lower socioeconomic backgrounds, but attention and affection are the real key . . . All children crave it, but especially children who are not getting it at home. Moreover, because the offender is interested only in short-term gain, he may allow his victims to “break the rules” - play basketball or football in the house, drink alcohol, use drugs or view pornography.

Sex abuse rings have existed in Western Australia. The member for Innaloo defended one of the last accused from such a ring. The unreported cases in WA are on the Internet so everyone can read about what is happening and what has happened to children in Western Australia.

I could list the types of sexual penetration that are now covered by the law in Western Australia. They include not just rape but all types of sexual penetration of children, the violence to which they are subjected and the emotional problems from which they suffer. Clearly, the minister does not understand what is happening to children in Western Australia because her comments tonight have indicated to me that she does not have a depth of understanding about this matter. It is incumbent on the Government to examine this issue. It has been estimated that the process of legislating for one vote, one value cost \$3 million, and now we are going through that process again. However, child abuse - physical, emotional and sexual - is considered not important enough to be investigated by a committee that will not really cost the Parliament anything.

In closing, the committee could review whether sentences are too low. It could also consider what should be done with sexual offenders who go to prison, do not participate in sexual offender programs and then come out of prison, and whether it should be publicised as to where they go. I am sorry I have not got longer to speak on this matter because it is an important issue in our society and I fully support it.

Mrs C.A. Martin interjected.

Ms S.E. WALKER: I do not take kindly to the silly comments of the member opposite. For the record I note that the member for Kimberley is laughing at this issue.

Several members interjected.

The SPEAKER: Order, members!

MR R.F. JOHNSON (Hillarys) [5.46 pm]: I appreciate the comments and words of support from members on this side of the House on my motion to form a select committee to investigate child abuse in Western Australia. At this stage, going by the minister’s point of view, we might as well all go home. There is no point in coming in here! We should just hand over the running of the State to the bureaucrats! That is the minister’s view about

the neglect and abuse of children sexually, physically and emotionally. The seven heads of department will come forward and whatever they say will be good enough for this minister. However, it is not good enough for me. We may as well do away with all the committees that this Parliament has in place at the moment, because we are obviously not able nor are we the appropriate people to examine issues of national and immediate state concern. It would be irresponsible of the minister to do that. It would not surprise me, because Labor Governments never want to be challenged on anything. They never want the Parliament to delve into their policies and find out what they are. Before an election, Labor members come out with all the rhetoric and talk about all the good things they will do; they say they will be an open and accountable Government. Then, the day after the election, the Labor Government goes into siege mode. It is very difficult to find out what is happening. That is why I moved that this House should set up a select committee. My intention was that it should be a bipartisan select committee and not a government-dominated committee, as are the committees we have at the moment. All the committees of Parliament are government-dominated, but I accept that. At the end of the day, we on this side of the House know that an adverse report will not come from any of the committees of this Parliament that are oversubscribed with members of the Labor Party, because they will not criticise their own Government. I do not mind that; I accept that in many instances because it is neither here nor there, and we will find out the truth anyway. However, this issue deals with a tragic circumstance in this State; that is, children are being abused sexually, physically and emotionally, and they are being neglected. The children who have been neglected have had their lives put in danger. I pointed out to the minister a case in which the lives of two young girls were put in danger and the minister and the Department for Community Development have done nothing. The minister has so much faith in the Department for Community Development and the other departments that are taking part in this strategy meeting to establish how they will move forward, that she is not prepared to let the members of Parliament delve into and examine the workings of those departments. Are those departments working well? The departmental heads will certainly not say, "We think our department is not very good at the moment. We think we are a bit deficient in this, that and the other." Of course they will not say that and we would not expect them to. However, there must be some accountability, particularly in this serious area of child abuse.

I have grave concerns about the number of cases that are yet to be investigated. Page 51 of the Department for Community Development annual report 2001-02 refers to investigations that have not yet been undertaken. It shows a total of 68 cases, which means that 68 children could be physically, sexually or emotionally abused or neglected. That figure should be zero. The moment there is an allegation of possible abuse, somebody in the department should be dealing with it and an investigation should be undertaken. Whether or not an investigation concludes that an allegation is substantiated is neither here nor there; the investigation should be undertaken.

That is obviously not the position at the moment. Of those 68 cases, three involve children who are neglected, none involves emotional abuse, 28 involve children who are subject to physical abuse and 38 involve children who are subject to sexual abuse. It is absolutely disgraceful that 68 cases have not yet been investigated. Some members on the opposite side of the House would share that concern with me. There is no question about that, because many members on the other side of the House are decent people who would be very concerned about it. I ask members to listen to their consciences and not be led by the fact that the minister does not want this matter to be looked into. I can tell members why the minister does not want this to be looked into. She has a thing about mandatory reporting. I wonder where that comes from and how far back it goes? I can tell members. It goes back to the child sexual abuse task force of December 1987, which was established under the previous Labor Government. Who was on that task force? The minister is not even in the Chamber.

Mr J.J.M. Bowler: The minister had to speak to the media.

Mr R.F. JOHNSON: No, she has her family coming for the family dinner tonight, and so have I. This is a very important issue, and I am disgusted that the minister is not present in the Chamber to hear what I have to say.

Mr A.J. Dean: Get on with it.

Mr R.F. JOHNSON: The member for Bunbury does not give a hoot about child sexual abuse in this State. He just wants to get on with it so that he can go home and do other things. This is a very important issue.

Sheila McHale, as she then was, was the director of the women's interests division of the then Ministry of the Premier and Cabinet; she was a bureaucrat in the Ministry of the Premier and Cabinet. She was a member of the task force. Who else was on the task force? Dr Carmen Lawrence. Who else is around who was on that task force? Jane Brazier, who I believe is the head of the Department for Community Development. Who else was on it? Moira Rayner, who was the Chairman of the Law Reform Commission and I believe is now Acting Commissioner for Equal Opportunity. Those people were on that task force at the time and their view was pretty unanimous; they did not agree with mandatory reporting. Do members honestly expect the minister to suddenly change her mind since 1987 and say that things may have happened and that perhaps the matter should be looked at again?

She has told the House that she is looking at it again because she has called for submissions. She has started an inquiry, as she calls it. I do not know whether she had the date right, but the date I have is Saturday, 18 May 2002, when a tiny little advertisement appeared requesting submissions. It states that community development minister, Sheila McHale, MLA, recently issued a press release. She is good at that. All government ministers are good at issuing press releases. They do not do much, but the spin doctors are working overtime. I am told that in the Department of the Premier and Cabinet, the number of staff in the Government Media Office area involved in policy and press releases has doubled. They will be spinning out of the top of the building soon. They are obviously getting all this stuff from Tony Blair and Peter Mandleson.

Several members interjected.

Mr R.F. JOHNSON: I am telling members that the number of staff in the Department of the Premier and Cabinet has increased enormously. The department has so many spin doctors that it will spin out of control. It is not working for Tony Blair any more. Spin works initially because it is all good news, but it does not work after a time because people get a bit sick and tired of it. They know that spin doctors are working and that ministers are not because the ministers are incompetent.

Several members interjected.

The SPEAKER: Members!

Mr R.F. JOHNSON: I will not take any interjections because I have a limited amount of time.

The minister has made it quite clear that she will not support this motion for the establishment of a select committee into child abuse. The Government obviously will not support it. I know that some members opposite would support it if they had a free vote. I will not name them.

Mr A.J. Dean: Name names.

Mr R.F. JOHNSON: No. Some of the member's colleagues would not like it, so I will not name them. However, it is a fact.

I refer to the new inquiry that the minister has called, for which that advertisement requests submissions. The advertisement is about three inches high and its print is tiny. I must put my glasses on to read the main lines, never mind the small print. It states that community development minister, Sheila McHale, recently issued a press release announcing that the State Government would commission an independent review of the effectiveness of mandatory reporting of suspected child abuse. It goes on to tell people where they should send their submissions. On what page of *The West Australian* do members think that advertisement appeared? Do they think that it was anywhere near the front of the newspaper where people might readily see it? It appeared on page 50. It is lost in the middle of other advertisements. One must ask how much emphasis the minister puts on getting submissions on mandatory reporting. I would suggest that it is not a lot. She was not in favour of it in 1987 and she is definitely not in favour of it now. If members examine the figures from other States where there is mandatory reporting, they will see a lot of difference.

Western Australia is the only State that does not have mandatory reporting. We may be falling foul of the United Nations Convention on the Rights of the Child. When the Australian Capital Territory introduced mandatory reporting, the reason given was that it was an expression of the ACT Government's commitment to the United Nations Convention on the Rights of the Child and also a recognition of the vulnerable state of children and the special protection they need in law. What has the Western Australian Labor Government done? Zilch. In May, it put a little advertisement on page 50 of *The West Australian*.

Mr N.R. Marlborough: You are the first Liberal member I have heard speak in support of the United Nations Convention on the Rights of the Child. Your party ran a whole campaign at the last election opposing that convention.

Mr R.F. JOHNSON: Not at all. I am speaking specifically on sexual, physical and emotional child abuse.

I mentioned 68 cases of allegations of child abuse in this State that have not been investigated. The highest incidence of those abuse cases was sexual abuse. This Labor State Government has done nothing about it at all. It has even managed to upset the unions, which are not happy. In its response to the Gordon inquiry, a union said that it supported changes that would enable government agencies to better address the reporting of family violence and child abuse, but reporting would be of little value unless it was backed up by agencies able to deliver services. We know that the agencies are not delivering the services because 68 children are awaiting some sort of action to help them. One of the Labor Party's unions said that in the last budget the Government ignored critical areas of the Department for Community Development when the agency's care for children and protection of children teams did not receive funding increases. It said many other things and was very critical of government policy, particularly in the area of family and children's services and the Department for Community Development. The unions do not think that the Government is doing enough. It is obvious that the Government

Extract from *Hansard*

[ASSEMBLY - Wednesday, 23 October 2002]

p2285b-2301a

Ms Sheila McHale; Ms Sue Walker; Mr Rob Johnson; Speaker; Acting Speaker

will not support my motion, which is distressing. I urge all members on the government benches to read Hon Robyn McSweeney's speech in *Hansard* some weeks ago in which she referred to the Gordon inquiry. She has had tremendous experience in this area, and if members read her remarks -

Mr A.J. Dean: The cattle prodder.

Mr R.F. JOHNSON: The member for Bunbury should not trivialise what is a serious issue. Hon Robyn McSweeney was involved in this area before she became a member of Parliament. Members should read her remarks, because they are very telling. Indeed, after reading her remarks, government members may regret their decision to vote against the motion to establish a select committee. It is obvious that the minister and the Labor Government will not support a proposition that is urgently needed.

The minister referred to foster carers. I have held discussions with both foster carers and the Foster Care Association. They are not happy with the minister or her Government. In fact, many people are not happy with the minister. I have a file of complaints about the minister's inaction in the areas of child abuse and community development that is about five inches thick. Do members know how much money foster carers receive a day? I look to all the fathers in the Chamber for a response - and to the members who are mothers, because they probably have a better idea. Does it cost \$20, \$30, \$40 or \$50 a day to care for a foster child?

Mr M.P. Whitely: I have five of them.

Mr R.F. JOHNSON: The member for Roleystone would have a heck of a job keeping his kids on \$12 a day, yet that is what foster carers receive.

Mr M.P. Whitely: Will you take an interjection?

Mr R.F. JOHNSON: No, I must finish my remarks. The member for Roleystone has already been given an opportunity to interject.

I accept that the previous Government did not do everything right. However, this Government should learn from our mistakes.

Mr M.P. Whitely: Are you saying that you made mistakes?

Mr R.F. JOHNSON: Of course we did; all Governments make mistakes, and they should be big enough to admit them and move forward. People have more respect for a Government when it admits it has made an error.

The minister said there was no need for a select committee. She will live to regret those comments, because it is quite clear that Western Australian children are being sexually, physically and emotionally abused, and such incidents are not being addressed. At the moment, only 68 cases of reported child abuse are being attended to whereas, if mandatory reporting were introduced, that number would probably be three to four times greater, because people would have to report incidents of child abuse. However, even when people have reported a case of negligence, the Government has done nothing. It is with great sadness that I resume my seat. The minister, who is not in the House, had her few words and now she is gone. That is disgusting. I know she has family coming to Parliament House tonight, but I also have family coming. The agreement was that we would try to conclude this matter by six o'clock. However, the minister has left early and my family are still waiting for me to collect them. That is a pretty poor showing. I have to stay here because it is important that I put my comments on the record to ensure that the people of Western Australia know the truth about child abuse in WA and are aware of the Government's total inaction on this issue. It does not appear to care less.

Question put and a division taken with the following result -

Extract from Hansard

[ASSEMBLY - Wednesday, 23 October 2002]

p2285b-2301a

Ms Sheila McHale; Ms Sue Walker; Mr Rob Johnson; Speaker; Acting Speaker

Ayes (18)

Mr M.J. Birney	Mr B.J. Grylls	Mr P.G. Pandal	Ms S.E. Walker
Dr E. Constable	Mr R.F. Johnson	Mr D.F. Barron-Sullivan	Dr J.M. Woollard
Mr J.H.D. Day	Mr W.J. McNee	Mr R.N. Sweetman	Mr J.L. Bradshaw (<i>Teller</i>)
Mrs C.L. Edwardes	Mr B.K. Masters	Mr M.W. Trenorden	
Mr J.P.D. Edwards	Mr P.D. Omodei	Mr T.K. Waldron	

Noes (22)

Mr J.J.M. Bowler	Mrs D.J. Guise	Ms S.M. McHale	Mrs M.H. Roberts
Mr C.M. Brown	Mr J.C. Kobelke	Mr A.D. McRae	Mr D.A. Templeman
Mr A.J. Carpenter	Mr R.C. Kucera	Mr N.R. Marlborough	Mr M.P. Whitely
Mr A.J. Dean	Mr F.M. Logan	Mrs C.A. Martin	Mr M.P. Murray (<i>Teller</i>)
Mr J.B. D'Orazio	Ms A.J. MacTiernan	Mr J.R. Quigley	
Dr J.M. Edwards	Mr M. McGowan	Mr E.S. Ripper	

Pairs

Mr C.J. Barnett	Dr G.I. Gallop
Mr A.D. Marshall	Mr S.R. Hill
Ms K. Hodson-Thomas	Mr P.B. Watson

Question thus negatived.

Statement by Acting Speaker

THE ACTING SPEAKER (Mr P.W. Andrews): Members, I have been asked by the Speaker to read the following statement:

I advise members that in the last division on the amendment moved by the member for South Perth, there was an error in the tally for the noes. The noes were reported as 26, when, in fact, 27 members were ticked as voting. After consultation with the Government Whip and the two Clerks, I am satisfied that 27 members voted no, and, accordingly, I direct the records to be adjusted to reflect this.