

Mr Bob Kucera; Ms Sue Walker; Acting Speaker; Mr Rob Johnson; Dr Elizabeth Constable; Mr Trevor Sprigg;
Dr Janet Woollard; Dr Kim Hames; Dr Steve Thomas; Mr David Templeman; Mr Tony McRae; Deputy
Speaker; Mr John Kobelke; Mr Paul Omodei

**CHILDREN AND COMMUNITY SERVICES (MANDATORY REPORTING) AMENDMENT BILL
2006**

Second Reading

Resumed from 1 November 2006.

MR R.C. KUCERA (Yokine) [4.02 pm]: I think it is a year ago now since this debate was adjourned.

Mr P.D. Omodei: It was a month or so ago.

Mr R.C. KUCERA: It was 2006.

The ACTING SPEAKER: It was the eleventh month. It is on the notice paper.

Mr R.C. KUCERA: I think it was about nine months ago. As I recall, much of what was being said at that time about mandatory reporting generally has now been dealt with. I do not think I can add anything to what I said last time, other than to congratulate the government on moving forward with this matter. Areas of mandatory reporting already exist. When I was Minister for Health, we introduced mandatory reporting of child abuse that came to light through the various areas of the health department. A series of programs were put in place to make sure the reporting occurred. Since then, of course, the government has moved on with programs that deal with this issue within the community. Many of them are now in place. The government has put in place an evolutionary program. Its implementation will not happen overnight; it does not need to happen overnight. The programs must be implemented gradually and properly. I understand that the government will be introducing mandatory reporting legislation in the spring session to deal particularly with child sexual abuse.

Child sexual abuse is the main issue. In my previous life as a police officer, I probably saw more situations involving sexual abuse than anyone else in this house. I have seen part of the human condition sink so low as to do some of the things depicted in the information raised. The member for Nedlands seems to delight in bringing some of these issues into the house and describing them. Nothing amazes me as much as the level to which some people will sink in the abuse of children. I recall when I was - the member for Nedlands raises it constantly - in charge of Belmont Police Station. I was in charge of the criminal investigation branch and we broke one of the first major paedophile rings in this state. It involved two parties -

Ms S.E. Walker interjected.

Mr R.C. KUCERA: - in the South Perth area who were doing particularly disgusting things to their own children. It is something that perhaps the member for Nedlands should think about when she makes those sorts of stupid, uninformed comments. Those two couples were selling photographs of their own children on the Internet. I was very pleased to be part of the team that broke up that behaviour. The photographs of the children were some of the most depraved I had ever seen. I was very pleased at the time that both the couples concerned decided to plead guilty to the charges to save their own children and a number of others - in fact, 11 children in total - who had been preyed upon by other people. It was a particularly disturbing case. I have grandchildren of the same age as those children, so I am aware that it is vital that the government move forward on this issue. As I said, I am very pleased that in the spring session of this Parliament the government will introduce legislation to deal with child sexual abuse. It is one of the most important matters on which legislation can be passed. Only yesterday, a considerable amount of publicity was given to an international paedophile ring that has its tentacles stretching right across to Australia and, in fact, into Western Australia. It was quite amazing when we charged those two families. In those days the Internet did not exist; they used a postal system. When we eventually seized the records from their postal boxes, we found that the case went to the very highest levels of business and government across this nation. It was very disturbing to see the depths that those people will sink when they get their tentacles onto kids. I do not argue with the view that the Leader of the Opposition is taking on this legislation. However, we must take a very cautious approach. I have seen the experiences of my previous colleagues in other states. Indeed, in 1991 I worked with the juvenile divisions in New York, Paris and England. I had very clear indications then of the need for the judiciary, the judicial system, the legislative system, the counselling system and the support agencies that are necessary to keep pace in supporting children.

We should not charge into this area willy-nilly just because it may be, if we like, the public view that mandatory reporting is the only way to go. I have expressed some sympathy for mandatory reporting to members on my own side of the house. Nonetheless, it is a populist stance, particularly if we listen to the likes of some of the shock jocks on radio nowadays. Unless all the support mechanisms are in place, mandatory reporting can become more of a problem than a weapon against the people we are seeking to prosecute. As I say, I am concerned to ensure that we move forward on mandatory reporting on sexual abuse. I commend the previous minister, the current Minister for the Environment, for taking the stance he has, together with the current

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minister, to make sure this legislation is ready for the spring session of Parliament. It is not a simple piece of legislation to implement. We need to be mindful of the way we go about legislating for people who must do something within their own professions. My daughter teaches very young children. For the first three years of her teaching life she worked in communities in the north west of this state and, indeed, in the Northern Territory. From some of the behaviour exhibited by young children there, even of five and six years of age, it was obvious they were being exposed to practices and behaviour that was inappropriate.

They could have learnt those behaviours only from their parents. Again, we would be putting teachers in a very difficult position if they had to make judgement calls, particularly when they are not trained to make those kinds of calls. I know from talking to Minister Ellery and the previous minister, Hon David Templeman, that these issues are being discussed at length to make sure the kinds of support mechanisms that are needed are in place before we go down the path of mandatory reporting. I know from my own experience as health minister that when we introduced these kinds of programs and put the support mechanisms in place, they worked well and sensibly. Regardless of what we do, in the first instance there will be a flurry of reporting - there is no doubt about that - and all our systems will be stretched to the maximum. We have to be prepared to react to that. I am pleased to say that an enormous amount of resources have been put into this vexed question in the past two years in particular. It is very easy to come into this house and stir up emotive issues related to child abuse. There has to be a sensible approach so that the legislation will work. It is very easy to get headlines and to score political points from these kinds of issues. I think back to the day when I saw the first photograph that we obtained from that group in South Perth that depicted a young girl, who turned out to be eight years of age. When we eventually located the family and found that her own mother was in agreement with the photographs being taken and was part of some of the actions taken by the male offender against the child, I was simply horrified. I might also say that no amount of mandatory reporting at that time would have done anything to bring those matters to the attention of the authorities. Much of what was uncovered came about through some damn good police work by a group of young detectives who were so horrified by what they saw that they persisted in their inquiries. I recall the many hours that those young men, and indeed young women, sat watching particular premises, even in their own time, to make sure that they caught those disgusting offenders. I do not think anyone would condone actions that came even relatively close to the kinds of things that those people were doing. This was not an isolated case. Time and again I saw cases of people who had taken advantage of young children. I recall as a young police officer having to arrest a school bus driver who was also a traffic inspector in the town in which I worked. He was a person who had the utmost respect of the community and who would never have been picked up by the kinds of legislative changes that we are talking about making. We have to make sure that the appropriate support processes are put in place as these legislative changes are made, and that they are present when we seek to prosecute people.

I found from my experience in the police service that mandatory reporting was in many ways very much a reaction from people who wanted offenders punished after the act. Even within the health department we saw that it did not add a great deal to the numbers of people who were prosecuted. In some instances it created situations which called for a great deal of investigation, and which at the end of the day caused a lot of angst and heartache for people, particularly those who were accused and later found to be not involved in child abuse. So we have to balance these issues, and in saying that I do not seek in any way to condone anything that was done. As I say, I have seen the very worst of the human condition in this area.

I have a deal of sympathy for the views expressed by the Leader of the Opposition on this issue. I think much has moved on since this debate first started. I hope the Leader of the Opposition and members on the other side support the proposals that will be brought before the house in the spring session. There is always a view, no matter on which side of the house members may sit, that more can be done. There is always a view that one side perhaps has a better point of view than the other on a particular issue. In this case I believe that in our heart of hearts we all have a similar view, which is to protect children. However, it must be done properly and sensibly and without making it another political football. I have some sympathy for what the Leader of the Opposition has said, but I support what the government is doing by way of the legislation that will be introduced in the spring session. Therefore, I will be guided by my own side's view on this.

Mr P.D. Omodei interjected.

Mr R.C. KUCERA: I will be pushing as strongly as the Leader of the Opposition to make sure that that piece of legislation comes before this house. I know that the Leader of the Opposition will support it.

Mr P.D. Omodei: There is a very simple solution. The government could in a bipartisan way support this legislation. Barbara Scott has better credentials than most of the ministers on this issue.

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Mr R.C. KUCERA: I think the way the government has planned the legislation and put it together is the sensible way to go.

Mr P.D. Omodei: They got dragged into it kicking and screaming.

Mr R.C. KUCERA: I do not agree. I think it has to be done sensibly and in a balanced way. I would say that when the legislation is introduced in the spring session, the Leader of the Opposition will see that is the case. It will give us the capacity to bring things into play in a sensible and balanced way. I think I have said enough on the issue.

MS S.E. WALKER (Nedlands) [4.16 pm]: I am really surprised the member spoke on this issue, because I have just typed “mandatory reporting” into my computer, and nothing came up for the member for Yokine over the years I have been here. I put in “child abuse”, and again nothing came up for the member for Yokine. I really do not think the member for Yokine is in a position to tell the Parliament that the government is taking a sensible approach when others in this place have worked very hard on this issue. Any child who is abused is suffering. The then coalition made a pledge on mandatory reporting prior to the last election. The then minister’s stubborn refusal to shift ground in any way whatsoever on this issue is a black mark against the government. Since this government came to office in 2001 it has introduced nothing in relation to the mandatory protection of children.

I had a look back at some of my notes, because I was the shadow Minister for Community Development at the time, and I remember asking a series of questions of the now Minister for Tourism, the member for Kenwick, who was the minister in 2004 and brought in that appalling bill, the Children and Community Services Act 2004, which we are seeking to amend today. That made me do a lot of research into what was happening in other states. I prepared a paper for the party room. I got a little frustrated a couple of times, but the party eventually agreed to mandatory reporting. That formed the basis of the policy that we took to the election. I congratulate Hon Barbara Scott for bringing forward this bill on mandatory reporting. She has committed a lot of time in this Parliament to children’s issues. She has taken a sensible stance on a lot of issues on which this government has failed to do so. This government has used children and the protection of children. That was demonstrated most clearly in the Hollingworth crisis issue in 2004, I think it was, when the minister suddenly came out with a child protection card. She hopped on the radio and said that she was bringing it in, and then it disappeared. Every time there was a crisis with children, the member for Kenwick, or for Thornlie as she then was, would hop on the bandwagon, and it was quite distressing to observe. Therefore, I am pleased that the new minister, the member for Mandurah, has said that he will bring in -

Mr R.C. Kucera: In fact, the minister is in the upper house. It is Sue Ellery.

Ms S.E. WALKER: Is it? She is the Minister for Child Protection?

Mr R.C. Kucera: Yes. The member for Mandurah was the Minister for Community Development. He is now the Minister for the Environment. He represents the minister in the upper house.

Ms S.E. WALKER: I am sorry. That is why the member for Mandurah could not answer any questions. That is right; I remember now. He is no longer the Minister for Community Development. Anyway, I am delighted to be standing in this place and speaking to this bill that was introduced by the Leader of the Opposition.

I will give a bit of background to this issue, because I was fascinated with this area when I originally had a look at it. I will quote from the 2003 report of Robyn Layton, QC, who was the chair of the review of child protection in South Australia. Let us not forget that Western Australia is the only state in Australia that does not have mandatory reporting. I said then, and I will say now, that this state is a backwater in the way in which we deal with children. It is a disgrace that we do not have mandatory reporting of child abuse in this state. At the time, I looked at what everyone was doing in the other states. This is a quote from Robyn Layton, QC regarding a complete review of child protection in South Australia. She states -

Mandatory reporting has significant support within the community across all professional groups as well as the wider community. The statutory requirement to report is seen as an obligation that should be upheld in law as part of broader social and community responsibility and is an effective means of ensuring that vulnerable children and young people are assessed, protected and supported.

As I said, Western Australia is the only Australian state in which mandatory reporting does not form a central pillar of child protection. Mandatory reporting is a statutory requirement that a listed class of persons must notify certain authorities as soon as they become aware of or form a suspicion that a child is being abused or neglected. An abused child is one who is suffering sexual, physical, emotional or psychological abuse. At the time, I noted that sexual abuse of a child is a crime. Parliament has enacted an extensive range of offences in the

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Criminal Code, with penalties of imprisonment for up to 20 years, for the sexual molestation of children, and has sent a clear message to the community that sexual molestation of children will not be tolerated.

I found the government's position in this area very difficult, because, of course, it supports diverting interfamilial paedophiles away from the justice system and into SafeCare, and then sending them back to their families, and even giving the child who is being abused the opportunity to say whether he or she wants the abuser at home, which I think is entirely inappropriate.

Sexual abuse occurs when adults or older persons use their power over children to engage them in adult sexual practices. It is often accompanied by threats, coercion, manipulation or violence. I know that from my own work as a crown prosecutor, having done numerous of these cases, as indeed the member for Yokine would have done in his work. Because of the child's age, Parliament recognises the child's special vulnerability because of the child's imbalance in physical and emotional power in relation to an adult and the child's inability to consent to such abuse. Whenever I asked the minister at the time - the member for Thornlie as she was then - about mandatory reporting, the minister could not get her head around the fact that children in our community need protecting. Children also need protecting in our Aboriginal communities. I do not think that this government has done a lot to protect sexually abused children in our communities.

In a question to the then member for Thornlie in 2004, I said -

I refer the minister to her statement in this House that it is important to understand that mandatory reporting of child abuse is not a tool for child protection.

The former minister said that mandatory reporting of child abuse is not a tool for child protection. I asked -

- (1) Is the minister aware that mandatory reporting systems are in place in every other State and Territory of Australia, as well as every state of the United States, Denmark, Sweden and Canada?
- (2) Is the minister also aware that, without mandatory reporting, health and education professionals in Western Australia are under no legal compulsion to report even the most obvious signs of child abuse?

I asked her and this government then, in 2004, nearly three years ago -

- (3) Will the minister join with the coalition Opposition to provide bipartisan support for the introduction of mandatory reporting of child abuse, which is in fact nationally and internationally recognised as being a crucially important tool for child protection?

Her response, inevitably, was that basically she did not believe in mandatory reporting of child abuse. I think it is a tragedy that Western Australia has remained a backwater for so long in this area.

Again in 2004, the opposition spent a lot of time on the issue of child protection. Again, I am looking at a debate reported in *Hansard* on 30 June 2004 and the comment on mandatory reporting of child abuse by Magistrate Sue Gordon. It was a question to the then Premier from the member for Cottesloe, and it states -

I refer the Premier to the comments of Children's Court magistrate and author of the Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities report, Sue Gordon, as appeared in *The West Australian* of 25 June; namely -

They (the Government) keep saying we don't want mandatory reporting because it would be too much work and a lot of cases won't come up with the goods" . . . "But it is not really good enough. These are the most vulnerable people in the community . . .

That is why we debated it. Sadly, here we are three years later, and Western Australia is still the only state without mandatory reporting. It is again left to the Liberal opposition to bring in this legislation to ensure that the children in our community are protected. Looking at our bill, I note that there are two categories of persons. The first one is all adults. Proposed section 30A(1) of the bill states -

An adult who knows, or believes or suspects on reasonable grounds, that a child has suffered, or is likely to suffer, harm as a result of any one or more of the following:

- (a) physical abuse;
- (b) sexual abuse;
- (c) emotional abuse;

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- (d) psychological abuse; or
- (e) neglect

has a responsibility to take steps to prevent the occurrence or further occurrence of the harm.

I would have thought that that would be taken for granted. I would have thought that this would be a priority for the government. I am trying to think of the types of bills that have been brought on for debate in this Parliament lately. Mandatory reporting has been given no priority at all.

Mr D.A. Templeman: Rubbish!

Ms S.E. WALKER: Has the government's child sexual abuse bill been introduced, members? No-one on the other side knows where the bill is and when it will come into Parliament. Nothing has happened. It really is astonishing to me that no members on the other side have had the gumption, the moral fortitude or the political will to drive this sort of legislation through their caucus room. I do not know what happens in their caucus room, but no-one has been able to bring this legislation into Parliament on behalf of the Labor government, and I think that is a tragedy. The other class of prescribed persons are also required to report those categories of harm to children. A prescribed person is defined as follows -

- (a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children; and
- (b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.

They have to report if they know, believe or suspect on reasonable grounds that a child has suffered or is likely to suffer harm of one of the categories I have outlined. If a person fails to make that report to the chief executive officer, he or she commits an offence, the penalty for which will be a fine of \$12 000. Interestingly, under proposed section 30B(4) of the Children and Community Services Act, there is a provision for what the person making the report must do. The report can be made verbally or in writing, but the person must include in the report a statement of the observations, information, opinions and other grounds upon which the knowledge, belief or suspicion is based.

It is a wonderful thing that this bill is before the house. It caused an enormous amount of bile on the part of the group that has been operating in Western Australia and has control of this industry. I remember the Harries report. The minister at the time cobbled together a group to come up with the opinion that mandatory reporting just did not work. It has taken six years, and three years since the opposition laid the groundwork, to even get the government to talk about bringing in a bill. Where is that bill? We have debated the Fiona Stanley Hospital Construction Account Bill 2007, which is a piece of waffly paper that says nothing. Where is the legislation for children? Has Hon Sue Ellery introduced any legislation since she has been Minister for Child Protection? The bill that the opposition has introduced would not take that long.

I did some research on the definitions of physical abuse. Physical abuse has been defined as a physical injury resulting from a single episode or repeated episodes of practices such as punching, beating, kicking, biting or burning, which can sometimes result in death. Parliament has enacted a range of offences for some of these types of injuries, including assault occasioning bodily harm and grievous bodily harm. Emotional abuse can be as harmful as other forms of abuse, but it is harder to identify and often goes unrecognised until the child develops emotional or behavioural problems. I do not know, and maybe another member can help me here, but I believe that the government bill contemplates only child sexual abuse for mandatory reporting. That is very poor. Can the minister tell me? He is looking very vacant.

Mr D.A. Templeman: The government's bill is currently being drafted by parliamentary counsel.

Ms S.E. WALKER: What sort of abuse does it cover?

Mr D.A. Templeman: You have already been informed of what it covers. Sexual abuse is the focus of the bill.

Ms S.E. WALKER: If it covers only sexual abuse, it is very poor and inadequate. We have all this money, and no services in this state. I have had someone waiting in a wheelchair outside my office in the stinking heat because he is afraid that the taxi will not pick him up. The services are unbelievable. People are waiting on remand for trials, having served their time by the time they get to court, and are then found not guilty or have

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already served their term, because the minister will not engage two more judges. The provision of services in this state has gone backwards under this government, yet the state is very wealthy.

Neglect of a child has been characterised as a failure to provide for the child's basic needs, such as nutrition, clothing, hygiene or supervision. It is an omission by the caregiver which, as in the other forms of abuse, can affect the physical, emotional or intellectual development of a child. Mandatory reporting is a proactive policy initiative that provides a confidential system so that professionals, particularly those involved in the care of children, can make notifications that allow swift intervention by the state in order to assess the best type of protection for the child.

Research I did on the history in other Australian jurisdictions a couple of years ago showed that statutory reporting requirements vary across Australia. In January 2004, the Crime and Misconduct Commission in Queensland - of which our Corruption and Crime Commission is a pale shadow because it lacks the organised crime functions - inquired into the abuse of foster children in that state. The issue of mandatory reporting was also extensively reviewed in South Australia by Robyn Layton, QC. New South Wales mandates professionals and other paid employees who deliver health care, welfare, education, children's services, residential services or law enforcement partly or wholly to children under 16, including those in the management positions of organisations that supply such services.

[Member's time extended.]

Ms S.E. WALKER: In New South Wales they must make a notification if they believe a child is at risk of harm. In this state, we tell them not to worry about it. I remember when the Attorney General said in the house in 2005 that he had been told by a magistrate in Kalgoorlie that a paedophile was operating in one of the remote communities by offering glue to children. What did he say he intended to do? Did he say he intended to send the police, and get that person out? No, he said he was planning to bring in new legislation to stop people selling glue. He does not get his head around these things, and neither does the government.

The Crime and Misconduct Commission reported that anecdotal evidence indicated that mandatory reporting has general support in New South Wales. South Australia has had mandatory reporting since 1969 - nearly 40 years - and has made progressive changes to legislation to extend the categories of persons who are required by law to make a notification. Currently the law requires, under section 11 of the Children's Protection Act 1993, that when a member of a wide range of professionals forms suspicions during the course of paid or voluntary duties that a child is being abused or neglected, they must make a notification. As stated before, the Layton review found that mandatory reporting has significant support in the community and among professionals in South Australia. Recommendation 54 of that report supports legislative change to include church personnel; all individuals involved in providing care to or supervision of children; all volunteers working with children; and all people who may supervise or be responsible for looking after children as part of sporting, recreational, religious or voluntary organisations.

Currently, Queensland mandates medical practitioners, staff of the Family Court, employees of licensed residential care services and Department of Communities staff who suspect harm has been suffered by children in licensed premises, under the Child Protection Act 1999. Following the Crime and Misconduct Commission review of mandatory reporting across all Australian jurisdictions, it was recommended that mandatory reporting of child abuse be extended to registered Queensland nurses by legislating under the Health Act, as it was believed that nurses were well placed to make objective and reliable assessments of possible abuse. Tasmania mandates a wide category of professionals to report to the secretary of the Department of Health and Human Services if a child has been abused or neglected or if there is a reasonable likelihood of a child being killed, abused or neglected by a person with whom the child resides. Also, any adult who suspects child abuse must take steps to prevent the occurrence or reoccurrence of such abuse under that state's Children, Young Persons and their Families Act 1997. Lastly, the Australian Capital Territory requires, under the relevant act, a large range of professionals to report any reasonable suspicion of sexual or physical abuse noticed in the course of their professional duties to the CEO of the Department of Education and Community Services.

Prior to the act that our bill amends - the Children and Community Services Act - we used to have the Child Welfare Act. I thought that was a stronger act than the one we have now. I feel that this one is watered down. That act did not contain any mandatory reporting provisions, nor were any brought in under the bill when it was debated in this house in 2004. In March 2002 the then Minister for Community Development, the member for Thornlie, a long-time opponent of mandatory reporting, commissioned a report from the University of Western Australia researchers Dr Maria Harries and Associate Professor Mike Clare via the Child Protection Council. The Child Protection Council was set up by the government. It was a toothless tiger; it had absolutely no power at all. This inquiry was given a strict time frame and the report was cobbled together by a variety of authors,

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gathering evidence from non-government agencies financially reliant on the current government for funding. They were reluctant to speak frankly, knowing the minister's position. On 19 May 2003 Harries and Clare issued a damning media statement arguing against mandatory reporting. The Gordon inquiry recommended that medical staff report cases of children under 13 who had contracted sexually transmitted diseases. I think the government may have brought in legislation for that to happen.

Mr R.C. Kucera interjected.

Ms S.E. WALKER: That is only one out of 100. Most jurisdictions apply varying penalties for failure by mandated persons to comply with legislation. There is a penalty of \$12 000 in our bill for people who do not report. The Layton report considered whether a penalty of up to \$2 500 in South Australia should be increased. It found that failure to report was due to frustration with the system - that is, nothing would be done - or that mandators did not want to be involved in court battles. It was interesting to see what it came up with. A recommendation was made not to increase penalties, the aim of the act being to protect children, and it was stated that mandated notification training should highlight the potential adverse outcome for children from failing to notify as well as any liabilities that might arise.

When the Liberal opposition was putting together its policy brief on this matter, Hon Barbara Scott and I considered who should be trained to identify child abuse and neglect and what their legal responsibilities should be under the relevant legislation. As I said, Hon Barbara Scott has outlined in this bill the people who should be mandated. Maybe when the Leader of the Opposition replies to the debate he will talk about the training issue. It is important that training be carried out. When looking at this issue right across the board in Australia, it was apparent that it is important that legislation of this type needs careful resourcing. On 26 January 2005 it was reported that the coalition pledged to allocate an annual budget of \$15 million for establishing and enforcing the mandatory reporting policy. We were the first cab off the rank; it was the first policy announced. It was reported on Wednesday, 26 January 2005 -

A coalition government would introduce and enforce mandatory reporting of child abuse and neglect . . . launching the first truly controversial policy announcement of the State election campaign.

As I said, at the time it caused a lot of bile in government circles and within the department. The Crime and Misconduct Commission in Queensland adopted the "essential" argument in favour of mandatory reporting from the South Australian government's Layton review. Those arguments included the following: mandatory reporting sends a clear message to the community that child abuse will not be tolerated; it also backs up Parliament's intentions in the Criminal Code; it allows the community to make confidential notifications on the basis of which the state can intervene to protect children; it can resolve ethical conflict experienced by some professionals regarding breaking the confidentiality of their dealings with some of their clients; and it provides detailed and accurate information and provides a higher substantiation rate.

At the time it was the Liberal Party's intention and vision to provide the most modern state-administered child protection service. In doing so we drew on the extensive professional research, reporting and recommendations from other Australian jurisdictions that recommended a sharpening of the focus on the safety and security of children. It was the Liberal Party's intention to make a transformational change to the bleak backwater picture of child protection in Western Australia, which, sadly, still exists. Already outlined in that change was the vision of the creation of the office of the commissioner for children, an initiative of Hon Barbara Scott. In this bill we are keen to transform the picture of child protection in Western Australia. We will keep pushing this issue until the government introduces this legislation. In my spare time I may look at what legislation has come into this house this year that has been prioritised by this government over and above the protection of children in this state. Frankly, it is a disgrace that today we were debating a bill that is nothing; it is waffle, a piece of paper. It is about the Fiona Stanley Hospital construction account. The policy is good. I do not want to get the member for Alfred Cove offside; she is right behind me. We do not support that bill. For the government to continue to do nothing and allow us to remain a backwater in child protection is despicable.

Dr S.C. Thomas: Disgraceful.

Ms S.E. WALKER: It is. I am very proud to support this bill. I always have been. It is a shame that members opposite do not have the will to be in this chamber for the debate. No-one in the Labor Party caucus room had the political will to push this bill forward and bring it on.

Point of Order

Mr R.C. KUCERA: I wish to clarify a point. I am not the lead speaker on this matter, even though I spoke first on behalf of the Labor Party. I wanted to make that clear.

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The ACTING SPEAKER (Mrs J. Hughes): I take your point. It is not a point of order.

Debate Resumed

MR R.F. JOHNSON (Hillarys) [4.47 pm]: I wholeheartedly support the Children and Community Services (Mandatory Reporting) Amendment Bill that is before the house today. It is a Liberal Party bill, introduced by the Leader of the Opposition. From our perspective it is long overdue, but it is timelier than what we have seen from the government benches. We were told that a mythical bill on mandatory reporting would be introduced. The minister cannot even tell us about the specific clauses of that bill.

The member for Nedlands spent some time as the shadow Minister for Community Development. I also spent quite a while as the shadow Minister for Community Development. I was never happy when the name of the portfolio changed from family and children's services to community development because I think that it took away the emphasis on child protection. One of the most important objectives of any state government is to protect the children of the state. I am afraid that we have seen a dramatic decline in mandatory reporting of child abuse under the Labor government since 2001. When I was the shadow minister, I repeatedly called for mandatory reporting to be introduced. That call fell on deaf ears. The reason given by the then minister, the member for Kenwick, was that it was not successful and that there had been too many unfounded cases of allegations of abuse in other states. I take the view that I prefer to see the situation in which there are some unfounded allegations made but nevertheless investigated if actual cases of physical or sexual abuse or neglect of children - all those forms of abuse - are subject to mandatory reporting. We have seen so many children in this state who could have been saved from dreadful sexual abuse. We have seen in certain Aboriginal communities in the north west of the state that there is a horrendous number of children who have sexually transmitted diseases at incredibly young ages. That is an indictment of this government.

Mr R.C. Kucera: Member, STDs are already mandated.

Mr R.F. JOHNSON: Only if they are found at a hospital. It is only when a child needs to be taken to hospital for some unrelated activity or injury or illness that the diseases are found. I am saying that there are many cases of children who have these diseases and who have been sexually abused and the state is not aware of them. That is a horrendous legacy for this government and the Parliament to have before it.

Mr A.D. McRae: What action did you take when you were the minister?

Mr R.F. JOHNSON: I was never the Minister for Family and Children's Services.

Mr A.D. McRae: I thought you said you were.

Mr R.F. JOHNSON: I was the shadow minister. I repeatedly - ad nauseam - put forward that this government bring in legislation. The government will only enact legislation that it brings in. It will not agree to this legislation because it is our legislation. There will be no bipartisan approach to this legislation even though it is good legislation and it will protect children. We have to wait for the government to dream up something that it will then bring in. That is all that will happen. It is not here now. What have we seen in the past six and a half years? What have been the priorities of this government and of members opposite? They all stand condemned because they have put this as a very low priority. Their main priority was the gay and lesbian reform bill. They want to look after all the gay people and lesbians and allow homosexual men - couples - to adopt children. God help those children. The government wanted to see the decriminalisation of cannabis so that people can smoke and grow their own wacky baccy in their backyards. What is the next priority? Prostitution! This government wants to see towns in Western Australia end up like the red light district in Amsterdam. These are its priorities. Where do the children come? Where does the protection of children come in the government's priorities? Right down the bottom of the pile. Where has the urgency been? Who has shown any real care for the children of this state? If members have, they should put up their hands. By way of interjection, they can tell me how they have done it. I have never heard any member opposite stand and say that he will support mandatory reporting of child sexual abuse. Not one of them has ever said it.

I tell members the reason other states lead us in this area. I looked at the figures when I was the shadow minister. I do not have them in front of me because I did not know I would be speaking on this today. I can remember the essence, which was that members opposite used to satisfy themselves that this state was at the lower end of the scale concerning the number of children sexually abused and abused in general terms. That is what they used to say. That is what the minister used to say; that is what the member for Kenwick used to say. She said that we had a very low rate of child sexual abuse compared with other states. I say to members opposite that that is because there was no mandatory reporting. Many cases of child abuse, particularly child sexual abuse, were going unreported because people were not taking the care or trouble. There was no legal enforcement to ensure that they reported cases of child sexual abuse. That is the reason the state was lower.

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However, the number of cases that were reported was quite high compared with other states. It was not a league table as such but, because other states have had mandatory reporting for some time, they have come to grips with it. I accept that there will always be some cases of the reporting of child abuse that cannot be substantiated for various reasons, such as forensic reasons. We know of child custody cases in which an aggrieved parent has accused a former partner of abusing their child. Very often, it is so that the person can gain access. There will always be something like that. As distasteful and bad as that situation is, there are cases. How long did it take for this government to recognise the number of children, particularly in our Aboriginal communities in the north west, who were being physically or sexually abused or neglected? This side of the house made sincere cries for help for those children so that the children could be taken away from the abusive families. Even the Aboriginal elders were saying, "For God's sake, please take the children and put them in a hostel." They asked for them to be put somewhere in which they were safe from an abusive father, grandfather, uncle, older brother or another member of the Aboriginal community who had committed sexual abuse offences against the children. How long did it take for the government to agree - it was only recently - that, in those cases, the children should be taken from the communities and put somewhere safe? The government kept denying it. Time and again when we were pleading with the government to take those children it did not. The government lives under some misapprehension that they could be seen as another stolen generation. How wrong could the government be? What was being suggested was not another stolen generation. What was suggested to the government was the protection of children. The children were to be taken from the abusive communities and abusive family members and put somewhere safe. At the end of the day they could never be classed as stolen children.

This government is abounding in funds at the moment. I do not know whether a government has ever had such surpluses. It is not because of good financial management but because of the overtaxing of Western Australians and the resources boom that we are seeing at the moment. We have never seen such a boom to this degree before. The government has the funds. It should be building some hostels and staffing them so that children being abused can be taken from abusive situations and put into a caring and nurturing situation where they will be given a chance in life so that they can grow up as healthy and well-educated human beings. They are not getting that at the moment. It is only recently that the government decided that it had so much bad publicity that it must react. All it ever does is react. It reacts to the publicity machines. If the government gets enough bad publicity on something, it will do something. However, when it is just members on this side who can see the problems that are occurring in the community and put forward suggestions for the government to do something, the government turns a blind eye and cocks a deaf ear. The government does not want to know because it is not part of its agenda. This should be the government's priority. I remember saying that when I was the shadow minister. This should be the number one priority; that is, the protection of the children of Western Australia. The government has fallen far short of its duty and its responsibility in caring for, and protecting, our children. It has been said that it is a case not only of sexual or physical abuse, but also of neglect. All those areas amount to abuse. Neglect is serious abuse. If a child's wellbeing, health and safety are neglected, it is almost but not quite as serious as the sexual or physical abuse of a child; nonetheless, it comes very close. Neglected children are being put in danger. Is the member for Mandurah still the Minister for Child Protection, or is it somebody else now?

Mr D.A. Templeman: No, I'm not.

Mr R.F. JOHNSON: The minister is the minister representing the Minister for Child Protection?

Mr D.A. Templeman: That's very true.

Mr R.F. JOHNSON: So the minister will be responding?

Mr D.A. Templeman: I will be responding.

Mr R.F. JOHNSON: The minister was the Minister for Child Protection for a short period?

Mr D.A. Templeman: I was indeed.

Mr R.F. JOHNSON: He was indeed.

Dr E. Constable: A very good minister, too!

Mr D.A. Templeman: Thank you, member for Churchlands!

Mr R.F. JOHNSON: I actually had a bit of faith that, had the minister kept the portfolio, he would have actually done something, believe it or not.

Ms K. Hodson-Thomas: So did I.

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Mr R.F. JOHNSON: I do! His predecessors were pretty hopeless. They were adamant that they would not do anything to protect children in Western Australia, particularly from sexual and physical abuse. When the member for Mandurah became the minister and made some statements and comments, he fluffed around a lot of other things, as he does. That is what he does, does he not? Let us face it.

Dr K.D. Hames: He's an actor!

Mr R.F. JOHNSON: I know! He is a frustrated thespian. However, at the end of the day, I actually had a little faith in the minister, particularly in this area; I thought he would do something. I thought that he could see and understand the problems and that he would do something. I cannot say that about the present minister in the other place. I do not know that minister well enough, but I certainly do not get the impression that she will do a great deal.

Ms M.M. Quirk: She's very able.

Mr R.F. JOHNSON: She may be very able, but it is not a question of being able; it is a question of having an absolute, 110 per cent commitment to do these things.

Ms M.M. Quirk: She has commitment.

Mr R.F. JOHNSON: The member would say that.

Ms M.M. Quirk: Why would I say that?

Mr R.F. JOHNSON: She is probably in the member's faction or whatever, so the member probably would say that. However, at the end of the day, I have not heard many good reports about her. I hope that she will prove me wrong and actually do something. I had some faith in the previous minister, the member for Mandurah. It is a pity he no longer holds that portfolio. If he has to be a minister, that would be a good one for him to hold. However, he is the minister representing the Minister for Child Protection, so he still has an obligation and duty to try to ensure that the Legislative Assembly follows through on the protection of our children. I expect the minister to do that. I know that he cannot make the policies or dictate what legislation will be introduced, because he is not the minister. However, he can have a serious impact within his party room. I urge the minister to do that because very often we get only one crack at this. We have constant delays in passing legislation in this house. It does not matter whether it is government legislation or whether it is Liberal opposition legislation; if it is good legislation and will, at the end of the day, protect our children, the government should support it. There is no shame or loss of kudos in supporting opposition legislation when it is done with the best intentions, particularly with regard to securing the safety, health and wellbeing of our children. There is no shame in that.

I can tell members how the vote will go on this bill. There will not be any surprises. The government will vote it down. When government members speak, they will spout off and say, "We're going to bring in all this legislation; it is on our list. It's being drafted at the moment. It will be hot off the press fairly soon." There is a seven-week recess coming up. I think the first legislation the government will bring in will be the prostitution legislation. That shows the sorts of priorities this government has. The government should be saying, "The first bill we will put through Parliament will be a mandatory reporting bill in relation to child protection." The government may even now say that. It has seven weeks in which to draft some legislation. In the meantime, the government could save a bit of time and support this bill. It is very good legislation. Government members should let the bill go through to the other place, talk to their colleagues there and get them to support it. We would then have in place legislation that I genuinely believe would save children's lives. It would save them from being repeatedly sexually assaulted, abused and neglected. That is what members of the Labor Party could do today. They could take a big step forward and support this legislation, and thereby help to secure the wellbeing, health and future of the children of Western Australia. I urge them to do it. Take the step and forget party lines. It is good legislation for the protection of children. I urge them to stand up and be counted, and show that they care about the children of Western Australia more than they care about the fact that the Labor Party did not initiate the legislation. The government should support the legislation and show the children of Western Australia that it is prepared to join the Liberal Party and, I am certain, every member on this side of the house in supporting this legislation. Let the bill go forward and become the law of this state so that children will be far better protected in future.

DR E. CONSTABLE (Churchlands) [5.06 pm]: I think the Leader of the Opposition should be congratulated for taking the initiative in this area. Many members in this place have waited a long time and asked many questions about child protection, the abuse of children in care and other associated issues. For many years we have been getting nowhere with the current Labor government. I can think of no other responsibility of the state and therefore of the Parliament that is more important than the protection of children. I have said that before and I will keep on saying it. We have to keep reminding ourselves of it. In fact, we are reminded of it on an almost daily basis with the sorts of reports published in *The West Australian* about children in Indigenous communities

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and other children who are being ill-treated in all sorts of circumstances. I am the first to recognise the government's announcement in March following receipt of the report by Prudence Ford. I refer to an article by Jessica Strutt that appeared in *The West Australian* and stated -

An independent report has recommended a complete overhaul of the beleaguered Department for Community Development after finding the child protection system is on the verge of collapse and the community has no confidence in the State Government's ability to protect vulnerable children.

It is no wonder. We all knew this before. I am really glad that it has emerged in the report, because it has given the department the focus to split into two and completely rethink the protection of children, how that should be managed through the bureaucracy, and how people should be thinking about it. The minister will respond to this. Some of us asked the former minister questions about this and got horrifying responses about the number of children in care who were not being well protected. We all know that, and yet it took so long. It is no wonder that the Leader of the Opposition took this initiative last year because of the incredible frustration many of us have felt for a long time about this. I am glad that the government got the report, and I want to see the government act on it quickly. I know that the government will not support this legislation, but if it hurries the government along to introduce its own legislation, I think the Leader of the Opposition will have succeeded in accomplishing something by bringing this private member's bill forward. These are things we all know and things that I think should have been acted on earlier. Let us get on with it now and see what we can do about it.

I cannot say enough about the sense of frustration I have felt in this area and about, firstly, the government's inability to recognise there was a problem, and, secondly, its slowness in establishing the independent inquiry. I am reminded that in 2004 I moved a motion during private members' business to establish a select committee to look at child protection. We debated that three years ago, on 30 June 2004, and we are still debating the same thing. That action must take place. As I say, the sooner the government's legislation is introduced, the better. I am interested to know whether the minister can put a time line on that. One hopes it will be well and truly in place by the end of the spring session. If it must be dragged into 2008, the government will be dragging the chain. Of course, the government did not support the select committee I proposed. Two years later it established an independent inquiry with Prudence Ford as the chair. Of course, that inquiry found that there were grave, systemic problems in the Department for Community Development and recommended mandatory reporting, something that many people had been talking about for a long time.

I will very quickly refer to some comments made by the former Premier and reported in an article in the *Sunday Times* in January 2004. Dr Gallop said that his government would "lead the nation in child protection". He also said that we must give our kids a sense of hope, not despair. It was my view at the time and it is my view now that we must get on with that. The Attorney General was quoted in *The Australian* the following day, on 19 January, as saying -

In my view you cannot go far enough in protecting your children.

That was in January 2004. We still have not seen the government's legislation on mandatory reporting. I will not repeat it all but I heard, I think, the member for Nedlands talking about the other jurisdictions. We in this state are so far behind all the other jurisdictions that it is shameful. That is another reason we should be getting on with the legislation. The Ford report has been around for some time and the government has had plenty of time to see this as urgent legislation. Yesterday, we declared the Western Australian College of Teaching Amendment Bill urgent. However, to my mind, there is nothing more urgent than the issue we are dealing with now. If we cannot get this right, and do it soon, we should not be in the business of trying to protect children. This government should let someone else have a go. If it fails in this area, it fails in all areas, in my view. We are far behind the other states. It is time we caught up and did the right thing by the children in this state who need protection.

MR T.R. SPRIGG (Murdoch) [5.12 pm]: I will make a few observations regarding mandatory reporting of child abuse. I thank Hon Barbara Scott from the other place for her work. She has been a champion of this aspect of child protection for some five years.

Hon Barbara Scott released the following press statement on 16 August 2002 -

Shadow Minister for Children, BARBARA SCOTT, today called on the Government to immediately put mandatory reporting of suspected child abuse cases into legislation.

She went on to say -

It is clear from the Gordon Inquiry that Western Australia desperately needs to join all the other states in Australia by introducing such reporting.

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Without the data which will become available from this reporting, it is not possible to put preventative programs and appropriate support in place.

That debate has been going on for some five years. I agree with the member for Churchlands that there is a great degree of frustration on this side of the house that the government has not introduced this legislation. I understand that this is the only state or territory in Australia that does not have mandatory reporting. It seems ludicrous to suggest that the other states and territories can all be wrong on this issue and our government can be right. Everyone obviously knows that is not correct.

The government continues to argue that Western Australia should not introduce mandatory reporting, yet the Liberal opposition, as part of the coalition, went to the 2005 election with a costed program to introduce mandatory reporting of child abuse. I think the figure at that stage was \$65 million over four years to provide the training necessary to implement the services and employ the people who could bring the perpetrators of these abuses to book. Child abuse is a crime. People seem to make excuses for the perpetrators. The goody-two-shoes make excuses and say that perpetrators have had an unfortunate upbringing and were perhaps abused themselves. Regardless of that, it is a crime - a crime against children; it is the very worst of crimes. I was bemused when the now Premier, I think, said in this place at one stage that we could not introduce mandatory reporting because it would clog up the system and invite vexatious reports and all that sort of thing. If that is the case, the government must employ the right people to handle those issues. We must get the experts to sort out the vexatious reports, if there are any. That must happen in the very near future, as members on this side have been saying.

As well as taking that position to the 2005 election, the Liberal opposition made a commitment to introduce a private member's bill to legislate for mandatory reporting, and it was introduced in August last year. The government refused to debate the bill and refused to accept that there was an issue. The government was dragged kicking and screaming to the table to discuss this matter because of various matters involving child abuse and neglect at Halls Creek and other places. It became embarrassing for the government. It then had to face up to the situation. By my count, three ministers have been responsible for this portfolio under this government, as I think the member for Hillarys mentioned. They have been sacked and moved on because they could not perform properly. I hope the present minister will do something about this, and I encourage her strongly to do that.

At this moment in the other place, the Balga Works program is being debated. That matter has been close to my heart for a while. There is evidence of some child abuse situations, I think in an area very close to your own electorate, Mr Acting Speaker (Mr A.P. O'Gorman). A photograph in today's paper indicated that some property had been damaged there. It is my information that some child abuse has happened in those very places that were leased by the Balga Works program. If we had mandatory reporting of these abuses, perhaps that would not have happened. Perhaps the Balga Works program would have worked, albeit a few other issues were involved.

As I said, Hon Barbara Scott has worked for a long time on this issue. We have heard the horrific tales about things that happened in the north west. Hon Barbara Scott gave me a letter she had received from a very senior regional paediatrician by the name of Dr John Bolton, who states -

Thanks for your letter of 13 Dec concerning my effort to get public discussion over the problem of the lack of mandatory reporting of child abuse and neglect in WA. I appreciated you sending me the copies of the Bill and notes.

I apologize for this late response. I had hoped to have got some national support for this through our Special Interest Group in Child Protection of the Chapter of Community Child Health of the Division of Paediatrics of the Royal College of Physicians. However, that discussion hasn't happened yet, so I thought I'd send you a slightly edited version of the discussion memo that I am proposing to send out to my colleagues.

I would be pleased to assist you in your effort to bring WA legislation into line with the rest of Australia, and although I consider this should not be used as a party political issue, I do wonder why the current WA government is so obstinate in its refusal to consider it.

As I said, Dr John Bolton is an eminent paediatrician, an expert in the field, and he says that we must bring in mandatory reporting as soon as we possibly can. As there has been in other states, there must be some debate on who should do the reporting. However, it seems obvious that people such as teachers, medical professionals, police and justice people should be the minimum number of people who should be reporting these crimes.

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I stress that they are crimes against our children. The perpetrators of those crimes are the lowest of the low as far as I am concerned. If we cannot protect our children, it is a really sad situation.

I do not wear the government's excuse that this move will clog the system and there will be vexatious reports. It will be a difficult situation to resource; I understand that. I know the government is trying to bring in the reporting of sexual abuse, but that does not go far enough, as other speakers have said. We have to fix this problem straightaway. Other speakers on this side have mentioned the things that have to happen. We have to pass this legislation. I would love the minister to stand and say, "This is right. This has gone on long enough. We are the only state or territory that does not have mandatory reporting and we are going to introduce it straightaway." I can only live in hope.

DR J.M. WOOLLARD (Alfred Cove) [5.20 pm]: I support the Children and Community Services (Mandatory Reporting) Amendment Bill 2006 introduced by the Leader of the Opposition. This bill has been a long time coming to this house. We last discussed mandatory reporting in this house in 2004 and at that stage the government was not happy to support the proposal before the house. Earlier this year the government said that it would introduce a bill and the member for Yokine said earlier this evening that it would be brought into Parliament in the spring session. Why have we waited so long? Why is it that WA is the only state where mandatory reporting of child abuse does not exist? This bill will give some protection to children in their own homes, and in foster care and residential care. Whatever situation children are in, we know some are being abused. I have worked with nurses who have had to counsel parents of children who have suffered abuse. It is a very difficult area and the damage that is done to children stays with them throughout their lives. It is something those children do not forget. Not only that, the parents and the connected family all have guilt feelings: "Why didn't I pick up on this? Why didn't I realise something was happening?" It is really disappointing that WA is the last cab off the rank to address this problem.

I congratulate the Leader of the Opposition for introducing this bill, and also Hon Barbara Scott, who has been working hard in this area and consistently raising the issue to get this bill into the house. I know the member for Nedlands had a lot to do with the Liberal-National coalition policy on the mandatory reporting of child abuse. Hon Barbara Scott and the member for Nedlands wrote that policy. That policy clearly put on record the Liberal-National coalition's commitment to protecting children from various forms of abuse. In their policy of two years ago they looked at the costing. They looked at which professionals would be involved and would have to report child abuse. They looked at protection for those professionals who reported child abuse and they considered penalties for noncompliance with the legislation. All that work was done probably two years ago. Maybe the government can tell the house that there has been no child abuse in that time. I do not think it can. It would be interesting to have the statistics for how many children have been abused. The Department for Community Development probably has those figures. It probably hears about the children who are being abused. We know as a Parliament that it is happening, but sadly and unfortunately the Liberals, Nationals and Independents together do not have the numbers to force this government to do something about that abuse.

The government could do something. The bill is before us, we could have the second reading debate and the government could support the bill. That would be a very positive step. The government would be able to say that it might not have got the legislation in first but it recognised that this was important. There may be some amendments that need to be made to the bill. This bill has been before the house for six months now and the government has not put its bill on the table, so why do we not go ahead with this legislation? It is not acceptable that we are allowing child abuse to continue in the community. I am sure you, Mr Acting Speaker (Mr A.P. O'Gorman), like me, will have had many phone calls from people in the community who are very unhappy that nothing has been done in this area. People have told me they have lobbied the Labor Party and the Liberal Party and they are very pleased that this bill is here now. They are looking to see whether this government will seriously consider the bill or just push it aside and allow child abuse to continue. We do not know how long that abuse will continue. The government has said that it will introduce its legislation in the spring session. I do not want to confuse the issue, but the government promised the Fiona Stanley Hospital in 2005 and now, in 2007, it is just putting aside funding for that hospital. With that kind of track record, when might the government act on this matter? If the government says in 2007 it will introduce a bill, how long will it take it to put the bill on the table?

If the government were to give a commitment that the legislation would be the first cab off the rank after the recess, people could maybe accept that although the government has not done its homework to date, it will do so over the recess and make the legislation a priority. Even so, one has to ask: how many children will be abused during that time? How many children's lives will be destroyed? How many family members' lives will be destroyed by their knowing abusive behaviour has occurred within their family network?

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I support this bill 100 per cent. I think it is very sad that it has been such a long time coming to this house. As I said, I congratulate the Leader of the Opposition for introducing this bill to the house. Even though it has been introduced, I know that there are concerns that the government will not support it. I hope that members of the opposition will speak up tonight and give some assurance to this house and to the community, even if the government has told them that this bill will not be supported, that they will make sure that this issue is a priority and that the government will address this issue as soon as we resume after the recess, so that more lives are not destroyed.

DR K.D. HAMES (Dawesville) [5.30 pm]: I want to speak as shadow Minister for Indigenous Affairs about the issue of sexual abuse in Aboriginal communities, and particularly in remote Aboriginal communities. I have to say that it is something that in the past has been a very difficult issue about which people are prepared to talk. I recall that when I was Minister for Aboriginal Affairs, I attended a ministerial conference in Queensland. Even though all the Aboriginal affairs ministers gathered together, often with Aboriginal advisers being part of that group, the issue of sexual abuse was never raised. At that meeting - I think it was my second ministerial meeting - I raised the issue of sexual abuse in Aboriginal communities being, in my view, rife in communities in Western Australia, and I asked what the other ministers' views were of the issue within their states and territories. After a stunned silence and surprise that anyone would actually raise the issue, the meeting went on for hours discussing that particular issue. I could see the relief almost on the faces of the people there, particularly the people from the Aboriginal community, that finally the subject was out in the open and people wanted to talk about it and the problems it was causing, particularly how widespread it was in the various states and territories.

On returning to Western Australia, we obviously discussed it in our community, and discussed what we should do. As a result of that meeting, and with the strong support of my adviser, Neville - or Nifty - Collard, we prepared a video to go to Aboriginal communities. That was prepared by Aboriginal people for Aboriginal people. It said, in effect, "Look, it's okay to say no. It's not your fault that you've been raped or molested." The parents needed to say no; the family needed to say no. After we lost government, that particular video won the Premier's award. Of course, we were not the ones who got the credit for it; it was the department that we had asked to make it. Nevertheless, it was regarded as a significant work. I do not know what has happened to it since then. I think it has been superseded by the Gordon inquiry. I have to give credit to the government for initiating that Gordon inquiry, and in particular for choosing Sue Gordon as the person to conduct the inquiry. I think she did an excellent job with that inquiry, and highlighted the huge issue of sexual abuse in Aboriginal communities. I must say in hindsight that that video was only a small and probably inadequate response on our part. The Gordon inquiry really was the significant event in exposing those problems. Nevertheless, for its day, it was fairly radical.

The response from the community services department, or whatever it was called at the time, was that it did not want us to do the video, and it did not want the video taken out to those Aboriginal communities, because it would cause a huge overload in the department's work, and it did not have the staff to deal with the huge number of issues that would be raised as a result of people standing up and saying no to sexual abuse in those communities. We were horrified by that, of course, and said, "Well, too bad. If that abuse is there and that creates extra work for DCD, so be it. Provide extra funding." Yet it is the same sort of reaction now to mandatory reporting; it will create too much work.

In those Aboriginal communities, the sexual abuse of Aboriginal children - males and females - is endemic, and it is normally carried out by other family members. Therefore, the reaction of the Department for Community Development when a child has been subjected to sexual abuse, physical abuse or neglect within a family is to take that child away and give it to the extended family. The reason the department does that is a result of all those issues associated with the stolen generation. Nevertheless, the department hands those children back to the families, often with the very uncles who are carrying out the sexual abuse, because an uncle is commonly a person who is involved in those things. In saying that, I do not want to suggest in any way that the Aboriginal community itself finds this acceptable, because it does not; it does not find it acceptable at all. However, as we know, all the issues with alcohol, in particular, and with families that have been devastated by circumstances and events have led to that sort of situation being perpetrated. Some people are saying that it is a cultural thing. Most Aboriginal people are not saying that it is a cultural thing. They are saying that in no way was that a part of their culture. There were some things associated with it in more mature girls, but certainly not in Aboriginal children. What tends to happen in those families - we had trouble getting it reported in the first place - is that the Aboriginal children do not want those uncles or relatives to go to jail. They just want them to stop the abuse, but they have no mechanism to make them stop other than reporting them, and then they go to jail. Therefore, they do not report them.

Extract from Hansard

[ASSEMBLY - Wednesday, 20 June 2007]

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Mr Bob Kucera; Ms Sue Walker; Acting Speaker; Mr Rob Johnson; Dr Elizabeth Constable; Mr Trevor Sprigg; Dr Janet Woollard; Dr Kim Hames; Dr Steve Thomas; Mr David Templeman; Mr Tony McRae; Deputy Speaker; Mr John Kobelke; Mr Paul Omodei

DCD had a policy of reporting every time it was aware of such abuse, but others did not; the police and other government departments did not. Therefore, it stayed hidden. Those agencies would not tell DCD, which could have helped, and no-one else would say anything. Therefore, the practice just continued. Sadly, when some of those children said something, other members of their family, and sometimes their own parents, would say, "Well, that's your fault. You've done that, girl. You wore that short dress" or, "You spoke like this or behaved like this. You brought it onto yourself." That is just not an acceptable outcome. That video encouraged parents and children to say that it is not okay; it is not acceptable.

I remember as minister going to Carnarvon, I think it was, on one occasion. We went to a community outside Carnarvon and talked to the people there. We said, "Look, we want to do something to help this community. What is it that you most want? What is it that you most need?" The answer from the women was that they wanted stronger bars on the windows. We said that there was already mesh on the windows. They said, "That's not good enough, because they hitched a chain to the towbar and to the mesh, and pulled it off, and then came in through the window and raped the girls in that house." When a person hears stories such as that, his heart goes out to those people. The mothers were sitting in that building and did not interfere because they did not know what to do. The culture in those Aboriginal communities made it very difficult to do something. However, I think that things are changing now, and there is a will to do something; there is a will to make changes.

On the *7.30 Report* last night, Noel Pearson was interviewed. It was an excellent interview. Noel was asked about this issue of sexual abuse in Aboriginal communities. He said that it all started right back at the time when people from the Aboriginal communities were sent from the stations to the towns or to feedlots or wherever it was that they went. Three things happened at the same time: they lost their jobs, they were given access to alcohol and they were given welfare. He said that those three things together meant that the men lost their self-respect. They had access to alcohol, and they had time on their hands because they had money in their pockets. They did not have to work to get food and they had nothing to do. The first cases of sexual abuse occurred among those communities. He said that those children who were abused 30 years ago are doing the abuse now. We hear that in both Aboriginal and non-Aboriginal communities - the people most likely to commit acts of sexual abuse are those who have themselves been abused. We need to do something to make a change in Aboriginal communities. What the government has done in assigning police to Kalumburu is an excellent change. In the draft Aboriginal affairs policy for the Liberal Party, I have recommended establishing police stations in all the large Aboriginal communities - there are about 19 altogether - with a zero-tolerance policy on sexual abuse in those communities. That is the only way to make a difference. The solution is not to do what I tried to do in going through cultural issues to make a change, because for the Aboriginal people being abused in those communities that takes too long and it is too hard to make the required changes. It is not simply making changes so that people will say no to sexual abuse, because it is all about alcohol, employment, housing, overcrowding and disenfranchisement. All the issues affecting Aboriginal communities make change in those communities very difficult. We must get in there now and say no to sexual abuse, and not just in Aboriginal communities. Mandatory reporting covers everybody, but it is particularly important for Aboriginal communities and Aboriginal people to have a zero-tolerance policy and to say no to the sexual abuse of Aboriginal children, no matter what.

I understand that this matter is not now the responsibility of the Minister for the Environment. I know him well enough to know that he would be absolutely determined to make sure that sexual abuse did not occur. I know how tough it is when the opposition comes up with very good legislation that the minister supports in principle. Governments always like to be the ones that bring in new legislation. It is extremely unsatisfactory, if not shameful, that the government, after six years and so much pressure from this side, has still not brought in that legislation, but it is good to hear that it will be brought in during the spring session. It will be interesting to see how different it is from the legislation now before the house. The member for Nedlands and Hon Barbara Scott have done a lot of work over a long time to make sure that this legislation addresses this very serious issue in an appropriate manner. I urge the minister to make sure that the government's mandatory reporting legislation is the first bill that the house deals with when sittings resume. Despite appeals from this side, the government is not likely to support this legislation, but its own legislation needs to be the first bill we deal with after the recess. Other members have said that many other bills have come forward that have far less importance than this one. Even the Surrogacy Bill, which I support, should be a long way behind the protection of children, particularly Aboriginal children, which they so desperately need.

DR S.C. THOMAS (Capel) [5.44 pm]: The member for Dawesville has raised some interesting material, and at some point in my contribution I will relate some stories about Aboriginals from my own experience. Before I do so, I want to ask the minister a question that he may not be able to answer right away, but I hope he will answer it when he addresses the house. In the opinion of the minister, if the house fails to pass this mandatory reporting bill now and waits for the government to bring in its own legislation, how many children will be abused before

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the government's legislation is enacted? How many children will suffer sexual, emotional or physical abuse because this government refuses to act? How many children's lives will be destroyed because this government and the Labor Party are playing petty politics with the issue of the protection of children? I would like the minister to answer that question when he speaks, because I think that the community of Western Australia would like to know. It would like to know that the government had an opportunity to protect children and deferred it; it put it off. I am sure the community would like to know that the government did so because the Leader of the Opposition and the Liberal Party had the gall to present this legislation before the government did. How many children will suffer? The minister will be able to provide a number, because he can average it out over time. He knows roughly how many children are abused. I think it is an underestimate, because the government does not actually pick up most of that abuse, particularly in Aboriginal communities, where a lot of abuse still goes unreported. How many children can acceptably be allowed to be abused for the political purposes of the Labor Party in this state? The minister and the government should be ashamed. If it refuses to pass this bill, the people of Western Australia should be rightly outraged. How many children will be sacrificed to the political expediency of the government? How many children could be saved who will not be? How many children will the minister condemn to a future without hope because he dithered? That is the question this government should answer tonight, if it refuses to support this legislation.

The government has placed a high priority on the Parental Support and Responsibility Bill 2005, which is on the agenda as we speak. It is very important for the Labor Party and the government to make sure that parents can be served with responsible parenting orders. The government wants to make sure as quickly as possible that it can fine a parent \$2 000 for failing to comply with an order to send a child to school. Parenting is important, but let us look at the scales of justice here. The government places no priority on saving children from abuse, but it has a priority for punishing parents if a child does not go to school. My 16-year-old might not want to go to school. In a single-parent family, that 16-year-old is probably half as big again as his mother. If he says he is not going to school, the mother might say she would like to make him, but he is bigger than she is. She is slapped with a \$2 000 fine - thank you very much! This is the priority of the government of Western Australia. However, if the child is being abused, where is the government? I would like to see that answer. It is the one key question that the government should answer if it rejects this legislation.

I wanted to get the outrage out first, so that I could then move forward. I was intrigued by the member for Dawesville's comments. I have a very good friend who is now quite aged. His name is Murray Adams. He lives in Queensland, having retired to the Gold Coast, as people do, eventually. He was a Spitfire pilot in World War II.

Dr K.D. Hames: Some people retire to Mandurah.

Dr S.C. THOMAS: I hope the member for Dawesville has not retired to Mandurah yet. Perhaps he is temporarily misplaced for the moment, and will retire there eventually.

Mr Adams worked on a number of stations in outback Western Australia for a long time during the period the member was talking about, when Aboriginal communities moved off the stations and into townships throughout rural and regional Western Australia. He was a witness to that. Many years ago we would sit down and have one glass of whiskey neat and talk about those times. He would describe what used to happen. There was a working relationship between the Aboriginal community, the tribe, the family group - the skin - and the landowner. There was a symbiosis; they worked together. I think it eventually drove him to the conservative side of politics. They could not run a system that involved a group of people. A number of Aboriginal persons living in a community might come and work for somebody. There might be different people working week in, week out because a certain proportion was off doing other things. They were participating in tribal activities and all sorts of different things. There was always a certain nucleus that would do the work required. In return, a lot of those rural farms, those properties, provided education, housing and clothing and kept that community and the family groups together. A time came along when that was banned. Murray Adams described the time when individuals had to be employed. A group could not be employed. Someone could not keep the same person employed permanently because that was not the tribal condition that he was used to. If they were forced to employ one person who was going to be there 50 per cent of the time, and it was going to be checked, that person could not be replaced with someone else. Many landowners threw that whole system away and said that they were not interested in it. A way of life disappeared. I will never forget those stories. They are 20 years old now but they are probably as relevant today as they were then. That was the cause of many of the problems that the member for Dawesville raised.

Noel Pearson has made some very good speeches in recent years, showing great leadership among the community that he represents. It is a shame that more people do not listen to his counsel. Unfortunately,

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wisdom is often rejected, most commonly at home. I keep telling the member for Victoria Park that his father is a prophet in his own area. He should listen more carefully to his father's wise words.

The Children and Community Services (Mandatory Reporting) Amendment Bill introduced by the Leader of the Opposition is worthy of support. The government today has the opportunity to not delay it for six months. In effect, that is what it will do. It has an opportunity to make immediate progress. Clause 4 of the bill, on page 4, describes the various forms of abuse. It refers to physical abuse, sexual abuse, emotional abuse, psychological abuse or neglect. I understand that the government will introduce something on mandatory reporting relating to sexual abuse. That is as far as it will go. The minister can stand and say that that is different. We would love to see it. I recognise that some of these forms of abuse will be very difficult to manage. I suspect that psychological abuse is a very ambitious target to try to put into a bill such as this because it is very difficult to prove. It can be very difficult to establish. It can be even more difficult to manage. Physical abuse and neglect need to be included in a mandatory reporting bill because they are very serious components of abuse. It is bad enough that children in this state will be left exposed to sexual abuse for the next few months by this uncaring government because of its inaction. It is a further disgrace that this government appears to have no feeling for physical abuse or neglect and, as far as I can see, has no intention of addressing that issue. This government's shameful neglect has to be held up. It has been shamed into taking a small step towards doing something about the mandatory reporting of sexual abuse, which it has delayed. We still have to shame it because it has no will and it is not self-impelled to do anything about physical abuse or neglect. That sort of disgrace needs to be highlighted.

I will sit down in a minute. I would love the minister to hazard a guess as to how many children will be abused because of the delays of his government. How many children are at risk and how many children at risk will not be discovered because his government lacks the will to address child abuse in this state? If he cannot address that and if he does not support this bill, it will be an example of the cowardice demonstrated by the government of Western Australia and the Labor Party that comprises it.

MR D.A. TEMPLEMAN (Mandurah - Minister for the Environment) [5.56 pm]: I am pleased to comment on the Children and Community Services (Mandatory Reporting) Amendment Bill. I note the comments and contributions made by various members. The member for Capel, the most immediate previous speaker, posed a question. I pose a question to the member for Capel: how many extra child protection workers does he think the former government employed during its eight years on the government bench in this place?

Dr S.C. Thomas: I don't care how many the former government employed. You have been here for six years doing nothing.

Mr D.A. TEMPLEMAN: How many did it employ? Absolutely zip.

Dr S.C. Thomas: What have you done?

Mr D.A. TEMPLEMAN: I am glad the member asked that question, because I will answer it. I will take my time because one of the things that frustrates me a little about people such as the member for Capel is that they come into this place and make statements but they cannot back them up with facts and they have very short memories. I will go through what this government has achieved and embarked upon since it was elected in 2001.

The member for Capel spoke about shaming people and shame. Let me be very clear. All of us in this place know that child abuse in any form is absolutely abhorrent. No-one in this place has a moral stance greater than anybody else on that. We all accept, acknowledge and abhor that child abuse is in our communities in whatever form. I believe that there is absolutely no person in this place on either side of the house who does not find absolutely abhorrent any sort of abuse, particularly abuse of children and young people in our communities. The member for Capel came into this place and challenged the government to say how many children have been abused because of inaction. The same question can be asked of the member. It can be thrown back at him and his party when it was in this Parliament on the Treasury bench. It did absolutely nothing. A number of those people sitting opposite were sitting in this place then. I will not go down that line; instead, I will tell the member what this government has done since it was elected in 2001, what it is doing now and what it will do to ensure that the protection of children remains an absolute priority of the Carpenter government.

Mr T.R. Sprigg interjected.

It is interesting when I get interjections from boofheads like the member for Murdoch because what he says and what he does is absolutely nothing.

Mr T.R. Sprigg: You were gunna do it!

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Mr D.A. TEMPLEMAN: The actions of people like him continue -

Withdrawal of Remark

Ms S.E. WALKER: I heard the minister call the member for Murdoch an unparliamentary name and I ask that he withdraw the comment.

Mr A.D. McRAE: I was listening closely and, obviously, the member for Nedlands was not. The minister said "boofheads like the member for Murdoch". He did not say that the member for Murdoch was a boofhead, nor did he say, "Member for Murdoch, you are a boofhead". He did not say any of those things. The point of order has no validity.

Dr S.C. THOMAS: That defence belies belief. The Speaker gave a definitive ruling in an exchange between the Minister for Energy and a member of the opposition using that particular word and it was deemed unparliamentary. I ask that Mr Acting Speaker do the same in this instance.

The ACTING SPEAKER (Mr A.P. O’Gorman): It is indeed unparliamentary to refer to members other than by their parliamentary name. If it was the intention of the minister to call the member for Murdoch an unparliamentary name, I ask that he withdraw it and continue with his speech.

Mr D.A. TEMPLEMAN: I withdraw the comment.

Debate Resumed

Mr D.A. TEMPLEMAN: Let me highlight this situation because we must understand it. The moral outrage of those across the chamber is quickly forgotten in a range of ways. I started my contribution by asking a question of the member for Capel. It was a simple question. There is a simple answer. During the time the opposition was in government, not one additional child protection worker was employed by that government. In fact, its funding of the Department for Community Development or Family and Children’s Services - as it then was - was so bad that not only did it absolutely neglect the staff who do a difficult job in protecting children and working with vulnerable families, but also at the time there was a DVD - as the member for Dawesville highlighted, this occurred when he was Minister for Indigenous Affairs - that the government wanted the department to respond to. The response was about resources. Is it not interesting, in answering that, that we see that there was no commitment of human resources? The most important thing that we can do for a department is to ensure that it has human resources; that is, the resources to work with people who are vulnerable, with children who are vulnerable, with children who are abused, with families in which there is a risk abuse may occur and with families who may be suffering a range of social and economic problems and challenges that can sometimes lead to abhorrent abuse and unacceptable behaviour by parents and families towards children.

Point of Order

Mr R.F. JOHNSON: When members speak in this house, they have to stand in their place. The minister is making me giddy by going backwards and forwards from one place to another.

The ACTING SPEAKER (Mr A.P. O’Gorman): There is no point of order. The minister is in his place.

Debate Resumed

Mr D.A. TEMPLEMAN: One of the problems we all have with the new seating is that there are some restrictions. I tend to be a rather hyperactive member, I must admit, and I like to move. I am sure that the member can hear me; the important thing is that he can hear me. I am sure that is the case.

I want to get back to this, because it is important. If there was an issue with resourcing when the member for Dawesville was the Minister for Indigenous Affairs, surely when the DVD issue was highlighted and when they were told that the department was understaffed and that there were problems with resources and that they were not able to carry out some of important duties they had to carry out, would not questions have been asked about what the government was doing at the time to resource the department in the form it was in? Would not questions have been asked about how many more child protection workers and field officers were being employed in regional and rural communities throughout Western Australia and in the metropolitan area? If those issues were being raised, would not questions have been asked about how many more caseworkers were being employed? If the then minister responsible for community services, or family and children’s services, was asked about how many extra child protection workers had been introduced or employed, the answer would have been none.

That is not all. The other problem is that I looked through the period of government from 1993 to 2001 to see what I could find on mandatory reporting. I would have thought that the Liberal Party, when in government, would have introduced such legislation. It did not do it. Why did it not do it? It was not resourcing the

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department at the time appropriately. It was not recognising the importance of resourcing that department, because it is the one that deals predominantly with the most vulnerable people, particularly the most vulnerable children, in our community. One would have thought that the then government would have done that, but it did not.

In 2001, the Gallop government was elected. One of the key commitments we highlighted involved doing three things relating to vulnerable children and vulnerable families. The first was to look at the resourcing of the department. The second was to look at the legislative framework that underpinned a lot of the work of the department and the interface with government, particularly concerning children who are vulnerable. The third was to make sure that clear policies were put in place that were aimed at achieving positive outcomes for children who are vulnerable and for families who are vulnerable. That is what this government did when it came to power in 2001. What did it do first? It first looked at the legislation, which had been unamended and unchanged by the Liberal Party. It was outdated. The current legislation, introduced in 2004, was one of the first real efforts by a government to ensure that we modernised legislation so that the focus was on the protection of children and on making sure that the health and wellbeing of children was our focus. The legislation that was introduced by this government through former Premier Gallop and Minister McHale was designed to overhaul outdated legislation. The legislation that existed previously was 60 years old. In fact, the legislation was drawn up when men and women were returning from the Second World War. In that period of 60 years, there was massive change.

Mr R.F. Johnson: The bulk of the legislation brought in in 2004 was work done by the previous government. We were near finalising it; we had spent years doing it. In fact, it went back to the previous Labor government. It took years to do that. What came out of the legislation was the fact that the best interests of the child must be paramount. That was the ethos; that was the principle that was adopted by our government and what this government has brought in. The minister of the day, the member for Kenwick, acknowledged that a lot of the work on that legislation had been done by the previous government.

Mr D.A. TEMPLEMAN: I thank the member for Hillarys for his lengthy interjection. There was an overhaul of the legislation. Why? Because it was outdated. We needed to make sure that we were focused on the interests of the child and that the primary focus of the legislation and everything that underpinned that legislation was to ensure that the interests of the child were absolutely paramount in government policy, the legislation and practices within the then Department for Community Development. We did not just sit there with that. We also recognised that, in a changing world, other unfortunate things occur. We know, unfortunately, and it is absolutely tragic and sad, that we can no longer take with blind trust that people who work with children do so in good faith. It is a sad indictment of society that we now cannot take it on trust that those people who do and will want to work with children will have a child's best interests in mind.

The government went further with the introduction of other legislation, including the Working with Children (Criminal Record Checking) Bill. That legislation is recognised Australia-wide, and I tried to point that out to the member for Nedlands, who keeps forgetting that I am no longer the Minister for Community Development. She forgot it last week and she forgot it during the estimates committee hearing. She needs to have a memory test, because she has forgotten. She said it again today. That is three times in a row. I cannot believe it. I like the member for Nedlands and I have said it before. I do not hate anybody in this place, because I do not think hate is a good thing to have for anybody.

The government introduced the working-with-children legislation. The roll-out of that legislation means that people, whether they are in paid employment or volunteers, are required to go through a very stringent checking process. The sad thing is that even with those mechanisms in place, it does not mean that we will capture everybody in a checking net. The sad reality is that even when some of those important mechanisms are put in place, people may not have a record.

Mr P.D. Omodei: Are you talking about the department?

Mr D.A. TEMPLEMAN: I am talking about the checks required for people to work with children. It is a stringent process and a report is produced via that checking process that highlights whether someone is an appropriate person to work with children.

Mr R.F. Johnson: The police report.

Mr D.A. TEMPLEMAN: A number of other factors are also looked at. That was additional legislation that was introduced by the government.

The member for Capel then attacked the government and asked what else had been done. I will highlight some more things we have done. We must resource our staff. One thing I learnt in my year and a bit as Minister for

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Community Development was that, quite frankly, there are a lot of good people in the department. There are a lot of overworked people, a lot of people under great pressure, and a lot of people who are dealing now with far greater and more complex issues than many people who have been at the department for a long time experienced when they started working for the department.

Certainly, last year a range of issues that highlighted a range of inadequacies and problems were raised in Parliament and outside. It is really sad when some members of the opposition attack staff at the department. We in this place must understand that these people do an incredibly difficult job. They deal with complex matters; they deal with families, couples and single parents who are affected by drugs and alcohol or who have mental health problems. Many of those families and parents are inadequately attempting to bring up the most important people in our community - children. It is a very difficult and complex task for them to attempt to work with these sorts of families and parents. We can sit in this place and attack those workers, but we do not know what it is like in reality. We are not the ones who are called out to homes by the police at midnight or in the early hours of the morning to make a decision about whether children are at such risk that they need to be removed from that situation. They are the people who attend complex situations and deal with those circumstances. They have to make assessments and determinations in the best interests of children. Sometimes, and hopefully, these experienced and trained people will make the right determination based on the evidence they have, the situation that confronts them and the circumstances that they experience, with the cooperation of, and in collaboration with, other important community members, including the police and others. We need to support and resource these workers.

One of the things that occurred to me when I was minister for that period of just over a year was that, yes, under many governments, the resourcing of that department had not been adequate. Given that many vulnerable families were facing increasingly complex matters and circumstances, the resourcing of that department was not increased. What did this government do, member for Capel? What did I do? To be totally honest, I am proud of my record. With the cooperation of other cabinet members, I said to the Premier, to cabinet and to members of caucus that we needed to put more money into this department and that we needed to ensure that we adequately resourced the people who were doing this complex work and whom we expected to go into households throughout regional and rural communities and in the metropolitan area in Western Australia and be confronted by very complex situations. What did we do? First of all, we announced an allocation of \$190 million in the 2006-07 budget. That allocation was aimed primarily at ensuring that we focused on those workers at the grassroots level who worked with families and vulnerable children and on the workers in the non-government sector, who do wonderful work. However, we did not stop there. We also recognised that we needed even more child protection workers. There were zip employed from 1993 to 2001. That is what the previous government did when it was in power. Not one single extra child protection worker was added by the Court government from 1993 to 2001. We ensured that there were more child protection workers. From 2001-02 to 2006-07, the number of permanent full-time staff in the department increased by nearly 500.

That is not all we did. I admit and recognise that there were a range of cultural concerns and issues with the Department for Community Development. We then said that we needed an absolute overhaul and review of the department's function, because what the government wanted was to make sure that the primary focus of the department was on the protection of children. The independent Prudence Ford inquiry was undertaken from August to December last year.

Mr R.F. Johnson: What about the Sue Gordon report?

Mr D.A. TEMPLEMAN: It is interesting that the member for Hillarys mentions that report. Prudence Ford considered not just the Gordon and Cant reports, but also a range of historical reports on a range of elements of the department's work. The primary purpose of the Ford report was to look at the structure and function of the department as it existed and determine what needed to happen to make sure that the department was focused on child protection. It is interesting that of the 70 recommendations that the government was presented with, 69 were supported and one was not.

Mr R.F. Johnson: Which one was that?

Mr D.A. TEMPLEMAN: It was the one on mandatory reporting. Why? The Prudence Ford recommendation was to not expand mandatory reporting in its current state. One of the issues of concern - it has been mentioned by previous speakers, including the Leader of the Opposition in his second reading speech - highlighted how we compared with other states. One of the things we must be very careful of, and understand, is that there are different mandatory reporting regimes in every state, including our own. This is something that members opposite have failed to recognise in their comments throughout this debate. They have selectively forgotten that

Mr Bob Kucera; Ms Sue Walker; Acting Speaker; Mr Rob Johnson; Dr Elizabeth Constable; Mr Trevor Sprigg; Dr Janet Woollard; Dr Kim Hames; Dr Steve Thomas; Mr David Templeman; Mr Tony McRae; Deputy Speaker; Mr John Kobelke; Mr Paul Omodei

mandated targeted reporting is already in existence in Western Australia. I will talk about that shortly. When we are comparing -

Several members interjected.

Mr D.A. TEMPLEMAN: I ask members to be fair; I did not interject during their speeches. I will probably use all my time on this debate because I have a lot to get through. I need another drink of water. I highlight the Australian Productivity Commission report on government services, which, when comparing jurisdiction substantiation rates following child protection investigations, stated clearly - this is one of the things that the Leader of the Opposition and other members continually raised - that the data from different states and territories is not comparable. Whether we like it or not, it is not comparable because it is collected in different forms and quite often under different titles and different categories. It is not efficient or effective to compare the data.

Reporting of child abuse in Queensland is mandatory under the Child Protection Act 1999 for limited categories of professionals. They include medical practitioners, nurses, teachers, Family Court staff, employees of licensed residential care services - services under the jurisdiction of the state - and Department of Families, Youth and Community Care staff who suspect harm is being suffered by children. In 2004, Queensland's Crime and Misconduct Commission, of which members may be aware, conducted an inquiry into the abuse of children in foster care. There was a huge issue about that in Queensland. One of the terms of reference was to focus on the effectiveness or otherwise of that state's mandatory reporting processes and whether mandatory reporting should be extended. It was decided by that inquiry that there was little point in extending mandatory reporting in a system that was unable at that time to respond to the demands placed upon it. This is the important point that we must understand: there is little evidence that children will be better protected by an extension of the mandated reporting process in that state. We must understand that mandatory reporting does not stop abuse. Mandatory reporting is a mechanism for reporting abuse. When the member for Capel attacks the government and asks how many children could be or would be abused if there is a delay in implementing mandatory reporting, he totally misunderstands the whole issue. There is an assumption in that approach that mandatory reporting will stop abuse. It will not. The sad thing is that abuse continues in our community. We must not only have a regime that ensures that we find the best ways of protecting children, which will include targeted mandated reporting processes, but also focus on intervention and prevention. One of the key elements is to ensure we address abuse before it occurs. The goal of any good system must be to not only have the punitive, the regime that looks at how the community can be well equipped to be able to report, but also have in place a very strong raft of programs and an approach that looks at how we prevent abuse from occurring in the first place. What we must not do is hinge everything on the fact that mandatory reporting will stop child abuse, because it will not. The evidence is there to be seen across Australia and across the world: mandatory reporting will not stop child abuse. However, we must make sure -

Mr P.D. Omodei interjected.

Mr D.A. TEMPLEMAN: I have a number of issues to talk on, which will answer the Leader of the Opposition's questions as I deal with them. I have a lot to do; the Leader of the Opposition should not worry about that.

Let us look at the other states because Western Australia's practices have been compared with those in other states. South Australia's Layton review in 2003 examined mandatory reporting, which was already in place in South Australia. No evidence was presented on the effectiveness of the system in protecting children in South Australia at the time. The report noted the problems with mandatory reporting as expressed by people affected by it in South Australia, and noted the evidence of unsuspected negative outcomes in other jurisdictions. The report noted the issue of noncompliance - noncompliance - by mandated reporters, and found the need to strengthen the confidence of the mandated reporters in the capacity of the child protection system to respond effectively to reports. This is another problem. We can mandate people to report, but that does not mean they will report. Queensland provided another example of a report. I remember reading it because I used to read every single thing about mandatory reporting. I can assure the Leader of the Opposition that I wanted to be absolutely convinced about why we as a government over a period of time had not taken a broad-brush approach to mandatory reporting. The Queensland report that came out in, I understand, 2005 highlighted, from memory, that up to a third of doctors who are mandated to report in Queensland had not reported. They had basically broken the law. Even if a regime is in place, there may or may not be adherence to it. The South Australian Layton review also noted, of course, and recommended that mandatory reporting be expanded to include the clergy. Why did the report recommend that? At the time there had been a major case of sexual abuse by clergy. That was South Australia's response.

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Mr Bob Kucera; Ms Sue Walker; Acting Speaker; Mr Rob Johnson; Dr Elizabeth Constable; Mr Trevor Sprigg; Dr Janet Woollard; Dr Kim Hames; Dr Steve Thomas; Mr David Templeman; Mr Tony McRae; Deputy Speaker; Mr John Kobelke; Mr Paul Omodei

The Australian Capital Territory Vardon report of 2004 noted significant problems with mandatory reporting, including insufficient resources to support the mandatory reporting system and inadequate training for notifiers. I will come to training because our bill and our approach focus on training and making sure that those people who are mandated to report are adequately and appropriately trained and understand exactly what they need to be looking for and what sorts of reportable offences they need to report. I will come back to training because it is critical; it underpins exactly what the government's approach is to this issue of mandated reporting now and in the future.

As I mentioned, in the ACT the Vardon report noted significant problems. It highlighted lack of knowledge of the effectiveness of mandatory reporting in informing the department of child abuse and generating an appropriate departmental response, and mandated professionals failing to report suspicions of child abuse. Again, mandated professionals were failing to report abuse. The recommendation was that mandatory reporting not be extended in the ACT. The evidence from those jurisdictions shows that what strengthens the protection of children is service providers who are prepared to take action to work with troubled families to build safety for children and the education and training of people in the community on child abuse and neglect. I believe child abuse is everyone's business. The facts of the matter are that if we believe, under common law, that a child is being abused in our community, we have an obligation to make sure it is appropriately reported to the authorities. That is our obligation. During my year as minister, I met a range of experts and advocates from both sides. I remember having a very good meeting with, for example, Michelle Stubbs, who is a very strong advocate for people who have been sexually abused. Michelle's view is very strongly in support of mandatory reporting. One of the things which she highlighted to me and which we agreed on very strongly was that any jurisdiction that introduces a mandated system must ensure it is strongly underpinned and supported by a proper and effective training regime. I will come back to that when I talk about the bill that is being drafted by the parliamentary draftsman.

Professor Dorothy Scott is a strong advocate against a broadbrush mandated reporting process. I met with her; she has been to Western Australia a number of times. She has put her views very strongly to a number of forums here and has spoken widely throughout Australia. She has studied each state and territory's child protection systems, particularly in regard to mandatory reporting, and she has likened unqualified mandatory reporting to closing down community health centres and overloading the casualty department of a local hospital. That is her analogy of what will happen if this is not done properly and we do not look at all the issues and approaches to ensure we get the best outcome.

The WA Council of Social Service also highlighted its opposition and went further and said -

It is vital WA has a comprehensive and well resourced reporting, monitoring and investigative system for child protection, but making all reporting mandatory may actually compromise the effectiveness of that system.

What we then needed to do - I believed it was important - was to say that if we were not going to have broadbrush mandatory reporting, what should we be doing to ensure we are targeting our current and future processes to ensure that the protection of children is absolutely paramount. This is where we come to what I see as the three major flaws in the bill before the house tonight and the reason the government will not support the bill. We will introduce in the spring session a bill that will mandate reporting of child sexual abuse and will delineate those public officers who will be responsible for dealing with it. I want to deal with the major flaws in the bill. I am not attacking the Leader of the Opposition for bringing in this bill. I will not do that because, as I said at the beginning of my speech, I will not play politics by using what I think were unacceptable emotive statements at the beginning of the member for Capel's speech. This issue is too important for that, to be quite frank. There are three major flaws in this bill.

Mr P.D. Omodei: If it is so important, why have you not done something about it before now?

Mr D.A. TEMPLEMAN: The legislation is being drafted and it has utmost priority. I assure the Leader of the Opposition of that. Already we have an implementation team working on what needs to happen in the lead-up to the legislation so that we can go on to the training. I want to come to the training because this bill does not mention that. It reflects no understanding of why it is so important to get the training right. I will tell a personal story, and I will have to be very careful because I do not want to highlight the person concerned. It is something that reminds me of why the training is absolutely critical. I will come to that in a minute.

The three major flaws in the Leader of the Opposition's bill are these: first, it would, unintentionally I think, see an overload of reports, which might put children at risk. That is one of the problems.

Mr P.D. Omodei: How will it put them at risk?

Mr Bob Kucera; Ms Sue Walker; Acting Speaker; Mr Rob Johnson; Dr Elizabeth Constable; Mr Trevor Sprigg; Dr Janet Woollard; Dr Kim Hames; Dr Steve Thomas; Mr David Templeman; Mr Tony McRae; Deputy Speaker; Mr John Kobelke; Mr Paul Omodei

Mr D.A. TEMPLEMAN: Because when there is a reporting process, real victims of harm could find themselves queued behind children who are not.

Mr P.D. Omodei: At the moment you don't have any reporting.

Mr D.A. TEMPLEMAN: Yes, we do. This is the thing the member does not understand. There is targeted reporting, and I can go through that if the Leader of the Opposition would like.

The second major flaw is that it would result, I think, in an overextended child protection system that would be less able to respond to situations that should be addressed through the preventive and early intervention elements of support services. One of the problems - this has been reported previously - is that we want parents who are having problems to report to the various services, be they crisis services or government services that provide counselling. We want them, if they are in trouble and having problems, to report that. The Leader of the Opposition wants a mandated process, but is it not interesting that the opposition supported such a process in the parenting responsibility legislation in this house but not in the upper house? That legislation was focused on working with those parents and children in all members' communities who are off the rails and need to be brought back into some sort of discipline.

Dr S.C. Thomas: Your argument is not right.

Mr D.A. TEMPLEMAN: That is what happened. The opposition gutted part 5 of the legislation in the upper house.

Dr S.C. Thomas: Your argument is not right; it is not valid.

Mr D.A. TEMPLEMAN: It is. I will go into that. Members opposite supported that legislation in this place and I will refer to what the lead opposition speaker at the time said - I will not even name him; I do not want to embarrass him. The bill included parental orders, which said that parents had to come to the table and say that they recognised they needed support services; there was an obligation on parents to say that there was a problem and to agree to work with a non-government agency and sign a parental agreement. That was the critical part of the legislation. Members opposite supported it here. The opposition lead speaker at the time said, "We would be foolish not to support something that will help parents raise their children, because being a parent is a very important role." I have no disagreement with that. However, something happened between here, where the opposition supported the parental responsibility proposal, which was focused on working with vulnerable parents and families who were having a real problem with some difficult behaviours of their children, and the upper house, where the legislation was gutted. Despite that, members opposite come in here and claim to be the moral crusaders for making sure that children are protected and that communities are protected from children who are out of control. Members opposite did not do that in the upper house. I appealed to the lead speaker at the time, for whom I have great respect - I really do; I like him - and said, "It was silly to knock this out in the upper house. It was a critical part of the bill." Yes, there are punitive measures in the legislation, but they are only there to be used at the pointy end when nothing else can be done and we have to say to some parents, "Sorry, there are some punitive measures." I do not want to go into that legislation, but we have found one thing in trialling the parental initiative in a number of regions. If there is no obligation to have some financial counselling, or work with a mentor, or work with a non-government agency as part of the parenting model, 50 per cent of parents do not turn up. They do not turn up because there is no compulsion and no obligation on them to recognise that they have to play a part in dealing with their child. What did we do? We said that part of this process would be targeted and would require parents to come to the party and accept that they have an obligation to respond. What did the opposition do in the other place? Although members opposite supported the legislation here, their colleagues in the upper house tossed it out. They gutted the legislation, so now we are left with legislation that does not have any teeth so that we can say to parents of some of these children that there is an obligation for them to work with various support services. The initiative says that we want those parents to work with services, that we want to link them with the services, and that they have an obligation to the community to understand that.

In many of our communities, children are out of control. These children often go out at night and do all sorts of unacceptable and unsociable things, and cause a range of problems, such as the graffiti that we all abhor. These children are often involved in practices that are unsafe for not only them, but also the wider community. We want to work with parents to help them understand their obligations. We want to help parents to work with support services so that their children can access those services and their behaviour can be looked at and, hopefully, addressed. However, when we bring in legislation that will allow us to do that, the other house totally guts the bill by throwing out that very important part of it! That means that an effective mechanism that we could have used to address this problem can now not be used. For the life of me, I do not understand why that happened. I do not understand what happened between this place and the other place.

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Mr A.J. Simpson: Nor do we!

Mr D.A. TEMPLEMAN: The member, who was the lead speaker on the bill, said, “Nor do we”. I asked the member to plead with the members of the other place. Members opposite may not like that part of the legislation. However, we should at least put it to the test. We need to do something. It is unacceptable that young children are running riot and causing problems in our communities.

Point of Order

Dr S.C. THOMAS: Madam Deputy Speaker, just while I give the minister a chance to have a drink and take a breath, I draw your attention to standing order 94, which directs that a member’s speech must be relevant to the question under discussion. I think you have given the minister a large amount of leeway.

The DEPUTY SPEAKER: Order! This is not the time for a speech, member. Just make the point of order.

Dr S.C. THOMAS: Madam Deputy Speaker, the minister is referring to an alternative bill and has spent a fair bit of time on that bill. Although you have given the minister a generous amount of leeway to put his point across, it is time the minister reverted to the mandatory reporting bill and moved away from the parental responsibility bill.

Mr J.C. KOBELKE: The member has no basis for his point of order. This is the second reading debate on a bill that relates to children and child sexual abuse. All matters relating to abuse clearly fit within the ambit of what can be discussed at the second reading stage. The minister is very appropriately, and very properly, making a very good speech on matters that go directly to child sexual abuse and mandatory reporting, and a range of matters that relate to that. I ask you to consider, Madam Deputy Speaker, that there is absolutely no basis for suggesting that what the minister is saying is not totally in keeping with what is appropriate during a second reading debate on a bill.

The DEPUTY SPEAKER: Order! Members, there is no point of order. I think the minister is drawing links between the situation that he is describing and the bill before the house. He is also addressing issues in the bill. However, I urge the minister to be cognisant of the time and to keep his comments succinct and as close as possible to the matter at hand.

Debate Resumed

Mr D.A. TEMPLEMAN: Thank you, Madam Deputy Speaker. It is interesting that the member raised that point of order, because the very first question that was asked of me was: what has the government done in terms of legislation, resourcing and policy to ensure the protection of children? I am telling the member what the government has done. I have already told the member about the legislation that we have introduced - the Working with Children (Criminal Record Checking) Act. This is another plank of the government’s policy. We had hoped to get bipartisan support for the parental responsibility bill. We had hoped the opposition would understand the importance of what we are trying to do in that bill. That is why I brought up this matter, because the member actually asked the question. However, the member now wants to shut me up, because he does not like the answer. That is fine. I will have more to say on that matter.

I do not want to go back to other initiatives of the government, because I want to focus on the faults of this bill. I particularly want to contrast this bill, which we oppose, with the bill that will be introduced into this place in the spring session. That bill has already been drafted by parliamentary counsel, and it will, of course, be overseen by the Attorney General. That bill is underpinned by the need to ensure that those officers who will be mandated to report child sexual abuse are properly trained. I want to highlight a story that I believe is very important in highlighting why training is so critical. It is very important that the people who are mandated to report child sexual abuse, or other forms of abuse, are armed with a clear understanding of the signals that they need to look for, and the possible examples of abuse. As members would know, I was a teacher before I came into this place. I will not name the school that I am talking about, but a young child who was under my care presented in my classroom. She was a child I could not seem to connect with, because she would not speak to me and blocked all my attempts to communicate with her. I was only a young fellow at the time, and my training as a teacher did not equip me to see the signs of abuse that that child was presenting. It was not until four years later, when I asked about that particular child, that I found out that she had been a victim of horrific abuse. I have to be honest and tell members that that made me feel pretty bad. I actually felt quite guilty, because I kept questioning myself about what could I have done, what behaviour did I miss, and what sorts of signals was that young child giving me that I had missed. I was absolutely saddened that I did not pick that up. It became very clear many years after the event, of course, that the child’s behaviour of not speaking and of blocking any communication all made sense. If we introduce a mandated process, we need to ensure that teachers, police officers, doctors, nurses and other mandated people are trained to be aware of the possible signals or symptoms of child sexual abuse.

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Training is critical. I still have pangs of guilt that I did not see the signs of abuse in that child. I hope that child is now living a good life, but, gee, I would have loved to have been able to help that child had I been given the training to enable me to understand exactly what I should have been looking for. As I have said, the training of these mandated officers is an important element of what we are seeking to do in that bill.

I want to highlight the current legislation. The regulations under the Children and Community Services Act 2004, which is the government's new legislation, require children's services to report allegations of child abuse to the Department for Child Protection. Protocols are in place for the Department of Health to report to the Department for Child Protection and the police notifications of children under 14 years of age with sexually acquired infections and of children who are more than 14 years of age but under 16 with sexually transmitted infections acquired through abuse. At present, agreements are in place between the Department for Child Protection and the Department of Health, the Western Australia Police, the Disability Services Commission, the Department of Education and Training, the Department of Education Services - or the Office of Non-Government and International Education - the Department of Corrective Services, Princess Margaret Hospital for Children, King Edward Memorial Hospital, the State Coroner of WA and also the Joondalup Health Campus. These agreements guide referrals for suspected cases of child abuse or neglect, and are tailored to the service responsibilities of each different agency.

Of course, I have already highlighted that the Ford review made 70 recommendations for the overhaul and restructuring of the department as it then was. Of course, that has resulted in the establishment of the Department for Child Protection, which again highlights this government's commitment to and focus on the protection of children now and into the future. We have also created the Department for Communities, which has in its jurisdiction various roles that are very much preventive and interventionist in nature. Therefore, the government has moved to ensure that that structural change occurs, underpinned by legislative change and a massive injection of resources. There are more dollars to hire more child protection workers, more fieldworkers and more caseworkers, and there are arrangements so that there is a greater understanding of what needs to happen across government.

One of the other highlighted recommendations, which is already being enacted by the government, is the creation in key departments of child protection officers. In the Department of Health, a designated person will be responsible for that jurisdiction's approach to child protection. The situation will be the same in the Department of Education and Training. A similar officer will be employed in a number of other agencies that have responsibility for children. This is a recommendation that the government strongly supports, and it is already working to ensure that those positions are established. The other elements that I believe are important, apart from the nearly \$300 million of additional funding for child protection in the state in the past two years, are, of course, a range of other initiatives outlined in the Ford report. The Ford report's recommendations have been embraced.

It is important to understand that the government believes that the bill that is before the house this evening is flawed, and I have highlighted why we believe that. The government will introduce legislation in the spring session that will result in a mandated process of reporting of child sexual abuse. We will resource that with a very strong training approach - an approach that focuses on ensuring that those officers who are mandated to report abuse understand their obligations, are trained to report and understand the importance to them of that process. This government has not and will not stand still in protecting the children of Western Australia.

In the past 54 minutes, I have outlined what the government has done legislatively since it came to power in 2001, and its reforms and resources. The focusing of those resources and processes, the structural changes that we have made to the department and the support for the staff who work in the existing department and who will work in the new departments are evident. They are evident in the budget papers and in the policy and process announcements that have been made over the past seven years. That is underpinned by legislation. That has also been demonstrated in what I have attempted to highlight to the house this evening.

I recognise that every person in this house understands the absolute importance of protecting children in Western Australia and making sure that we do everything we possibly can to ensure that our children and young people are protected, and that vulnerable families are given the assistance and support that they need. By doing that, we can protect children better, support families better, and make sure that children and young people remain a priority of this and future governments.

MR P.D. OMODEI (Warren-Blackwood - Leader of the Opposition) [6.56 pm]: I can only express my dismay and disappointment that the government will not support this very important legislation, which was prepared by the Liberal Party over a long period. We have been trying for five years to introduce mandatory

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reporting in this state. I must commend my colleagues Hon Barbara Scott, Hon Robyn McSweeney and the member for Nedlands for the work that they have done on the legislation.

The bill that is before the Parliament refers to mandatory reporting of child abuse, including sexual abuse. The legislation is modelled on the New South Wales Children and Young Persons (Care and Protection) Act 1998 and the Tasmanian Children, Young Persons and Their Families Act 1997, which is known as the Tasmanian act. The Liberal Party believes that mandatory reporting of child abuse is the most important issue in the state at the moment. The bill was introduced 11 months ago on 31 August as a private member's bill to implement mandatory reporting. I delivered the second reading speech on this bill in this Parliament seven months ago. Therefore, there has been a lot of time for the government to prepare a bill in relation to the reporting of child abuse in this state.

I must say that my disappointment comes about as a result of the inaction of the government. The government has been able to put forward a lot of other bills in this Parliament in that period. The member for Capel is concerned about any children who suffer abuse between now and the September break, or who have suffered abuse since the time that we introduced this legislation until now. That is an issue that the government should also be very concerned about. Although mandatory reporting does not stop child abuse, it certainly goes a long way to deterring it. I concur with the minister's comments about early intervention and programs to identify child abuse problems at an early stage. However, I do not think there is any excuse for the government's tardiness. It has been well and truly clear for the past five years that the Liberal Party is concerned about mandatory reporting. Had I had enough time this evening, I would have gone through the litany of events to illustrate that people all over the state of Western Australia are concerned about child abuse. They may be in the north of Western Australia and be concerned about child abuse in Aboriginal families. We see the whole gamut. When the Ford report came down, there were reports in the newspaper about the child protection system being on the verge of collapse. A range of other matters have been raised over that time. It was only when the government was confronted with more and more public revelations about serious child abuse and neglect and an embarrassing situation that it finally agreed to introduce a kind of mandatory reporting, albeit for only sexual abuse. I remind the house that the circumstances surrounding baby Wade Scale had nothing to do with sexual abuse, but physical abuse. No matter where one goes in this state the issue of the reporting of sexual abuse and child abuse is of paramount importance. It was only the other day that the Attorney General quite plainly said, when referring to legislation to give same-sex couples the ability to adopt children, that the welfare of the child is the most important issue. The opposition is also of that opinion.

Debate interrupted, pursuant to standing orders.