

STANDING COMMITTEE ON LEGISLATION

CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2019



TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
THURSDAY, 6 AUGUST 2020

SESSION FOUR

Members

Hon Dr Sally Talbot (Chair)
Hon Nick Goiran (Deputy Chair)
Hon Colin de Grussa
Hon Simon O'Brien
Hon Pierre Yang

Hearing commenced at 3.47 pm**Mr JAMES PARKER****Facilitator, Survivors' Support Network in WA, sworn and examined:**

The CHAIR: On behalf of the committee I would like to welcome you to the hearing. Today's hearing will be broadcast. Before we go live, I remind you that if you have any private documents with you, to keep them flat on the desk to avoid the cameras. We can start the broadcast now.

Before we begin, could you now take either the oath or affirmation.

[Witness took the oath.]

The CHAIR: You have signed a document called "Information for Witnesses".

Mr PARKER: I have indeed.

The CHAIR: Have you read and understood that document?

Mr PARKER: Absolutely.

The CHAIR: Excellent. These proceedings are being recorded by Hansard. Please note that this broadcast will also be available for viewing online after this hearing. Please advise the committee if you object to this broadcast being made available in that way.

A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of the hearing for the record and just be aware that the microphones in front of you are quite sensitive—all six of them pointing in your direction—so just try to avoid knocking them with your papers.

I remind you that your transcript will be made public. If for some reason you wish to make a confidential statement during today's proceedings, you should request that we go into private session. If the committee grants that request, any public and media in attendance will be excluded from the hearing. Until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. That is to protect you, not us. Before we go into our questions, would you like to make an opening statement to the committee?

[3.50 pm]

Mr PARKER: I just wanted to say, first of all, thank you very much for the opportunity to be here with you today and thank you for your own good work. I think this is probably outside and above what you already do in Parliament itself, so thank you for that. I am also very conscious that I am a single man sat here before you today, but actually I represent many, many voices and I mention many victims and survivors. The reason why I am here alone today is because there are many out there who do not wish for their identity to be known whatsoever, and that means even coming into a place where they may be able to have privacy given to them as well. But that is how delicate a topic we are dealing with.

This might sound a bit dramatic, but I am also aware that I am here speaking on behalf of people who are dead because of what abuse has done to them and, therefore, they do not have the opportunity to be able to speak up for themselves. I am always conscious of them in a sense in my own midst. You will probably know from what is written in front of you that I am a survivor myself, very much so, and I am very aware that some of my own peers took their lives because of their own

abuse. So I always bear them in mind and I ask that you would bear them in mind here with you today. Otherwise, I think everything else you know is written there in my submission.

The CHAIR: That is excellent. Let us start by asking you a couple of questions, but we can keep this fairly free flowing. I will invite my colleagues on this side of the room to engage with you as well as and when they feel it is appropriate. Do you want to start by telling us why you think that the seal of confession is so important to the people you represent?

Mr PARKER: We believe it is important to all of us, partly because what happens is we recognise that this has become a vital lifeline for us on our journey of recovery. If you have never experienced a place like the confessional and the role of the seal of confession, then you may be unaware that actually all of us have met with incredible compassion and we have met with healing. For many people it has been the very first place, and I mean for very many—in fact, for the majority of people who have used it, it has been the first place that they have actually learnt to speak about their abuse. In some cases, we know it has taken over 60 years for some people to speak. For others, they are very, very young; they do not feel they are able to go to their parents, but they have felt that they could go and speak under the seal of confession. So I guess what I am saying is this is very much a watertight place for people to be able to go to and to be able to share some of the deeper secrets and some of the deepest pain of their own lives. It is a place where they can remain anonymous. For many, that is incredibly important, hence the reason I am sat here on my own today. It is also a place where they do not have to exchange any money, they can remain anonymous and they are able to build on each visit to the degree that they wish to do so. That is often not the case when you are dealing with a therapist. Also, it is a place where people can speak in absolute confidence. They know that what they speak there will stay there and it will not go beyond there.

There was certainly one female member of our network who said the confessional is like insulin to the diabetic. One other man said that it is more like a dialysis machine to kidney failure, except that where your kidneys are concerned, this is a physical aspect of your being; whereas, the seal of confessional deals not just with your own body, but it deals with your mind, it deals with your heart and it deals with your spiritual aspect of yourself as well.

I did make mention of some of the differences between a therapist's room and the confessional itself, if you would not mind me just highlighting just those seven points very quickly. First of all, money is exchanged. There is no money exchanged in the confessional, whereas there is in some way or other in the therapist's office. A specific time would be booked with a therapist. A specific time does not need to be booked when meeting at the confessional—it can literally be a slipping in and a slipping out. Therapists' sessions are generally within working hours. We know that the confessional is there and available often very early in the morning, late in the evening or at a time when somebody chooses to go and visit. Also what happens is—and this is really important to understand this—that for somebody dealing with their sexual abuse, there is a counsellor in a therapist's room, they walk into a room and generally there are four walls and the door is closed behind them. They share from their heart with somebody who often they do not know a lot about that person whatsoever.

They are expected, or rather they desire at least, to open their heart to share their pain, but they often do not know who they are dealing with. That in some way or other begins to mirror what their original abuse was about. The reason why the confessional has become so safe, and particularly here in Western Australia, is because what happens is, yes, admittedly, it may be going through a doorway, but those doorways today we have noticed—the greater majority if not all of them—are now glass panelled. If there is somebody else outside, we know somebody else is seeing what is going on, so that gives a sense of protection already to the person speaking. Secondly, there is an

opportunity for there to be a grille between who you are speaking to, so actually, you are never quite seen and you are never quite known, which actually safeguards the anonymity of your own story as well. What happens is that it means if a person wishes to be there for a minute or four minutes or 45 minutes, that is their choice. What happens is that it is often giving back to the abuse survivor the opportunity of some of the control that was stripped away from them when the abuse itself took place. That is certainly the story of many people.

It is also important to understand the essence of what happens in childhood sexual abuse. The crippling ingredient is shame, and shame happens when we look into people's eyes. People shame us when suddenly we have done something wrong, where they turn away from us or whatever happens. Abuse is riddled with shame. The confessional means you do not have to look at somebody else and look them in the eyes, but you can learn to find your voice, you can learn to get in touch with some of the deeper feelings of your own heart. What happens is that the confessional itself thereby is never, or very, very rarely, a re-shaming experience. It becomes an incredibly empowering experience for the victim or the survivor of abuse.

This final point I think is as critical as the previous point I have just mentioned—these last two I think are the most important—is the fact that you know that when you speak whatever you speak there in the confessional, it will remain there. It cannot go elsewhere. And it should not and it must not go elsewhere; otherwise, survivors would not go there in the first place. Maybe some would, but the greater majority I do not believe would go there at all. These are seven very key points as to why the confessional, the seal of confession, is so important to the members of our survivors' network here in WA.

Hon SIMON O'BRIEN: I would like to explore this a bit more with the benefit of your advice and experience, and thank you for sharing what you are sharing.

Mr PARKER: It is a pleasure.

Hon SIMON O'BRIEN: We had hearings earlier today with some senior clerical personalities and discovered a little more about the perspectives of this whole subject. We have also seen some prejudices about. But one of the things that seems to be misunderstood that we are trying to clarify is the nature of mandatory reporting. For example, if an adult—we will come back to children in a moment—goes into a confessional seeking the counsel that you are describing, of course in most cases they do not want it known outside. If they wanted to go to the police, they would go to the police.

Mr PARKER: That is correct.

Hon SIMON O'BRIEN: We have had numerous submissions of abuse survivors finding comfort in the confessional and very disturbed at the thought that it might be compulsory for a priest to report. I do not know if it is all anonymous and I do not know if they are meant to report, but anyway. It now seems to be being asserted in different quarters that this, however, will not apply to historical cases, where it is someone reporting abuse that they have suffered 40 years ago—it is only for children at that time. With your network, have you got experience, from perhaps yourself or from others, confiding in priests under the seal of the confessional as minors?

Mr PARKER: Yes, absolutely. I mean, I was a minor myself when I first went to a priest. I was a non-Catholic—I was raised to be very wary of Catholics. I did not understand Catholics. But my pain was such that, as a minor, I went to a priest because I had heard that this was a place that actually you could talk and he could say nothing to anyone ever again. I had had two very key perpetrators during my childhood, which went on between the ages of eight and 11—a teacher at school, and somebody known to the family—so I am, in a sense, a survivor of both institutional and non-institutional abuse.

But I would say this: if I had not had that opportunity to go to that priest, I do honestly wonder whether I would be sat here today before you, and I do not say that in an extreme way. Also, there is another member, certainly of our network, he is just 18 years of age now. He has only recently come along as an 18-year-old. He went to the police as a 16-year-old and then he went to talk to his—actually, first of all he went to see his priest, forgive me. He went to talk to the priest, and the priest encouraged him to go and to talk to the police.

Mr Parker continuing

He had not told any of his family at this point, but through his engagement with the priest and the counsel that he received and the weekly visits that he did just for a few minutes, that began to give him the inner strength that made him feel he could go and say to his family, “This is what happened to me and I now want to go and give a statement. Will you come with me? “

[4.00 pm]

Hon SIMON O’BRIEN: That was within the confessional?

Mr PARKER: That was within the confessional. He is a 16 or 17-year-old. For both of us, that is where our journey of disclosure first began. Again, it led me to going to the police and a serial paedophile being convicted in the end. We have had the opportunity to discuss this and we are all very grateful to you guys for the opportunity to do this; I do not know that we would have done this otherwise, really. Our discussions have brought us to a place where we realise that actually, as much as we can go with enabled reporting, I think it is called, rather than mandatory reporting, that is going to benefit everybody in the long run. Ultimately, if you want to bring a case to a court of law where you get a conviction around a perpetrator, there has to be some form of evidence or some form of witness to what has gone on in the first place. To be able to enable survivors to come to a place of great strength is actually going to work in the long run for everybody, apart from perpetrators. To reverse that situation, it just works for the perpetrators; it does not work for society as a whole. That is certainly our lived experience.

Hon SIMON O’BRIEN: Are you aware of any perpetrators actually using the confessional to seek absolution? I have not heard of it.

Mr PARKER: None whatsoever. I think one of the main points that was brought out of the royal commission—forgive me if I get his name right or wrong—Gerald Ridsdale, who I think was one of the most notorious priests, his admission was that in all of his time as a priest and able to go to other priests et cetera, he never once went to the confessional with his crime.

Hon SIMON O’BRIEN: If I could just ask one more at this point if I may, and I am sorry if this appears to be a brutal question, but let us bring it on. Cast your mind back to that first occasion you went into the confessional, presumably with a heavy heart, and you were going to raise this matter through the grille with a priest who you may or may not have known outside. I do not think you did from what you have told us, but you went there from anonymity. How would it have been if you had got to a point a couple of minutes later and the priest had said, “Let me just stop you there, my son; just before you go any further, I have to advise you that I think with what you are disclosing to me, I am going to have to report this to the authorities.” What would have been your reaction then?

Mr PARKER: I would have stood up and I would have run off as quickly as I could.

Hon SIMON O’BRIEN: Thanks.

Hon NICK GOIRAN: On a different line, Mr Parker, I note that you are the key facilitator of the survivors’ support network in Western Australia. In your submission that you have provided to the committee, you indicated that there are about 60 people that are involved in the network, that the

group varies in age from around 18 to 80 from various cultures, but you also make the point in your submission that the group come from different religious and non-religious affiliations. You specifically mention Catholics, evangelicals, orthodox, protestants, non-denominational, the Dreamtime, Muslim, agnostic and atheist. I would imagine, therefore, that there would be some within your network—perhaps even a majority in your network—who have no engagement with the confessional from an orthodox or a Catholic tradition. Does that in any way change their view to you as their facilitator to speak on their behalf today?

Mr PARKER: No, it has not actually. As I say again, I am grateful to you for the opportunity to not just present here today but you have stirred discussions within us. As I say, I am here on behalf of the network as a whole. Yes, this is my own personal story. But actually what has happened is that this has highlighted that for a number of people, they had no idea there was a place they could go to with such safety. I do know certainly of one person who has come to me and told me specifically that they have started making use of the confessional because of this reason—they had run out of money and they have had their 10 sessions of therapy and they are just desperate to keep speaking about it. They have got the network and it is very supportive, I am delighted to say, but they realise that any other avenue open to them, they want to be able to use that. I can say this, and I think it was mentioned in my submission somewhere again as well, is that even those who are the agnostics and the atheists, they see the fruit in people's lives of what the confession or the seal of confession has given to people. Because they understand the pain in people's hearts, they just want to respect whatever helps to get people well. Surprisingly, that big cross-section of people I mentioned generally are in agreement.

Hon NICK GOIRAN: It is powerful testimony because the second reading speech that introduces this bill in the Legislative Council includes this quote —

The government believes there is wide community support for this measure. Despite some opposition to the requirement as it applies to religious confession, most Australian jurisdictions have already implemented these recommendations or are in the process of doing so —

I just interrupt the quote there to make the observation that is indeed correct. It goes on to say —
on the basis that children's right to safety and protection from harm is paramount.

I guess I am hearing from you that that is a contestable notion as to whether indeed a child's right to safety and protection from harm is diluted or improved by a measure like this.

Mr PARKER: I think you are absolutely correct. Again, people cannot be expected to understand the profound pain and shame that is linked in with childhood sexual abuse. As we know from the royal commission and the good work that they have done, it often takes people 17, 20, 22 years, whatever they say now, to be able to come and speak up. More people are beginning to speak up, but it is paramount for children themselves—and the younger that child is, the more important it is—that actually their journey of disclosure is dealt with incredibly sensitively, particularly if it involves somebody that is close to their own family. Because what happens in many cases—and we know this from adults who have gone back and faced their father, their uncle, their aunty or whoever it might have been who abused them, or their older cousin or stepbrother—is that they have been able to come to a place of inner strength themselves and to face this person and to really leave them in often quite a predicament and say, "We need to know absolutely categorically this isn't going to happen again."

Often there has been some form of restitution or whatever. But this whole thing of restorative justice has really been working very, very well, but it is something we do not talk about and people

do not make it clear unless they are within a very, very safe, supportive network such as the one that we have been able to grow here in WA. I do not know of a similar network. The reason why it is very loose and informal is so that everybody can come and be involved. I do not know of a similar one that exists elsewhere, and that is why I think possibly this has not been contested possibly as much in places like Tasmania, Victoria, South Australia or the ACT. Again, we are grateful for the opportunity to speak up here.

Hon NICK GOIRAN: Thanks.

The CHAIR: I will move on. You refer to your own experience as having involved both institutional and non-institutional abuse. In your submission you mention that difference. I think what you are saying is that you feel that victims of non-institutional abuse have not been given the same consultation opportunities. Can you expand on what you mean by that?

Mr PARKER: I believe they have not been given the same consultation opportunities, partly because—it is very understandable—whenever you ask for submissions as legislators, you need to know who it is coming from and where it is coming from. You need to be able to do a follow-up et cetera. Again—I hope I am correct in this figure—I was told that the Royal Commission into Institutional Responses to Child Sexual Abuse dealt with six per cent of survivors in this nation—six per cent of survivors of institutional abuse, 94 per cent of non-institutional abuse. The greater majority—maybe 50-plus people in the network that I know—would find it impossible to be able to share their story publicly in any way whatsoever. Therefore, to be able to put their name and their contact details onto a submission, even to your good selves, is just impossible, which is the very reason why a number of people gave me their submissions and said, “Is there any way you can include this in a submission, but there is no way at all I want to be identified?” I said, “We’ll do the very best that we can.” I think we have succeeded quite well, I believe, in doing that. What it means, therefore, is that it becomes very difficult for you to get a really solid cross-section understanding of what is happening for non-institutional survivors of abuse, unless you come to a place where you say, “We are willing to have submissions that are dealt with from an anonymous perspective.”

[4.10 pm]

I hope I have done a little bit of justice to non-institutional survivors by, say, incorporating some of their comments into the submission itself. Really, I think overall, the royal commission has been dealing with one in 15 survivors’ voices, so there are a lot of other people out there whose voices have not yet been heard. Of course, the protective world of a non-institutional victim or survivor is so incredibly delicate. I will be honest with you: even though I have my own story and stories, whenever someone shares a story of somebody who is a direct or almost direct relative of theirs about abuse, first of all it is heartbreaking, but also to see how they often rise above that and how they also deal with that is quite incredible.

As I said already, there are a lot of people facing a lot of perpetrators out there and they are doing it in and of their own strengths, often with a support network around them. In some cases, there may well be a private mediator if somebody feels that they can just trust that mediator. But overall, non-institutional victims do not really have the opportunity to have a voice in this area, and yet they are the ones left in most pain. If they sort of make a strong step forward in their journey of recovery, who do they have to go to and say, “Hey, guess what? I’ve just managed to talk to dad about what he did to me 20 years ago”? You know? It does not happen. It really does not happen.

That is why, yes, the protection of children is paramount, but so is the journey of survivors. Because what happens is if you mess it up on that survivor’s journey, then actually what happens is you could damage somebody who could in and of their own right bring about justice further down the line or, rather, bring a perpetrator to the statutory authorities and see a guilty plea come forward because

of that. So, look, I just think that we are grateful for the consultation process, but, actually, yes, it has prevented many non-institutional victims from being able to come forward and speak.

The CHAIR: I realise that you are a WA-based informal group—I guess it is fair to describe you as that.

Mr PARKER: Yes. That is right.

The CHAIR: So you may not have the resources or, indeed, the inclination to do this, but are you aware of the situation in other states where they do have mandatory reporting for religious workers? Have you had any feedback from people in other states about how that is working in practice?

Mr PARKER: Well, I have had feedback from different survivors, because what has happened is they have become aware of the establishment of our own group here. They wish they had a similar sort of group. What has happened is certainly some of our video conversations that we have had, we have had people from other states joining us, and they are scared. They are scared now to be able to go anywhere near to the seal of confession. It is almost as though that, as I said earlier, their vital lifeline has been cut off from them. We have been in discussions with them about maybe what we can try and do collectively, but I would hate to see the same thing happen here in WA.

The CHAIR: Just to pick up on the point that Hon Simon O’Brien raised, can we be clear that you are talking about people who are disclosing current sexual abuse rather than historical abuse?

Mr PARKER: We are talking about people dealing with historical sexual abuse. The people I am dealing with, the abuse has stopped. If the abuse was continuing, then we would very much be turning around and helping people to be able to go and report that to the police. We would do that. We believe it is imperative that, where possible, we stop the abuse. The challenge becomes this—this is our difficulty, really, with mandatory reporting—in essence it sounds like a very, very good idea, but in practice, if you literally cripple the very witnesses or you shut down the evidence that you need, nobody wins. You just do not get a guilty verdict in the end.

The CHAIR: So in that regard, would you extend the comments that you make to teachers and doctors, for example, who are mandatory reporters in WA already?

Mr PARKER: Well, to some extent, yes, I would actually. Yes, I really would. Anybody in their right mind hates child sexual abuse and wants to see something done about it—everybody. If you put a vulnerable child in a situation where they are suddenly taken out of control once again, then it is highly likely that they will deny whatever happened or they will retract whatever confession they might give in the first place. There have been a number of—well, hang on, let me count it; it is important to get this right—I do know of three people where that has happened. What happens is something is reported, there is a knock on the door, and they have turned around and said, “It didn’t happen.” They said, “I just couldn’t cope with it.” It is not too dissimilar to what my honourable friend here said—you know, if you knew that something was being disclosed, what would you have done? I would have stood up and I would have run—that is it.

I believe—we do believe—we discussed mandatory reporting against enabled reporting. We believe that, actually, it could take one, two, three sessions of a teacher or a doctor saying, “Come back. Come back and talk to me. Let’s talk more about this. I’m so pleased you’re doing this. How very noble and brave of you to do this. Come back.” And particularly if a teacher or a doctor has those details already of that person, they can be keeping an eye on exactly what is going on. If they feel there is a possibility of risk, then maybe something else can be done about it. But if people are empowered in enabled reporting, they are very, very likely to be able to build up the victim or the

survivor themselves to be able to come forward and to be able to give a strong case before any court of law.

Hon NICK GOIRAN: Further to this line of questioning, you mentioned this phrase, which I have not heard before—“enabled reporting” as distinct from “mandatory reporting”. Can you just define that for us?

Mr PARKER: Well, the enabled reporting, basically is, you know, we all have the power to speak or not to speak. What happened for me in my visits to the confessional as a minor is that in learning to speak, I was affirmed, I was encouraged, I was told that I was brave. I had never been told I was brave; I was told I was rubbish. So the very fact that suddenly I began to believe that there could well be hope for me, that began to restore my inner person. So what happened was I became enabled to the point where I had learnt to have a voice, and where I am today is very much enabled to stand and speak on behalf of others, I hope. So what happens is if the survivor or the victim is being given the opportunity to be able to grow in their inner person, which, again, is what the seal of the confessional offers them, then what happens is we are much, much more likely to have people coming forward and going to statutory authorities and saying, “This is a situation.” I do know, say, of others as well. It is my own situation. I went back and I faced the teacher abuser who abused me as a child, and he seemed very, very sorry, but he would not face what he had done. For that reason, I went to the police. Because of that, we ended up with a guilty verdict, and that stopped many, many children from being abused. I was enabled. I was critical to that guilty verdict and to that man’s name being on the child sex offenders’ register and never to be able to go near children again. That is what I mean by enabled reporting. Is that clear?

Hon NICK GOIRAN: It is very clear. It is very interesting, because there is been a longstanding discussion around substitute versus supported decision-making for those who lack capacity, and this concept that you are talking about here, I think, fits very well with that.

The CHAIR: And if I can just clarify that the “enabling” is the enabling of the victim?

Hon NICK GOIRAN: Yes.

Mr PARKER: Yes, the enabling of the victim. But, of course, what happens is the doctor or the teacher or others, they have to be insightful and knowledgeable about the telltale signs of abuse, you know, and can recognise when the child is at risk and all these things. If you go in too gung-ho, what happens is it is a bit like trying to cut the butterfly out of the chrysalis; the chrysalis is part and parcel of the butterfly. If you are not careful, you end up slaughtering the victim, who is the very person you need to be able to get your guilty verdict or to be able to catch your perpetrator. So it really, really benefits all of society, if we want some win-win situations for everybody, to be able to enable that victim or survivor. I appreciate that for very, very small children that it is such a different ball game altogether. But by the time a child hits the age of even nine or 10, often they have a vocabulary they can use to be able to speak up. Now you are going to need that vocabulary seriously in a court of law if you want to deal with perpetrators and you want to protect children and you want to reduce child sexual abuse in this state. So, therefore, that enabled reporting and making sure the teacher, the doctor, you know, all these people who are walking alongside certainly minors aged seven, eight, nine or upwards, are able to help that survivor to walk this journey and that they are there to offer them support at all times.

Again, I look back at the 16-year-old who spoke with a priest. The priest enabled him to talk to his family. His family and the priest enabled him to go to the police and to make a statement. In his case, he made the statement. His statement has been in the file for two years and nobody has ever come back to him at all. We are honoured to be able to walk alongside this young man. I wonder where he would be if there was not that support there.

But, first of all, I am saying the family and the priest himself, they became really, really important or key people in this. It could have been a teacher while he was still at school. He was in a secondary school—a state high school here. He did not choose to go in that direction, but a child may choose to go there. In that case, again, I hope the same thing would happen—not that somebody would immediately run off and say, “Hang on a minute. Stop there. I’ve got to go and be a mandatory reporter here. Blah, blah, blah. What do you want to say to that?” Most kids probably would not have an idea of what mandatory reporting was if you use that phrase. The enabled reporting is about empowering the very people that need to be empowered so that we can actually ensure that children are protected now and in the future.

[4.20 pm]

Hon PIERRE YANG: Mr Parker, thank you for your wonderful work in the community. I admire your resilience and strength.

Mr PARKER: Thank you.

Hon PIERRE YANG: You mentioned that you know three cases when the authority knocked on their doors and they retracted their previous statements about abusers. I wonder if you would be able to provide a bit more information to the committee about whether you also know cases where the authority knocked on the doors of the victims and they participated in the process and had an outcome where justice was achieved as well.

Mr PARKER: I certainly know of one case where the statutory authority has knocked on the victim/survivor’s door and, regrettably—this was some years ago now, please understand that, so it is very much historical abuse—the ability to have evidence just was not there. Some of the memories of the victim were quite vague. I would say that is partly because of the very, very difficult life journey the person has led. That resulted with no positive outcome whatsoever, if you like. In the case of the three people I mentioned previously, certainly, in one case there was intra-familial abuse that went on. It was from an older teenage boy towards the younger sister. What happened in that particular case is—incidentally, you can tell this is a British accent; this did not happen in WA. I have been here for seven years now and working with this group of people for four years. What happened in that particular case is, because in a sense the frighteners were put on everybody—I do not think that is quite the right word—everybody became so frightened that everybody decided to deny and retract what was said. To begin with, the younger sister wanted something done and then, when she began to realise this was going to affect the family as it was, she denied and retracted the information.

Hon SIMON O’BRIEN: It is interesting that sometimes when you have these debates about controversial proposals in legislation that the discussion, the arguments for and against, can go off in all sorts of oblique directions. I am wondering if we need to draw a clear distinction here based on your observation and experience. A lot of the evidence we have had today has been about comparing and contrasting existing mandatory reporting classes—we have just had teachers and doctors, for example, mentioned—and then trying to compare and contrast that with the seal of the confessional debate. I wonder if we are really comparing apples and oranges, because I can see where you have got verbal accusations, it is very easy, given the pressures that come to bear when these things are given voice, for people to want to retract or not want to cause further pain or disruption. Perhaps with the doctors and the nurses’ mandatory reporting, they are actually reporting based on what they have seen of physical evidence, which actually exists.

Mr PARKER: That is a very different ballgame.

Hon SIMON O'BRIEN: There are signs of injury, so, clearly, there has been something and it cannot and should not be ignored, whereas if it is an accusation, whether made to a teacher or a therapist or a priest or whoever verbally, again, where is the supporting evidence? I am wondering if we are perhaps trying to compare apples and oranges by going down that path.

Mr PARKER: I think they are two very, very different ballgames, or orchards, if we are using the words apples and oranges. I think they really, really are. You have to remember as well that if a child did choose to go and speak to a priest under the seal of confession, there are numerous places and numerous priests that child could go to—they really could. In other words, they might find themselves going to somebody that is in the next suburb because they have got a friend there or whatever may happen. Again, it depends on the age of the child, of course, but I am talking about a minor. So somebody even 13, 14, 15 may be visiting a friend and they are aware there is a Catholic Church and they are aware that confession happens at this time, they may visit that church five or six times before they ever walk inside that confessional, because they are going to suss out how protective and safe this environment is. It is what survivors do.

Hon SIMON O'BRIEN: It is your evidence, we have already heard, that that actually does happen and did happen in your case.

Mr PARKER: That is right.

Hon SIMON O'BRIEN: How many cases might we be talking about? How frequently would this occur—that people, as minors, when seeking the outlet they are looking for, they find it in the seal of the confessional? It strikes me that it might be fairly rare.

Mr PARKER: Do you know something? I do not know that we can even begin to guess. That is how quiet and secretive and protective and safe, first of all, the story of abuse of a young person is, if they have even recognised they have been abused. For many, they often do not. Because of the grooming process, it takes a long time. It takes them to become an adult to say, "Actually, that happened to me. Oh my goodness!" Then what happens is that a flood of memories often may come back or they may have just some residual memories or whatever. I believe it is quite rare that a child might do that. Then again, there is more talk today. I am the father to an 11-year old daughter. She is very, very aware of safeguarding. She knows exactly who she is to run to if anybody does anything untoward to her whatsoever. She is very educated in that way, and I am pleased about that. If a child did go, is that child likely to come out and tell us, "I went to the priest about my abuse"? No, they are not. My hope would be, and this is certainly something our own network would want to work on and build on as well, and it is a recommendation that we seek to be able to make to the Catholic and the Orthodox churches here, is that the people they deal with, whether it is safeguarding officers or their clergy, that they would become continually more and more informed and trained to be able to recognise any characteristics of abuse that take place, but also how to tenderly deal with the story of the survivor when it comes up as well. I think some good work has already been done, but it can always be built on.

Hon SIMON O'BRIEN: Just in exploring that—again, I am asking for your experience, and I apologise for having to do so—there has been a belief put to us that what would happen with the seal of the confessional situation is someone goes in, a perpetrator or victim, and confesses and that is it. Yet we heard evidence this morning from the Archbishop to say, "Well, no. That's not what happens." The priest is bound, through a whole range of requirements, to actually respond in some way to try and work it through. They are not necessarily to go running off and breaking the seal of the confessional, but they have to do all sorts of things. Has that been the experience of you and your associates—that when you approach a priest, that you actually get that sort of response? They do

not say, “That’s all right. You’re all right. It’s the other person’s fault. Say three ‘Hail Marys’ and go home”? Sorry to make it trite.

Mr PARKER: No, speak it! That is what many people think!

Hon SIMON O’BRIEN: That is what a lot of people think.

Mr PARKER: That is right.

Hon SIMON O’BRIEN: Or is it the experience, from several cases you have mentioned, that they actually do really try and engage as an independent counsellor?

[4.30 pm]

Mr PARKER: Absolutely. As I say, from my own experience as a young man, as a minor, I was told that I was courageous. If somebody else had said, “Oh, I think you’re quite courageous”, I would have thought, “No, I’m not. You’ve got no idea what my deepest, darkest secret is and my pain I’ve experienced.” So if we just share that pain and for somebody to speak into that situation as they did, began to birth a whole new harvest, if you like, within my own soul or within my own spirit or my own heart. That is what began to happen. Now, many of the survivors in our network, those who have used the confessional, they go back to the same priest time and time again because they say this man understands, this man listens, this man is compassionate, this is where I am finding healing. This is the place I can weep and sob and say it as it is and I just do not think I even made sense but he is there for me, and when I am ready to leave, then I leave and if I am not ready to leave, I just stay. There is no time limit. He is not saying, “Right, time’s up. Sorry, got to go.” That is what happens.

Another side about confession and using confession is that if you do something that is really seriously wrong and you can go and correct that, you cannot expect someone to just sit around and say, “Oh well, say three ‘Hail Mary’s and you’re forgiven.” That is not what forgiveness is about. Forgiveness is about taking responsibility for what you have done and saying, “Right. Where I can make reparation, I will do that.” Often, that is a recommendation that is given to people. If you were so rude to your wife, how can you respond to her? How can you actually restore her dignity to her now that you have turned around and wiped the floor with her? Because that is what this is about. Even that journey towards the confessional says, “I recognise in own heart and mind that I have done something wrong or there is some wrongdoing here that needs to be corrected.” That is why this provides a unique opportunity for reform of any person’s character. Clearly, the survivor does not go to the confessional and say, “Forgive me. I’ve been abused.” Well, it was not their fault they were abused; somebody abused them. But the residue of that is that I have now protected my heart. I now work from a place of powerlessness. If people come too close to me, I get really angry or I am nasty. I do not want to be like this. He said, “Okay, let’s work at that. Let’s start working very gently on that. Keep coming back. Let’s talk about this. Start facing some of these areas of your life.”

Again, some people think it is a quick two minutes in and two minutes out job. If it needs to be that, so be it, but in most cases it is not like that at all, and that is why we honestly believe that the confessional—if you ever got a perpetrator anywhere near it—means that person, he or she, may be in a place where they begin to realise, “I have done something gravely wrong and I need to start facing this.” Well, you want to walk very carefully with that person to bring them to a place also to enable them to be able to say, “I need to either go and apologise to somebody and say, ‘If you want to go to the police about me, you go’, because I’m willing now to face exactly what I’ve done.” If you are not careful otherwise, they will just run. I have been very blunt with you. You have been blunt with me. Even the suggestion of mandatory reporting the seal of confession, I think you have done away with any opportunity of any perpetrator ever going anywhere near it. It would take you maybe

two decades, if that, to try and get people to ever go back now. It has been smashed. I just think the clear-up job is with the victims and survivors, even if their historical or their present-day abuse is not mandatorily reported. I am concerned for them as well. I am being honest with you.

Hon SIMON O'BRIEN: Thanks for your honesty.

The CHAIR: We have had so many inquiries, including one in Western Australia—that of the St Andrews Hostel in Katanning—the Blaxell report, and one of the things that comes through in reports like Blaxell and like the royal commission is that, frequently, in so many situations so many people know what is going on and yet nobody does anything either because they do not believe it or because they do not know what to do. It is that basis that the royal commission recommendation comes from—the underreporting of child sexual abuse.

Mr PARKER: That is right.

The CHAIR: So you have given us a very articulate answer about this enabled reporting concept, and I totally understand where you are coming from, but do you have anything to add to help with that observation that, historically, where this has not happened, we have had this situation that is really quite bizarre where you get decent, “nice” people who, in the case of Katanning, for example, say, “Oh, yes. People have been telling me about that for years but I didn’t do anything about it.”

Mr PARKER: This is where we, as survivors, are really grateful to the royal commission. Julia Gillard called for this to come forward as Prime Minister. I think there has been a seismic shift in Australian society as a whole around the topic of childhood sexual abuse. We have read stories across our newspapers and we have heard of people’s pain. I am watching more and more people coming forward and speaking up. It is a challenging situation but it is a joy to see people finding their voices. I think that the more that we work with people in positions of authority who are strengthened in and of themselves around enabled reporting, they can actually say to people, “It’s really important that you speak up and we’re right beside you. This is not your fault. You’re good, you’re strong, you can do this and we’re here with you.” I think that the climate has changed dramatically from where we were at in the 1970s and 1980s. If you do not mind me saying, I went to my head teacher as an 11-year-old—actually, my best mate pushed me into him because what happened is another boy in my year had had a serious breakdown at the age of 11 and the news went around that the teacher had been fiddling with this lad. So, of course, I was in shock at this. My mate said, “Why are you in shock?” I said, “He’s been doing the same to me.” He said, “How long for?” I said, “Three years.” He said, “You’ve got to tell somebody.” I went, “No! No! Tell nobody because it’s going to get worse. He told me it will get worse and just to keep my mouth shut.” He pushed me into the head teacher at that time and I was left with little choice but to disclose what happened.

My head teacher, within three days, had that teacher removed. That was amazing. Nobody ever asked me another question or said anything to me—nothing. My parents were not told. I had two brothers at the school. Nobody else was told. That was the climate in those days: well, we have kind of dealt with a bit of problem; we will leave the rest of it. That is okay. We have learnt a lot more some 40 or so years later—a lot more—and that is why to empower people around enabled reporting is going to be able to permit adults who are sensible and sensitive to be able to say to somebody who is possibly being abused or disclosing abuse, “This is really serious. We’re serious about you and we don’t want this to continue and we can really help this not to continue.” But if you begin, in some way or other, to snap or push or break that survivor, or victim, in the midst of their disclosure, you could end up with the loss of life. I hope it would not happen. There are cases where that has happened, of course. But, actually, I think there is a better way. Of course, we are all about: what is going to be the best way? What is the best legislation where everybody wins across the board and where the perpetrator, him or herself, can actually get the necessary help or

treatment that they can get? Some of it can work, I am told, pretty well as well. But, as I say, we go deeper and dig deeper to be able to look at these things. Again, I am so grateful that you guys exist for us to be able to have this discussion, where other states have not had this discussion.

Hon JACQUI BOYDELL: I completely understand the view about enabling reporting. Do you hold that same view for potentially the other areas that the royal commission recommended that mandatory reporting be extended to? So, as in —

Mr PARKER: Out-of-home care?

Hon JACQUI BOYDELL: Yes, so out-of-home care, youth justice workers, school counsellors and early childhood care workers.

Mr PARKER: The early childhood care workers—we are kind of freaked by the fact that mandatory reporting does not exist there already when we know it does exist in all the other jurisdictions. I have been led to believe that is the case. Because these are children aged eight and below, it is almost impossible for them to have the words to be able to say what is going on. They are very, very, very vulnerable, and it is very difficult to explain to them what has happened to them as well. Mandatory reporting for that group, and the discussions we have had as a network, we would say, yes, absolutely. For those who do not have a voice and cannot understand, there has to be a voice that speaks up and speaks loudly for them. When it comes to youth justice workers, if that is for a 12, 13 or 14-year-old, I would say that if you push mandatory reporting onto a 12, 13 or 14-year-old, when actually they are probably quite insightful by that age already into what is going on and they do not understand the ramifications of their disclosure et cetera, you could cause more harm to that 12, 13 or 14-year-old in the long run and you may not get justice out of it anyway. All I am saying is that enabled reporting is likely to strengthen that person so we all get the best outcome we can for us as a society. Is that clear?

Hon JACQUI BOYDELL: Yes, so the challenge that I think—the flip side, if I can play devil’s advocate for a moment —

Mr PARKER: Please do.

Hon JACQUI BOYDELL: — of that, and the public perception of that is that these people, if we just talk about this group of four people, or four professions, they have a professional obligation to take steps not to enable that behaviour to continue. So, an early childhood—granted, I think that is a different scenario —

Mr PARKER: That goes without saying.

Hon JACQUI BOYDELL: — but if you are a youth justice worker and a 12-year-old discloses something to you, how do you balance that argument that you have a professional obligation to report and to take steps to stop whilst supporting the victim without allowing the victim to return to a scenario in which you know they are being abused? So that is the public issue.

[4.40 pm]

Mr PARKER: Can I put this to you—and please understand this; this is about being serious about reporting, very serious. The challenge becomes this: if you are talking to a 12-year-old who then discloses, for example, to a youth justice worker and then the youth justice worker says, “Look, I’ve got no choice, I’ve got to go and do this straightaway”, what happens is that that could have a serious detrimental effect on that 12-year-old. We do not know what they will do, if they are on their own—we just do not know. It may be also, “They are doing this thing to me, but I really quite like the person”, because often they have been groomed, they have been drawn in et cetera. So you have to be very, very careful, because this could be their favourite relationship, but they are just

very uncomfortable about what is going on, and they are right to be. This is where you have got to balance out what is going on. Now, it could well be that what happens is the youth justice worker may well say, “I need you to understand very seriously what you have just shared with me. There will come a point I need to report this if it does not stop and we do not face it. I am not going to do that immediately, because I want to walk with you in the midst of this and I want your help and I want you to be able to come back to me and to speak with me.” In other words, what is happening is you are literally beginning to try and put a protective fence or wall or whatever it may be around that person. It is imperative, in the disclosure anyway, that this person is in a strong enough place. But if it is just sort of, “Right, we have heard it, let’s go off and tell authorities”, I believe that that will be more destructive for that person and their long-term ability to heal as well.

Hon JACQUI BOYDELL: I hear that entirely. I think that is very profound, your evidence there. I think the challenge as legislators is we have to set that out in a legal sense.

Mr PARKER: That is your job not mine, and I appreciate that.

Hon JACQUI BOYDELL: So, maybe it is around the process of reporting under some sort of title called “mandatory reporting”. Whether that is in the actual legislation or in the process or procedure of it being implemented is probably more a policy decision of government at the time, but that is the challenge, I think, in a legislative sense. How do you encompass that reporting process, that stepped process—because I hear what you are saying—into the legislation that will take effect on the ground?

Mr PARKER: You know, this is where you need to listen as widely as possible and ask some of these questions to people, as I have just been asked by the honourable gentleman here: what would it have been like for you at that stage when this happened? If we are able to ask this question very clearly to a decent cross-section of survivors and say, “If this happened to you at the age of eight or 10 or 11, whatever it was, would you have responded differently at different times, and what would the outcome have been?”, so that we can actually base legislation very concretely around people’s lived realities and experiences.

Hon JACQUI BOYDELL: I think that is also important for the professional, because I can imagine that disclosure occurring and then you having to go home and know that that child has gone back to a situation where you think they are not safe, so there needs to be a process in place for the youth justice worker in this case that we are talking about, so that they know they are supported by a process that allows them to enable reporting.

Mr PARKER: Might I say this?

Hon JACQUI BOYDELL: I am just working that through in my head.

Mr PARKER: That is all right; I get it. With the a, b, c, d and e of those five categories there, in many cases we are talking about a face-to-face experience. Certainly, in some cases you may be concerned about a child because they are bruised or they are a bit dishevelled—you are thinking there is something not right here. I am seeing this child day in, day out as a youth justice worker or whatever it might be. Therefore, there is a number of telltale signs. The confessional is a completely different ball game. Often you have no idea. If you are a priest at a school of 600 kids, you may have a kid behind a grille, and you still have no idea who that child is. In fact, many of the priests today, so I am told, do not even use the grille—they are with the child. They are in a public situation. They may erect a grille so that the child still cannot be seen, but the child is open to everybody else being able to see what is going on. That safeguards them as well all the way. As I say, section e and the attention being given to section e just seems completely out of place compared to the other four areas. It does seem rather biased, I have to be honest with you, that the Minister for Child Protection should

just pinpoint this specific area at this time when those other four areas are critical. I think there does need to be more consultation and discussion around what best practice might look like in this area.

The CHAIR: I think I have one final question from Hon Pierre Yang; is that right?

Hon PIERRE YANG: Mr Parker, I appreciate your knowledge in this matter and I wish you could assist me to gain a bit more insight. I appreciate where you are coming from in terms of a 16 or 17-year-old going into confession and speaking with a priest with confidentiality and anonymity. Have you ever come across a situation where a much younger person subjected to ongoing abuse sought confession when the abuse was still ongoing, and later somehow have conversation with you about his or her experience when younger?

Mr PARKER: I have never had anybody come to me personally. I do know of somebody who was being abused—I believe they were nine years of age, if I recall rightly the story. I have many stories in my head, I can assure you. What happened is they did use the confessional. This person now, I believe they are in their late 30s who I am talking about, so again we are talking about quite some time ago—20-plus years ago. What happened is that through their visit to the confessional, they were encouraged to tell a family member. They went to the family and the family dealt with it, and they went to the statutory authorities. Again, the confessional there was advantageous towards that child victim to be able to move forward and to bring the family in et cetera. But I have never had a child come to me who is presently being abused.

Hon PIERRE YANG: No, I am not asking that. I am more looking at the reaction from the priest in terms of the advice provided at the time.

Mr PARKER: I understand.

Hon PIERRE YANG: Thank you.

Mr PARKER: That is a pleasure.

The CHAIR: I think we can finish there. Would you like to make any kind of final observations?

Mr PARKER: I have just got one or two points to make. I have made it clear, but there are quite a number of people now who are hurting badly and they would have really benefited from some form of anonymous consultation. Quite what that looks like that is not necessarily my job to deal with, although I could help you to look at it. So, there are people out there who do feel a greater betrayal on top of their own childhood trauma. There are a couple of different organisations I know that exist elsewhere. One is called Stop It Now! We do not have it here in WA, but it is a very informative organisation that is able to educate people across the board about the effects of childhood sexual abuse. We are certainly growing in that area. Having come from the UK where there is a lot of talk about this, I am amazed—I should not be amazed—I am delighted with the way in which the conversation goes here in Western Australia around this topic.

There is also something else called the Dunkelfeld project, which was run in Germany. It began some 10, 15 years ago. This was a way of trying to reach out to people who were thinking about children in an inappropriate way and saying, “If you’re thinking about kids in an inappropriate way, come and get the help before you step out of line.” In other words, let us prevent crime from happening in the first place. I think there is a lot more work that needs to be explored here in Western Australia. I am told that in Germany, they had over 7 000 come forward and say, “Look, this is my struggle, and if I know that I’m not going to be punished just for having a struggle, even though I have never acted on this struggle, then actually I would like to have some help.” We believe that would be a very positive step forward to protect children and to reduce any possibility of future childhood sexual abuse here in WA.

[4.50 pm]

You know, a great number of survivors they really enjoy the priests and working with the priests. I just think we need to work with them and to work with all those who come across people who are vulnerable around the areas of childhood sexual abuse, and to build on the knowledge that people already have.

I just want to say thank you to all of you for this work and for making sure that the t's are crossed, the i's are dotted and the rest of it. We would say please do not touch the sealed confession. We think the only people that will lose out because of that will be survivors themselves—nobody else will lose out—and we have lost out enough already. Thank you for listening to me today.

The CHAIR: Thank you very much. On behalf of the committee I thank you very much for coming in. We can end the broadcast there. I will just formally close the hearing. A transcript of this evidence will be forwarded to you for correction. If you believe that any correction should be made because of typographical or transcription errors, please indicate these corrections on the transcript. Errors of fact or substance must be corrected in a formal letter to the committee. If you want to provide additional information or elaborate on particular points, you may provide supplementary evidence for the committee's consideration when you return your corrected transcript of evidence. Thanks very much for coming in.

Hearing concluded at 4.50 pm
