

CLARKE: Thank you, Justice Vasta, Ladies and Gentlemen. You will be pleased to know that the crackly microphone has been fixed over the luncheon break, thanks to John Hopgood, so we won't have to be worried over that crackle anymore.

It's an honour for me indeed to be able to introduce to you, Commissioner Lewis, who is Commissioner of Police in Queensland. I'm sure he needs no introduction but I will provide you with some background information. I have on the Paper when he was born but I won't mention that. Commissioner Lewis was sworn in as a Police Officer in January, 1949, became a Detective Sergeant in January 1964. He became an Inspector in 1973 and Commissioner on the 29th November, 1976.

The Commissioner has served at different places around Queensland including being in charge of the Charleville district. He has received seven commendations for good police work and six favourable records of good police work.

**“CHILD ABUSE — IS POLICE INVOLVEMENT NECESSARY?” —
PRESENTED BY MR. T. M. LEWIS — O.B.E., G.M., Q.P.M., B.A.,
DIP.PUB. ADMIN., COMMISSIONER OF POLICE, BRISBANE — MON-
DAY, 9TH JULY, 1984.**

LEWIS: Thank you very much Miss Clarke for your rather lengthy and very kind welcome. Ladies and Gentlemen, I would just like to say a couple of things first before I start on this Paper that was prepared and finished at 12.40 today and so if I make very many mistakes going through it I hope you may forgive me. But firstly I would like to thank His Honour, or the Honorable Mark Hoare and the members of the Australian Crime Prevention Council for the work they have undertaken or did undertake in organising this Conference. It was very good of them and also of course for the people that helped them, and I suppose I should particularly thank John Hopgood if you had trouble with the microphone earlier and am pleased to see that you did get quite a representative gathering along to attend your Conference.

It is an area that our Force and I suppose the Community has had some concern with for some time and I was asked if I would come along and speak in relation of course to Child Abuse and the question is “Is Police Involvement Necessary?” I will endeavour to do that. I think that probably all of you would know that Child Abuse is a social problem that has been recorded in history since biblical times and it certainly cannot be determined by colour, race, age, religion or the social strata that, in which it occurs and it is a problem and I am sure that many of you know that it is self perpetuating. The abusive behaviour is usually an outlet for stress, and can be induced by social or economic factors, the problem of single parenthood, illness, drug addiction, alcoholism, marital discord or a myriad of other emotional stimuli. Identification of Child Abuse is a shared community responsibility. (1) It does fall within the jurisdiction of Social Workers, Physicians, Police, Educators, Health Services, Volunteer Agencies and of course the public in general. It is now recognised that abusing children is usually a way of life rather than one isolated incident in most cases. It is therefore important to view the child's environment as a whole and this is best accomplished through co-operation of the various professionals involved. Abusing parents do in fact often seek help but they do not receive it because their distress signals go unobserved. Abused children frequently come into contact with people who can identify the situation if they are properly attuned to the signs of negligence and maltreatment. Therefore contact by professionals of both the parents and the child is the ideal opportunity to identify the problem, which of course is the first stage of treatment and it

He was awarded the George Medal in 1960 in recognition of gallantry of a High Order displayed in the arrest of an armed man in August, 1959. He was awarded a Churchill Fellowship in 1968 and studied Juvenile Aid Bureau recruitment and training of Police Officers, Research and Planning Bureau, duties performed by Policemen in France, Germany, Denmark, England and the United States.

The Commissioner was awarded a Diploma in Public Administration at the University of Queensland in 1974. He led the Queensland contingent to Darwin in the evacuation thereof in December 1974. Was awarded a Queen's Police Medal in 1977 and Her Majesty's Silver Jubilee Medal in that year. The Commissioner was awarded a Bachelor of Arts degree in April 1978 and was made an Officer of the Order of the British Empire in June, 1979. The Commissioner tells me that his hobby is reading. Without further to do I would like to introduce you to the Commissioner of Police.

does become crucial to focus concern on the combined physical and emotional damage that a child sustains in an abusive environment. In recent times Police involvement has followed social recognition of the horrific injuries that parents have inflicted on their children.

The first recorded case of Child Abuse in America in which official action was taken occurred in New York in 1874, that's what some 110 years ago. In that case, Ladies and Gentlemen, the little girl named Mary Ellen was aged 9, she was mistreated, and beaten regularly by her parents. A Church Worker learned of the child's condition and attempted to have Mary Ellen removed from her home environment. In the absence of any Law providing specific protection for mistreated children, a group of Church Workers appealed to the Society for the Prevention of Cruelty to Animals. This organisation did intervene on behalf of Mary Ellen and succeeded in removing her from her parents on the grounds that since she was a member of the animal kingdom the case could be adjudicated under Laws forbidding animal cruelty. Fortunately and I think we have come a long way since that time, there are no longer children merely regarded as chattels, unworthy of consideration. Essentially people have accepted the fact that we don't own our children, we merely have them on loan to mature, protect and educate them for their role in life. This advance in community thinking owes much to the work of Kemp and his colleagues. As well as to the impetus given to effective co-ordination of the involvement of various agencies by the recommendations by the Committee of Enquiry into the care and supervision provided in relation to Maria Caldwell. It is interesting to note that the only criticism of Police involvement in that case was the overruling of the referral of the case to the Social Security Department. I will comment briefly on the development of the SCAN Team system.

Queensland Cabinet in late 1978 approved the establishment of a co-ordinated Committee on Child Abuse with the following terms of reference:

To advise the Minister of Health on all aspects of Child Abuse;

To co-ordinate the various resources of Government Departments which are involved with the problem of Child Abuse;

To periodically service which are specifically orientated to

meet the needs of this segment of the population; and

To periodically review the cases that have been notified to the Director General of Health and Medical Services; and

To develop Programmes to educate the public in the field of prevention of Child Abuse.

The terms of reference and the establishment of the co-ordinated Committee on Child Abuse reflected a recognition by the Government of the growing awareness of the problem — Child Abuse and Neglect within the community. The shift of thinking in Medical, Social work and Police personnel that no single agency would deal with the complexities of such problems alone. And it's something different from the existing patchwork complex of agencies and Laws with divergent philosophies, procedures, that was required if a Child Protection System were to function effectively. The Committee in recognising that notification of suspected maltreatment and neglect of children is the first step in the management of Child Abuse was then faced with the task of designing an efficient, and reliable State wide management system incorporating notification channels. It also recognised that maltreatment of children is a complex problem and that successful intervention involves a planned and comprehensive management treatment approach. Factors which were taken into consideration for the design of such a Management System were:

The geographical size of Queensland;

The fragmentation of existing services in this field;

The loneliness of decision making;

The isolation of country personnel;

The lack of specialised resources, particularly in country areas; and

The difficulties of intervention and management.

The Committee believed that while overall policy should have central co-ordination, Management must be decentralised. To this end local Child Abuse Teams were advocated to be known as SCAN Teams, or Suspected Child Abuse and Neglect Teams. Such Teams were set up in 15 major centres and 18 regional centres throughout the State. All members of each Team were nominated as Child Care Officers from the Department of Children's Services, a Medical Practitioner and a Police Officer. These Team members have the capacity to co-opt other people from statutory and voluntary agencies. The roles undertaken by the SCAN Teams include a response to each mandatory notification, a direct non-mandatory referral from the local community, provision of Management plans for the child and family, with regular reviews to ensure intervention is justified and co-ordinated in formulating Community Education Programmes. Notification of course is regarded as the first step in the management of Child Abuse. The Department of Children's Services maintains a confidential central Register of children at risk of abuse and of children known to have suffered abuse. The Central Register enables an authorised member of a SCAN Team to obtain confidential information and access to any previously notified abuse suffered by that child.

Some brief comments Ladies and Gentlemen on the Police role. Among the primary functions of a Police Officer, I think most of you would know, are the preservation of life, the protection of property, the prevention and detection of offences, and the bringing of offenders to justice. When the Police Officer takes his Oath of Office he undertakes among other things to fulfil all of those obligations. It is the Police Officer's fulfilment of these primary duties with which we are concerned here today. It is not just the preservation of life or the right of life but the inherent right of the child to enjoy life protected within justice of all kinds including illtreatment, maltreatment, neglect and abuse, physical, sexual and emotional, and of course any other form of exploitation. The

Queensland Police Department established a Juvenile Aid Bureau on the 14th May 1963, with two Police Officers who were appointed as Police Juvenile Liaison Officers. It is rather coincidental now I suppose but I happen to be one of those two. The stated aim of the Bureau at that time was for Police Officers to concentrate on prevention and rehabilitation work where children were aged between five and sixteen years of age. Work with children included those who needed care and protection from their natural parents. By about the mid 1960's people in Brisbane including Police Officers were becoming aware of the prevalence of Child Cruelty. In 1966 the then Police Commissioner, Mr Bischof said that "in the ten years from January 1956 to December 1965, there had been 283 neglected children and 29 cases of physical abuse detected." The Police were finding that in many cases it was difficult to prove the child had been illtreated and not injured by accident. By 1973 the Juvenile Aid Bureau was asking the public to contact the Juvenile Aid Bureau or the Children's Services Department on Child Abuse cases. In 1978 Juvenile Aid Bureau was liaising closely with Public Hospitals in Brisbane and some regional centres including Townsville on cases of suspected Child Abuse or Neglect. As I have already mentioned the Queensland Cabinet took the step in late 1978 of establishing a co-ordinated Committee on Child Abuse which in turn led to the formation of this in fact the Child Abuse and Neglect Teams. Since the formation of those Teams in 1980 Police Officers have been involved as core members. Police membership of these Teams is an acknowledgement that we as Police do not have all the answers. I think that it also says probably that not perhaps anybody else has all the answers either. Effective child prevention can only be provided by mutual recognition of and respect for the contribution each Agency makes to protect abused and neglected children. If we as Police are to be accepted by the community in our role as members of the SCAN Team we must be seen as a true Team member and always to be making decisions that take due cognizance of Medical and Social factors and thus acting in the best interests of the child.

It should be emphasised that we as a Department unquestionably believe that the interests of the child victim must be paramount. Police Officers are, by Statute, charged with the responsibility of deciding when to prosecute but at the same time, they have been provided with discretionary powers on when to act. The Police Officer should keep in mind the priorities of his responsibility, firstly, he must protect the child. Secondly he gathers evidence for possible prosecution. When confronted with a case of obvious suspected Child Abuse, a Police Officer will not take unilateral action except in emergencies. In most instances prior discussion will take place with other professionals in the Team and Senior Officers within the Department in relation to proposed Police action. As the welfare of the child is paramount there is a less immediate need to commence proceedings against the abusing parent or parents. Whatever the eventual decision whether to prosecute against parents or not it seems appropriate the decision be made in concert with plans for the care and assistance of the abused child and other children that may be in the family. To that end it seems the better course for the Police Officer is to delay proceedings against the parent so long as there is no immediate pressing need to take action on the spot. This policy has been in operation since 1980 and I am very pleased to say that I think, and many others seem to think, that it has operated quite successfully.

The Police Force of Queensland, Ladies and Gentlemen, is a servant of the people of the State and it is charged with carrying out their wishes and expectations. Of course that doesn't mean that we can carry out the wishes and

expectations of every one of the 2,500,000. And the efforts of course of Police Officers must be directed towards those objectives. More children with problems are known to the Police than any other agency since we are the only community group with a State wide, twenty four hour field service. Police Officers talk with children, many of their parents and they do visit thousands of homes each year. Law enforcement and Welfare Services are therefore ideally aligned to deal with parental failures and to assist children from these families who exhibit delinquent tendencies. The same may be said of the location of Child Abuse.

Police Officers therefore have accepted that they are an integral part of the SCAN Teams, a system which has encouraged the mutual recognition and respect for the contribution each Agency can make in the protection of abused and neglected children. Previously the inadequate Legislation which Police were required to enforce led to the development of extremely rigid attitudes. Not only among Police Officers themselves but also among members of other disciplines. I believe the SCAN concept was long overdue and has, thankfully, reshaped these attitudes and allowed a more flexible approach to this vexing problem which must of course concern all of us. Having already made it clear that the Police Department regards the interest of the child as paramount, I would hasten to add that most of my Officers anyhow, have sympathy and understanding for the reasons underlying behavioural lapses of parents or guardians. Experience has shown however that regardless of obvious indications of remorse and contrition in many instances, it would be extremely imprudent and even dangerous to assume that there would be no repetition of offences by the parent and no possibility of further abuse of conduct towards the child. Efficient investigations are essentially the role of the Police and the Department believes these investigatory skills are only part of the input which experienced Police Officers can offer to SCAN Teams. I have no doubt that this System has proved an unqualified success since its introduction with every participant having a complementary role. We recognise that the manner and sensitivity with which Police Officers respond to cases of Child Abuse will directly influence community attitudes towards Police intervention. The recognition, evaluation and investigation of Child Abuse and neglect cases is difficult, it's complex in most cases and it's certainly time consuming. It is necessary for the Investigator to possess an in depth knowledge of the Systems of Child Abuse and Neglect because those responsible are frequently the victim's caretaker.

The victims are often too young or too frightened to comprehensively discuss the circumstances and usually there are no reliable witnesses. Investigation of Child Abuse cases is similar in many respects to Homicide cases in that the degree of physical evidence required for Prosecution is the same due to the victim's inability to act on his or her own behalf. The Investigator must have a thorough knowledge of Statutes, Case Law and how and where to obtain the necessary physical evidence. In each case the Investigator must liaise closely with the Welfare Agencies, the Medical profession and also the Court System. Nothing can be done to protect the child or obtain treatment for the offending adult until the Child Abuse problem of course is recognised and reported. Neighbours of the abused child, Medical personnel and Teachers are often the key figures in this first step of the corrective mechanism. Unfortunately there is often a great deal of reluctance to report suspicions about Child Abuse. It is of relevance in our discussions to record a case in Los Angeles where the Police Department was sued for failure to take appropriate action after having been notified that a child within its jurisdiction, was the victim of abuse. Many Social Workers and others who work closely with Child Abuse cases

feel that wherever possible, it is better to attempt to correct abusive behaviour counselling and other means rather than seek Criminal prosecution and I fully support that approach.

The reality Ladies and Gentlemen of the SCAN Teams we will next touch on, involvement of Police Officers as members of the SCAN Teams caused the Department to re-evaluate its current and its effectiveness. It was resolved that if Police Officers were to overcome the barriers, doubts and fears held by members of the Medical profession and other Agencies in the Social Welfare field, and if they were to be able to work in mutual co-operation with these professionals, it was imperative that any staff selected to participate as Team members, be carefully selected and trained. It was also crucial that Officers so selected be appointed on a permanent a basis as possible so that Team trust and co-operation could develop and be maintained. Frequent rotation of Police personnel on such Teams would jeopardise the working relationship of course that's not always easy to do now, in the organisation to have that permanency. Adequate training of the selected Officers was important if the Department were to ensure that cases were handled with and as in a delicate manner which is possible to do. Any haphazard approach by any Officer toward the problem would not be tolerated. A special course was formulated to more adequately equip these Police Officers assigned to the Juvenile Aid Bureau. The first of those courses which were of two weeks' duration began on the 16th June 1980 and included a comprehensive content from various Specialists in the field of Child Abuse. General instruction for all Police Officers were then drafted so that there would be uniform implementation of Departmental Policy throughout the State. In all instances of reported or suspected Child Abuse referred to Police Officers, it is now policy for the nearest Police Officer designated as an authorised person to be immediately notified so that the SCAN Team Management may commence. In the metropolitan area such referrals are made to the Detective Inspector in charge of the Juvenile Aid Bureau who then delegates it for the attention of one of his SCAN Team Officers. The System recognises the importance of Team case conferences and the availability of the Police Officer within the Team as an authority figure who may be called upon to deal with unco-operative or obstructive parents.

Brief note on Police and Child Protection. Early this year my Department and the Australian Criminology Research Council jointly undertook a major research project to evaluate the Police role in Child Protection. One recommendation which flowed from this project was that there should be a State-wide overview of Police involvement in Child Protection. This would enable us to look at trends in Child Abuse throughout Queensland and rationalise staff and resources accordingly. The research gave us statistics on a large number of abused children which we now know to exist in Queensland. It also emphasised the necessity for extending these resources so that every child is given protection. A further recommendation was that the Department look at upgrading the training of Police Officers working in this area. I am at present examining the feasibility of using our new computer technology which is presently being installed and which is progressing fairly well, or very well actually, to assist in our endeavours to protect the children in Queensland.

I believe that in this State particularly in Brisbane we have developed the structure and Police procedures for response to Child Abuse and it is now our responsibility to fully develop this role within the Queensland Police Force. The monitoring of Child Abuse historically — the Department of Children's Services has maintained information on complaints of

suspected Child Abuse. Statistical information on reports was reorganised as a central Register in 1980 to provide comprehensive information. An early study of statistics on Child Abuse in Brisbane was made by Lang in 1981, for the four years 1963-1966 inclusive. Fifty-four cases were found in those four years, twenty three of which were in 1966. In a search of records of the Department of Children's Services, two Children's Hospitals, a Salvation Army Home, the R.S.P.C. and the Government Pathologist, 34% of these cases were neglect and the remainder physical abuse. In the first six months of the central Register, in Children's Services, 683 cases were reported. 116 of these reports came through the Child Protection Unit and 87 through Crisis Care. The highest number of community referrals were from neighbours, there were 149, then relatives with 76 and parents with 69. Analysis of notifications in 1982-1983 shows that reporting of cases totalled 2,723. 46% of these notifications were reported or were found actually to be unfounded and that a further 20% there was uncertainty. 34% of the notifications were confirmed. The Juvenile Aid Bureau in Brisbane has experienced a significant rise in reported cases through SCAN Teams at the Royal Children's Hospital and the Mater Children's Hospital. In 1980-1981, 99 cases came to notice at the Royal Children's. This increased just by two, 100-102 in 1891-1982 and then in 1982-1983 it increased to 212. That's more than doubled in that one year.

One aspect of the increased reporting at the Royal Children's Hospital was the increased reporting rate for Sexual Abuse. These numbered 4 in 1980-1981, 9 in 1981-1982 and 65 in 1982-1983. The Mater Children's Hospital has shown a fairly stable reporting rate for the years 1981-1982 with 167 cases and in 1982-1983 with 192 cases. In 1982-1983 the monthly average of cases that came to notice from both hospitals was 34 or in other words eight new cases each week. Well, Ladies and Gentlemen, if it's considered anyhow that the multi-disciplinary approach appears to be working well in Queensland. It has achieved significant results in preventing re-abusing young victims and increasingly serious injuries which would have been the case had the problem continued to be ignored. The fact remains that Child Abuse can be a problem in almost any family at any time. It has been described by some as the rotten core of society and can have disastrous effects on the family unit. Where one child is the victim of abuse it can certainly have far reaching effects on other children in the family unit as well as the interaction of individuals within the family. It has been found that the offender has almost been a victim of abuse in his or her childhood and by virtue of the abusive behaviour is ensuring that his or her offspring are likely to become child abusers in their turn in the next generation. This violence in the family is also extremely costly to the Police Department.

The manpower resources used and ladypower, I'd better be careful hadn't I, the resources presently used in investigation could be far more profitably channelled into areas of prevention because we certainly have I think as many ladies as men engaged in investigating this type of problem. There is also a continuing need for the community to become more aware of the problem within their midst and be encouraged to report any suspicions of Child Abuse which may come to the notice of any citizen. The young victim of course is in a no win situation and very seldom can transmit their agony to strangers. They are completely dependent on others within their environment with whom they come into contact such as neighbours, friends, teachers, etc., to take up their cry for help and ensure that the professional services which do exist for that purpose are put into motion. Our Department has recognised that specialisation necessary in this area by firstly establishing a State wide Juvenile Aid Bureau staffed by Police Officers whose principal expertise is

in dealing with Juveniles. An extension of this approach has been the creation of an extremely specialised Child Abuse Unit within the Bureau which has served to allay those fears in the wider community which I canvassed earlier. Professionals working in other agencies now report suspected Child Abuse cases in the knowledge that Police will respond in a specialised way with the focus on Child Protection and with a proven capacity for working within a multi-disciplinary Team. My Officers have adjusted to this concept and there is no longer any suggestion of a uni-lateral approach by Police to these types of offences. The Department has thrown its resources behind procedures which identify the need for preventative measures, for public education and for more wide ranging research. This of course has been done on the basis of strict priorities which govern the allocation of Police manpower and other resources. In an expanding State such as Queensland demands on our scarce resources are made virtually from every area of our State and from practically every squad within the Department and most of the requests are urgent and are continual. So any suggestion that the strength of the Juvenile Aid Bureau be further augmented must be carefully considered in the light of State wide Policing needs because at the moment just to fill the vacant spots around our State I would need 525 extra Police now and I can assure you that I haven't got any one person in any one of our 350 establishments around the State who tells me that they have more than they need and nobody's prepared to forgo any member to enable us to put them somewhere else.

I will finish up Ladies and Gentlemen by some brief comments on expectations by the community by saying that the Queensland Police Department has entered into these multi-disciplinary SCAN Teams by giving an assurance that they would not take uni-lateral action as I mentioned earlier. In common with other agencies involved in this Scheme, we are now looking for greater community co-operation and the support of other Government Departments in reporting and handling Child Abuse cases with the utmost sensitivity and understanding. The areas in which we believe the community can assist are:

Concerned individuals and organisations working with children must become more widely in reporting suspected Child Abuse;

Having taken that initial step they must then be prepared to provide detailed information and if necessary give evidence on the child's behalf;

There must be greater development of specialised community programmes for which support can be given to parents at risk as well as treatment and rehabilitation for those parents who have abused their children; and

An acceptance by all members of the public that Child Abuse and Neglect is not merely a Police or a Welfare problem, but one which should be addressed by the community as a whole because unfortunately this cancer of Child Abuse can occur in varying degrees at any time as I said earlier also, in almost any family.

Each of us must remember that the abused child is crying out for help and understanding and may only have you to help protect him or her. I do hope that I have covered in this Paper the question posed in the title — "Child Abuse — Is Police Involvement Necessary?" Police Officers have an integral role which is no less important than that of any other professional in the protection of children.

CLARKE: Thank you Commissioner. The Commissioner has agreed to answer any questions. Might I just remind you when you ask a question to please say your name and the organisation you represent.

MALE VOICE — VASTA: Mr. Lewis, you envisage the situation where perhaps the discretion not to prosecute would

be exercised, what particular criterion do you envisage in the Police Officer exercising the discretion not to prosecute?

LEWIS: The first one, Your Honour, I believe, of course, is the likelihood that there will be no further damage sustained whether it be physical or sexual or whatever and I think that's got to be the primary consideration at all times and I would hope that with the expertise that has been built up by the Police Officers and then of course the advice that I would imagine they would seek particularly from members of the Medical profession in the likelihood of that prevailing would determine whether they would take action then or all because we've found, well I've found, and others have found that children particularly and I don't see any great differentiation with a lot of our adults that prosecution is not always the most desirable thing.

Children's Hospital at Camperdown: I'm sorry but I missed part of your address, but I noted that you said when you quoted the computer figures that in 1982-1983 that you had 2,723 cases and you said that 46% of the reports were unfounded and 20% were uncertain, only 34 were confirmed, I wonder if you might elaborate, it sounds a very high incidence of reported cases which came to nothing, this refers I take it to all forms of Child Abuse and Neglect and so on. I wonder if you might like to elaborate on this if you can.

LEWIS: Well that's a good one the last bit. I really can't elaborate. I'm not sure if anyone present can help you out there. I must confess as I did earlier, actually I've got a printed copy of this and it was finished at 12.40 today and didn't give me a great deal of time to check up on those, it didn't give me any time to check up on those statistical comments, but David you might be able to tell me, it was 34% were confirmed.

MALE VOICE — NO I.D.: They're from the Children's Services Annual Report and perhaps what we should do is ask someone from the Department if they would like to. They're not ones from a SCAN Team investigation, what we're saying is giving an indication of the reports that came to the Department and the breakdown in terms of what happened. Obviously what we are looking at is a wide spectrum in terms of whether it be a neighbour or a friend or someone else ringing up, but all we've done is quoted from the Annual Report of the figures that were available to give an indication of what types of reports and what happens to the reports when they're received. Can I find anyone from the Children's Services Department . . .

MALE VOICE — NO I.D.: Well you've got three more days, I think it's a bit rude to drop it on somebody straight off unless they've really got them at their fingertips.

JENNIFER WILTSHIRE — Child Protection Unit: I'm stating again the obvious to say that any figures like that don't necessarily tell the real story and clearly figures like that involve a certain of subjectivity that some people are giving the final result of an investigation and may choose to say because of their own philosophical thinking, "this complaint was unfounded" whereas others would say, "the result of this is uncertain". It certainly means that there was no actual, both those categories would mean that there was no actual proof that the abuse occurred and I don't think there's any way around that, we're all individuals and we're all going to approach our work differently so there's definitely a subjectivity present there.

JEFFERIES: Thanks Jennifer sorry to put you on the spot.

ALLISON DAVIS — Department Of Youth and Community Services Sydney: Can I just make a comment on that as comparison. We have a system where we have notification and registration, in other words it means substantiated or unsubstantiated. In short, we took a sample of the

unsubstantiated or ones that were not registered about a year ago and it was a reasonably large sample, of those 65% had been renotified. I think it's just an interesting figure.

JEFFERIES: Thanks very much that really got me off the hook. One of our friends from New South Wales has a comment?????

BRIAN ROPE — New South Wales Police: Commissioner, has your Department thought about the stress factors your Police are going to go through with dealing with Child Abuse continually?

LEWIS: Yes we certainly have. In fact we, it wasn't it only compounded the problem. I found that it was somewhat of a problem when we had the Juvenile Aid Bureau going in the early years particularly with the ladies because boy nearly every one of them took everything to heart and if and I don't think I will offend anyone by saying it if one was a failure it was really looked upon as a personal one and I found a number of our ladies we had to move them out into other types of work for some time. Not so much the men, David survived, although we did move some of the men out to do other work into the training area particularly we looked at moving them and I couldn't find any other way of doing other than getting them right away from that type of work for some time, sometimes permanently. They'd had enough after a few years.

ROPE: They carry the —————

LEWIS: They do, they really do and they had taken over in many cases they took over the responsibility of the mother or the father or both, trying to get the home unit functioning. Very very dedicated people.

ROPE: The reason I made the comment is because of the unrealistic expectations of some people particularly professionals where you have special groups of Police who deal with nothing but Child Abuse, who may have ten or twelve cases a day, at least twenty or thirty a week, and other professionals have one a month and they say they're overworked, so unless you get into some of these specialised areas you don't know what stress is like and particularly the females who maybe well if you could interview two young children a day, you're flat out and particularly the younger the child the harder it is and I think this is something we must look at in the future. Not only in Police, but in hospitals too I mean I would be able to quote some outstanding figures where we might turn up with four and five and six sexually abused children a day, for his Unit to get involved in and they're feeling the same problems, I think everybody's just about ready to ship to Canada and we're losing all this expertise very very quickly and unless we take reign of it now we're not going to have any workers in the future.

LEWIS: I've only got four years before I retire.

ROPE: Unfortunately Sir that's the same story for everyone.

LEWIS: Yes I know and that's been one of our great problems and of course getting people who want to be dedicated to do that work, that's, we have some people who say "yeah I'll go to such and such a Unit" but they haven't got their heart in it, they're only interested in the overtime —————. Yes Ma'm.

PAT MCKENNA — Parent Aide with the Royal Children's Hospital: I just wanted to make a comment on community involvement and I hope from the Seminar that perhaps something can be done to make to help make the community more aware of, that the child doesn't have the ability to come forward himself and I think there is quite a common attitude that it is the parents' right to discipline the child in any way that they see fit and I think that's held fairly largely in the community and so I hope ideas come from the Seminar to help change this.

LEWIS: Oh sure with the group that you have here it will, but we did go through an era I suppose, what ten twenty years

ago or so that each individual was almost deemed to be able to do whatever they wished whenever they wished, in whatever way they wished. That applied to everything including disciplining your own children. It wasn't always easy to operate in that period. I don't think our Civil Libertarians are quite as vocal as they were then. They've got older I suppose you get much wiser as you get older sometimes. You get brighter when you're young too.

RICHARD BEAVIS — Children's Services Department: The public image of the Police in Child Abuse I think is more in the "strain the danger area", and the Police Force itself I know in Queensland runs the Scheme within the schools. In your talk today you've really focused on a different area than that altogether. I was wondering if there really was some conflict between those two emphases whether this here is really Child Abuse or whether the "strain the danger" is Child Abuse or which, I'm saying that both Child Abuse which one would you see as being the most significant. Whereas the Police was itself in the public eye, I am saying really sees "strain the danger" area where kids are at risk.

LEWIS: I don't know how to answer that to be quite honest. We've got about probably a thousand different aspects of our job that I've got to look at. "Strain the danger" one is one that has received and much wider publicity and our media generally have been very happy to be involved in that sort of thing. You don't get that same response if you want to talk about Child Abuse or try to get somebody else to get the impartial projections through the media. They're very very difficult, so I would hope that as our young lady from the Royal Brisbane mentioned that this finding or comments or some of the comments made during this Seminar will get wide ranging publicity. Because most of the public are very good if you can let them know what you would like them to do and how they should go about doing it. Where you've found, like we have got to worry about everything from murders to children riding their bicycles in the street in Charleville, on the footpath in Charleville when there's nobody else on the footpath. So we get a whole heap of things that I've, we've found, I've found over many years that without public support we wouldn't achieve very much at all. I think that with the range of murders that we've had in the last couple of weeks is a clear indication of that but public response has been absolutely marvellous. There's an old eighty-five year old lady you might remember was murdered in South Brisbane a few weeks back. Well the response to that was just unbelievable and the little fifteen year old boy that was murdered at Redcliffe just recently, and a few other ones that I suppose that wouldn't raise quite as much sympathy. We still have got a very good response though. It probably doesn't enlighten you greatly except it's very difficult to get a lot of things through the media nowadays. It's much much more difficult.

MALE VOICE — NO I.D.: Could I just Sir. I'm not trying . . .

LEWIS: No no you're the expert in this area. I'm a general.

MALE VOICE — NO I.D.: Four years ago we had this same problem in New South Wales. The coppers had no right to be involved in Child Abuse in fact ————— was, one of his Professors was one of the enemy, but I think what has happened in the last four years in particular it's over four years now in New South Wales that we have proved to the community at large, proved to the professionals in particular that the Police Department do have a role in the Child Abuse field and in fact now in New South Wales, because we do operate 365 days of the year, twenty-four hours a day as the Commissioner has said, that we are the first line that people come to and quite often people do self referrals rather than go to community services because they feel that if they go to community services they're going to lose their kids but if they come to

the coppers it's a different attitude altogether. So that has been faced in New South Wales and I think it's been faced here in Queensland as well, that they have proved themselves, that they have a right in the field of Child Abuse and a very very important right.

LEWIS: Thank you, but I think we must stress the point there that we don't have anywhere near the Staff to do the job and to do it properly. I don't see that problem being overcome in the near future, but the Police that are doing that, we've got to watch them fairly closely.

PETER COIN — Department of Children's Services — Ipswich: Given that the number of notifications in Child Protection and Child Protection field are on the increase and there are difficulties with resources, do Police in the Juvenile Aid Bureau, given that they have responsibilities not only for Child Protection matters but for Juvenile Justice matters of varying importance, have they the ability or the right to prioritise the work they get involved in and if they do, where does the Child Protection, the investigation Child Protection complaints where does that fall in that priority.

LEWIS: Yes, well. They do have the right I don't know whether you want to elaborate on that David. We certainly allow them complete autonomy to work out their priorities and I suppose the only way they can do that on what appears to be the most pressing but I don't know if you'll want to try and do infinitely better than that in answering that question that Peter asked.

JEFFERIES: I'd agree with that. That's the same problem that we had here in Brisbane which caused us to offer specialisation and if you're faced with, and the person who's been

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to investigate whether or not a kid is abused and you've got
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knocking on what we've got to do is to get the ————— decision and often times it comes back that we haven't got the resources to be able to do and whatever. We're hoping that the course for Juvenile Aid Bureau Officers it takes in people throughout the State can help them to see the consequences if we don't

LEWIS: It all depends who's complaining Peter.

COIN: Well I'll speak up. In regard to prioritising and worker burn out which has been raised and I might add that I've worked in the Child Protection Field for longer than ————— at Ipswich, I've found that certainly it is the case if people have or the Police have the ability to specialise in a particular area of work and look for the rewards and satisfactions within that area of work, then they can too last longer, they don't tend to burn out and that may be a fairly simple way of overcoming prioritising work if the person could work — a policeman or detective or a group of detectives — in the Child Protection Field that is separate from the Juvenile Justice field then they wouldn't have to distinguish between say break and enters and Child Protection matters and also if enough input goes into that that they will be able to build up the schools to keep that momentum to be able to keep working in a very difficult field continually. They will be able to find rewards in that area.

LEWIS: Yes I would say you're substantially correct except for volume, how, that's where I get frightfully frustrated and upset if you get ten cases coming in at the one time. That's the greatest difficulty of having specialisation and having

people work in the one area, they get further and further behind the eight ball because they just cannot possibly keep up with the work. Your concept is beautiful if you've got a reasonable amount of people to do the work that's coming in but otherwise I think they're really having problems.

Yes Doctor?

MALE VOICE — NO I.D.: ————— was very modest. He didn't mention his special, the special unit which is Child Mistreatment Unit which really deals only with inter-family mistreatment of children. It is a very small unit and they are working very hard. So this has made a tremendous difference to all of us because we have been able to work as a team with the police and we have great understanding now, and Health, Welfare and Police really get together in this particular group. That's one thing.

The second thing is that these people can be often used, as consultants; in other words, Police elsewhere who haven't got that kind of training experience can simply just make phone calls and we've had the sort of discussions where Health, Welfare and Police have gone on a telephone hookup to help somebody in the country and that helps, so it is possible to use the resources that one has even if they are limited to their fullest extent and it is possible also to waste them.

LEWIS: Well sure, thank you Doctor, but I think you've got to keep in mind this is very very new when you look at policing in Australia. We are changing segments of our training programmes for our young people going through the Academy. We are hoping this year that the Works Department will put on an extra wing at our Academy which will allow for quite an increase in our "in-service" training and we can bring 27 or so people in at a time and give them two weeks on a course. They may not become full-time workers in that field but they will certainly have a greater understanding and a greater — well understanding I suppose is a good enough word — where they will be able to cope with the minor matters, relatively minor ones, that occur throughout our State. Because when you've got a State of 667,000 square miles as we have, with 350 police stations scattered around that, you know, the person in Mornington Island feels he's just as important, or she is, as the person in Brisbane. It's not real easy to fulfil their demands; however that doesn't mean we won't try.

CLARKE: Thank you very much Commissioner. On behalf of all here present, may I thank you for coming here this afternoon and giving up your valuable time and we do appreciate it. We thank you for preparing your thoughtful paper and I ask everyone to join me in the usual manner in expressing their thanks to Commissioner Lewis.

I now hand the chair over to Detective Sergeant Brian Rope of the Child Maltreatment Unit — New South Wales Police Department.

ROPE: Do you?

CLARKE: Didn't you read the programme?

ROPE: Yeah, I thought this early. Commissioner, Child Abuse is my pet aversion I think. Doctor Grunsett and I have been fighting for four years to try and improve the lot of the policeman and the worker in child abuse and fortunately we have been appointed, as I said earlier this morning, to a Select Committee or a Task Force appointed by the Premier of New South Wales and are hoping that in the next six months a lot will come out of that. It is time for a change and I think that these sorts of committees and panels are just the forerunners.

Now this afternoon we are going to have the official opening of the Conference by Mr N.J. Harper, the Minister for Justice and the Attorney-General, and I think that His Honour will probably attend to that now.

HOARE: Ladies and Gentlemen, on behalf of the Conference Convenors, the Crime Prevention Council of Queensland,

and the Police Department, I have very much pleasure in introducing the Attorney-General for Queensland, Mr Harper. We do appreciate your giving up time to open this Conference and I ask you to formally open this Conference now.

HARPER: Thank you very much, Mr Justice Hoare, Mr Justice Vasta, Mr Terry Lewis, the Commissioner of Police, Ladies and Gentlemen. Of course naturally I am honoured to have been given the opportunity to open the Seminar for you. I realise that it is a Seminar covering the subject that must be of very great concern to each of us, in fact to every responsible member of the community. Whether it be physical or emotional, child abuse is obviously distasteful to all of us and certainly I believe to most members of the community. In fact, I believe that in all probability most of those people who perpetrate the crime which we refer to as child abuse themselves in their more rational moments would agree that it is most distasteful.

As you know so well, child abuse is often not the result of rational thinking. In many cases it arises from events quite outside the control of the people involved, or at the very best is the end product of a very long build-up of frustrations or pressures. Doctors, psychologists and the government recognise that often these pressures create a situation that can be solved by outside help, by counselling, and my Government, through our Department of Welfare Service and Ethnic Affairs, not only legislates to help both the parents and the children but also supplies experienced counsellors who are usually able to help both parties while at the same time endeavouring to, and in very many cases being successful in, preventing the break-up of the family.

When one seeks to confront the problems of child abuse there are of course conflicting issues which require to be balanced. On the one hand society demands that those who inflict pain and suffering on another should be punished, if for no other reason than to deter others from committing that type of activity.

The rehabilitation of the offender should also be part of the process and this aim of society, whilst perfectly justifiable I believe when there is no relationship between the perpetrator and the victim, must pose questions where this is an intimate relationship between both parties such as occurs in a parent/child situation. Where the parent inflicts abuse upon the child the question has to be asked as to why such abuse was inflicted and whether the enforcement of the Criminal Law is necessarily the appropriate response by those of us who are charged with the protection of society, the protection of all members of society.

If the full weight of the Criminal Law is brought to bear in the case of child abuse, obviously this will often lead to a weakening and perhaps even a severing of the relationship between the parent and the child. In many cases I believe, and I am sure you would agree with me, that this would be highly desirable, but then it would seem that there are other cases where such a severing, such a breaking of that link, may very well have an adverse effect both on the victim — and of course it is for the victim that we must have most concern — but it could also have an adverse effect on the culprit. Once a child has formed a bond with a parent the severing of that bond whether it be on a temporary or a permanent basis can create in the child consequences of personality which may not exhibit themselves at the time, they may not exhibit themselves for many years ahead, but in the development of an overall personality those consequences can be quite severe in years ahead.

And of course the problem that you and I and my Ministerial colleagues are faced with when considering this question of child abuse is the one of how to determine the most appropriate response to the particular abuse.

We must ask ourselves is it a case for bringing the full weight of the law to bear, leading to the punishment and perhaps the jailing of the parent concerned, and I guess that's the role of my portfolio where I'm responsible for our court system and that question is one that has to be posed in that area. There are some obvious cases where I would respond in saying certainly that the full weight of the law must be brought to bear, and would hope that the judge at whatever level would see the need to jail the parent.

Perhaps the most obvious example of that to my mind would be the one of incest and quite frequently I have matters brought before me and they come to me after they have been into the court system and it's quite horrifying to me to review some of the decisions that have been taken, some of the judgements that have been made.

We have then of course in other cases to consider whether the severing of the relationship between the parent and the child will allow some other crisis to develop. It might be something quite separate from the parent/child relationship. How can we go about resolving the questions that will arise as a result of such a severing? Is it a case for perseverance with the parent/child relationship, to provide aid, counselling and assistance to the parents as well as to the child in order to overcome that problem which has caused, which has led to, the abuse of one degree or another taking place?

You would know better than I that there is no easy solution to the problem, that there is no easy solution in being able to determine which is the best course of action for the investigating officers, for those who are counselling and trying to help, for our judges in the courts. Nor is there a magic formula to be found in legislation, whether it be legislation by governments or whether it be in theories of academics. There is no magic formula that will provide instant solutions to these problems, many of which are undoubtedly as old as human civilisation and many of which spring from the fact that we are all human and we do have wide ranges of emotions, wants, needs, fears and desires.

The Queensland Government through its legislation establishing SCAN teams has sought to provide a mechanism for attempting to balance the many interests which must be considered once child abuse has been identified. We believe that we have taken positive action in this field.

Our previous initiative was in establishing the Juvenile Aid Bureau within the Queensland Police Force of which Mr Lewis is I believe very proudly our Commissioner and he has a personal involvement in that bureau. The establishment of that Juvenile Aid Bureau in order to ensure that the criminal investigation process was not merely concerned with prosecuting but rather with helping, as I indicated before. There is a tremendous need to look at each case individually, and with the aid of our Juvenile Aid Bureau we have this facility and it has demonstrated the long-term commitment to this particular area.

The new Family and Community Development Support Bill contains many initiatives which will be of assistance in combating the problem of child abuse. The Bill was tabled in the last session of the Parliament by my colleague, Geoff Muntz, the Minister for Welfare Services and Ethnic Affairs. It was deliberately introduced to the House before we rose and it will be considered again by Parliament in a final form later this year.

At present the Minister is inviting input from concerned individuals and organisations. The Bill encourages people not only to recognise that they have a problem with child abuse but also to recognise that they can receive confidential help. Assistance to families in dealing with problems involving children is the major thread running through all areas of the Bill. Major new innovations include a new definition of children in need of protection, the expansion of

the Co-ordinating Committee of Child Abuse and Neglect and a Register of Child Protection.

For the first time the Family and Community Development Act when proclaimed will place the overall responsibility for Child Protection under the one Minister. Existing provisions of our Health Act, which require Medical Practitioners to report cases of suspected child abuse or neglect and under which a child suspected to be or of having been abused or neglected may be held in a hospital for up to ninety-six hours, have been incorporated in the Bill.

The Government recognises that removing a child from his or her family and taking court action should be the last resort. It should be used only when the safety of the child cannot be provided for by other means. Emphasis is placed on the provision of services to families when appropriate and the seeking of parents to voluntarily co-operate in an investigation by submitting the child for medical examination.

The voluntary co-operation of parents who are faced with this problem is probably one of the major areas that can lead to a satisfactory result for both victim and culprit. The Bill presently before the House provides protection against defamation for all persons who report suspected child abuse provided they act in good faith. My colleague the Minister for Education has been concerned in this area and, as you would all realise, so very often it is the school teacher as well as the medical practitioner who becomes aware that a child is being abused, and so we intend to provide protection for all persons against defamation when in good faith that person or those persons report suspected child abuse.

I would urge any of you particularly from Queensland, but not necessarily restricting it to Queensland, who have not already done so and who feel that they have something to contribute towards the final form of our Family Community Development Act, to forward submissions to Geoff Muntz, the Minister for Welfare Services and Ethnic Affairs, before the end of this calendar month, July.

I don't have to tell you, you wouldn't be here today if you weren't aware of the very serious problem which child abuse is, nor do I have to tell you how keen my government is to provide the best possible protection and counselling for both parents and children.

Mr Chairman, Ladies and Gentlemen, again thank you for the invitation to attend your Seminar which I have very much pleasure in declaring officially open.

HOARE: Well Mr Minister, I'm sure it pleased all people here, as it did me, to hear the tendency of your opening words. It seemed to me that you have a clear recognition of the many problems and difficulties which surround this subject and that you are one who is ready to hear from people who may be able to contribute something. On behalf of all, thank you very much for your attendance and I'd ask you all to join with me in thanking the Minister.

ROPE: Mr Minister I think it's time we had a cup of tea. I think everybody is going to mull over what you had to say and I can see one of our doctors from New South Wales was thinking very seriously. He was writing already about that submission at the end of the month. Ladies and Gentlemen, we're not due to go to morning — I'm sorry — afternoon tea, 'til 3.15 but I'm sure that the staff will have it ready. David has got organised for this afternoon a number of discussion panels. I can't give you the topics, because he forgot to slip me the piece of paper, but I'm sure he is going to come down and tell us what it's all about.

JEFFERIES: Before you arrived this morning I threw the ball around as to anyone who wanted to break into small groups or whether you wanted this afternoon's session in one large group. A number of people have chewed my ear since and said that they would much prefer it in one group. Could I just get some indication from people as to whether you'd prefer to

break into smaller groups this afternoon or do it in a big group where we can discuss some of the points that have been raised and tackle how in fact we go about them. Would you prefer to break — those in favour of breaking into smaller groups?

ROPE: I'm sorry you're outweighed.

JEFFERIES: All right.

ROPE: Perhaps this afternoon after you start discussing a few points you will find that you will want to break into smaller groups, so how about we have a little bit of discussion about that over afternoon tea and we will be back here at 3.15 p.m. Thank you very much Ladies and Gentlemen.

ROPE: Sorry David, in St. Paul, Minnesota, they use anatomical dolls where the child gives evidence and if they talk about he did something with his peanut the child will be asked to describe it on the anatomical doll which is apparently very successful in that area. In Massachusetts, judges bring in pint-sized witness chairs so youngsters' feet won't dangle. In Maryland children will have, who have trouble speaking may draw what happened, and in Minnesota a child frozen with fear was permitted to testify from under the prosecutor's table.

So there have been many, many things tried right throughout the world and I'm not saying that they will be acceptable in Queensland or anywhere else in Australia, but I believe the time has come that we endeavour to try and balance the unequal distribution of power in the criminal justice system and that's why my paper for tomorrow is titled "Child Rape and the Criminal Justice System" so I won't go into that now but the idea of this afternoon's session is going to be for you as individuals to put your feelings on tape of what you consider should happen in respect of possible changes to the law, possible changes to the education and training of judges, barristers, prosecutors, police and whoever, to try and make it more simple for these matters to be brought to court, and I don't think we're talking about punishment, I think we're talking more about accountability of the offender. I think punishment is something for the judges to decide themselves, but I also believe that the professionals in the field of child abuse could adequately provide the judges with more information than they are presently getting today.

Probably more skilled evidence which is available in our community can be provided for the judges to make more appropriate decisions in respect of offenders. I mean I had a case just recently where a young 12 year old child had been raped when she was 11. She had an abortion. Her young 8 year old sister was identically abused. She was too young to give evidence. The 11 year old, who in fact by the time it came to court was just 12, went to a good Catholic school but her evidence wasn't taken on oath, it was taken on affirmation. It made it more difficult for the Crown to prove their case, particularly because the eight year old couldn't give evidence and at the end of it what happened we had a hung jury, 11 said "guilty" and one said "not guilty", so we had a re-trial and the Crown then said, "Well look it's too traumatic for the child so don't go any further with it". But the mother and the child are very strong people and it will go for re-trial.

But these are the sorts of things that we come up against with our present judicial system. I'm not saying it's entirely wrong but we must balance it somewhere along the line because I believe in the judicial system, but in fact it's not used enough. We must all be re-educated on how to use it and I think this is what David's idea is today to get your feelings as to what should happen and where we should go for 1985 and onwards. So do you want to say something first David, to expand on what I've said?

JEFFERIES: I'm totally in agreement with you Brian. What I want to do if we can is to take up some of the issues that have

been thrown around by Mr Vasta and John and if we can get some resolutions as to where we go from here because what we've got to do is make this more than just a Conference where we talked, but hopefully feed it into a system and say that something happens as a result of us being here. Rather than just leaving it all to Thursday when it may or may not be discussed, we felt that today we could start looking at some of the issues that have been raised. One of the main ones that I thought we could deal with was this whole idea that Mr Vasta raised about videotaping of the initial complaint — what we felt about that and, if you were in agreement, which way we approach it. In other words, is it a resolution of the conference here, we put it up to Government consideration, whether we want to put any guidelines or whether we think that it's something that needs a task force to consider it or whatever. I'm just interested — if we can, Brian — to get some ideas from people who've been here, heard the discussion, know some of the issues and then decide where we go.

ROPE: And I might throw in a couple more areas because to me we have too many sexual abuse laws. In New South Wales now we have three lots of sexual abuse laws with the introduction of the Homosexual Assault Amendment Act or they call it the Crimes Amendment Act where we define what homosexual intercourse meant and that means where a male person has penile, anus penetration of another male person or penile mouth penetration or the continuation of homosexual intercourse which eliminated buggery and all forms of sexual assault along that line.

Carnal knowledge now includes anal intercourse of a female, then we have a further category, categorisation of sexual assault which means unlawful sexual intercourse, again which includes cunnilingus, fellatio, penetration of the anus or vagina by any object manipulated by any person. It also includes the continuation of intercourse, penetration by finger which is probably the greatest sexual assault of all children, or just masturbation incorporated with carnal knowledge again. So we have this great range of sexual assaults which carry imprisonment from life down to 10 years.

We have a strange situation which has come about now where if a male person puts his penis into the mouth of a nine year old boy, consent is no defence, but it carries life imprisonment, but if it happens to a nine year old girl we must prove that she didn't consent and it's a maximum term of imprisonment of 10 years. So this is something that came into fruition on the 9th of June and has got right through our legal system without anyone picking it up.

So we have all these sorts of problems and Doctor Brent Fiss (?) who is a Reader in Law from South Australia and I gave a lecture in Sydney only two weeks ago and we came up with the idea that perhaps in intra-familial sexual abuse we have a very broad definition of what abuse is all about, that consent is not an issue and that it is very much like a Common Law misdemeanour, that it is open-ended so that there is no punishment, but it is up to the judge to decide what punishment should be inflicted rather than going from life down to two years for what we call a Category 4 Sexual Assault.

This umbrella-type information may be far better than categorising all the forms of sexual abuse, particularly in say intra-familial sexual abuse which Richard's question asked of me outside is "How much is sexual, or how much sexual abuse is committed by strangers compared with offender known by the victim?" In New South Wales it runs about 75/25, that 75 known to the child, 25 that are in fact strangers. The world figures are somewhere round about 80/20 so the majority of all offences of sexual abuse are committed by people that the child in fact knows. So taking these things into consideration as well, the probability of the child giving evidence in court is going to be against somebody she

knows. Does that generate a little bit of discussion? Are we going to be a very quiet group?

MALE VOICE — NO I.D.: . . . experience shows what percentage . . . I make the point . . . that up here it seemed to me that . . .

ROPE: . . . a great deal more today than there was four years ago. Basically because we have got doctors like Doctor Grunsett who'll talk to you later, and he'll talk to you tomorrow about training of medicos that they can identify sexual abuse. It's amazing how many doctors wouldn't know what a normal genitalia looks like, let alone knowing whether a child has been in fact sexually abused, and we are developing greater skills in a multi-disciplinary way of the doctors, the social workers and the police working as a team and I can tell you now that individuals will not be successful, it must be a team effort.

As far as what percentage are going to court, I'd say that we're getting up to a situation now that the majority of all cases will go to court in one way or another. We might not be putting a person before the court as having raped the child, but we have provisions in our Child Welfare Act that anybody who assaults or ill-treats a child can be put before the court as an offender.

And we're looking not for punishment but for accountability, basically for long-term management of those cases. That's why I say I believe in the court system. I've seen too many children die, in fact last year eight children died as a result of mismanagement, of people knowing about families, of being involved with families and then not doing anything about it. And this is why in New South Wales we've tried to work as a multi-disciplinary team so that there is involvement of everybody.

MALE VOICE — NO I.D.: If I may just add to this. I think it's very important to look at child abuse as one thing a . . . and sexual abuse is just one little aspect, well it's not little, it's becoming the most common form of child abuse today, but it's one aspect and there's been a tendency previously to separate the two and they are different because most child abuse, neglect and ill-treatment cases come before a Children's Court in New South Wales where sexual abuse is immediately a criminal offence and immediately goes to the Criminal Court.

The tendency is for the police and the people like Brian's team to present a child to the Children's Court rather than to the Criminal Court where again the defendant has legal representation as you know, but where evidence is admissible in a different way and conversations with the child can be reported and so on, where the whole thrust is not to prove somebody guilty but to get the child protected. It's the child that's presented to the court, not the person who's being accused, and as long as you establish the case you can then protect that child to the age of 16 years and you can do all sorts of things without sending anyone to jail and not involving although the . . . System is involved. We have got a lawyer there who is very much like the lawyer your partner by the sounds of it. He has a similar name and he is certainly very vehement in defence of parents. So that's fine — they get plenty of representation, but if you present the case adequately and so on the child is protected which is the main aim.

And that's perhaps how we've got to look at it and not incarceration and sending people to jail, because nothing happens as you said; nothing happens to the victim, nothing happens to the perpetrator, it just costs a lot of money and achieves nothing, whereas if we get Child Protection we achieve something.

ROPE: And not only that too, John, is the fact that we find in a lot of these sexual abuse cases the family has in fact broken up anyway and there would have been an application to the

Family Law Court which we find in New South Wales has been anything but satisfactory, so one way of protecting the child we found is using the Children's Court System for the child's sake and then working with the family and trying to put it back together again, but at least we have got a foothold in the door to protect that child.

FEMALE VOICE — NO I.D.: Can I just for the record clarify something here? I'm not sure whether things can be so different in Queensland and New South Wales. But you made the comment a minute ago that sexual abuse was becoming the most common form of child abuse. Our figures are showing that it is certainly the most rapidly increasing to an alarming extent but it is still in very small proportion of the total number that fall into other categories of physical, emotional and neglect. Would that . . . ?

GRUNSETT(?): Well I suppose that in a way some of the cases we see are biased because we are selective. We've found that the number of cases of sexual abuse has increased to 100% over the last year or two whereas the ordinary child abuse has remained at the steady pace and I think it's going to be sort of 50/50 pretty soon. Because you see it's not that other cases of abuse don't happen at the same time; what I was trying to say, it's probably continuing — that child has been physically abused and neglected and then sexually abused as well. One doesn't, as you know, exclude the other so I think it's just very common or becoming more, well I know it's becoming more common, we're picking up more, it's being reported more or less, put it that way.

FEMALE VOICE — NO I.D.: I would agree that it's astoundingly more common but would you agree that still we're not approaching anything like the 50/50. Have you got figures in your head? — it's a very small proportion of the total category of all forms of child abuse reporting. I don't accept that the incidence is increasing to the extent that the reported incidents are increasing, although we can't prove that. I think that because we have got a response we are getting more reporting and so we are getting an increase overall — an outstanding increase in the sexual abuse but still a very small proportion of sexual assault.

ROPE: Yes but perhaps we're training our doctors better.

MALE VOICE — NO I.D.: That's a question of are we identifying it. Now I saw a couple of girls a couple of weeks ago who were reported of being sexually abused by their father. They'd been examined by a doctor who said that they were perfectly all right, he could find nothing. Well you know it wasn't so; now that's sort of 100% for that family that one was missed. You know there are reports from the United States which claim that they did a survey of some 800 University college students and they found that a quarter of the women had been sexually abused by an adult within the family group, by the age of 18. Now it's a very common thing and it's just beginning. The same thing is happening to it as happened to child mistreatment; it started off when . . . started reporting it. I think in the next five years or so you will find that the figures are going to just climb because more is being . . .

ROPE: One of the things that I said about the identification factor is we do a lot more country training workshops and we're getting a lot more sexual abuse from our country areas as well. I did a lecture two weeks ago in a country town and after I'd finished a friend of mine who was a chemist said to me, "Brian you've just answered a question for me, because I know of another six kids in this town who have been sexually abused." And he made his value judgement because of the continual medication which had been provided for these six children by G.P.s in the town for vaginal discharges. Now you just don't get that all the time in young children. I know that Ferry has examined some children that in fact have been to

G.P.s; they said, "Oh look there's nothing wrong with this child" and then by the time an expert has a look at the child in fact the kid has been sexually abused.

So it is the identification problem — number one — and then being told about it. And as Ferry says it is escalating and when you think that really New South Wales didn't push until 1980 for child abuse matters, so in four years it has gone up dramatically and it was about ten years in America I think before it all settled down to a fairly straight sort of a graph. Allison?

DAVIS: I just wanted to comment on the statistics in the region that I work in in Sydney which is a large region that stretches from Parramatta through to Katoomba, if that means anything to anybody. I looked at the statistics for 1984 of notifications only because it's too early to look at Registrations and of those notifications Blacktown office which has a very high incidence of notification — it is about 65-70 a month — of those notifications 45% have been sexual abuse for the first half of this year.

The other interesting thing is that with the physical abuse notifications the age of the child notified is falling, so that tends to be saying to me we're picking that up a lot earlier. Of those physical abuse notifications they're now getting, I think it was about 20% where we have physical and sexual abuse as the notifiable concern for that particular child.

ROPE: We're finding too that in areas where it's predominantly . . . and some of our areas have got 47% single parent families, that paedophilia in those areas is very very high and one of those is near where Allison works at Homebush. It's just unbelievable the sexual abuse which has been going on in some instances by paedophiles for twenty years and never ever been picked up. In fact we interviewed some mums who had young children themselves, who this bloke had interfered with for twenty years. It's just incredible the amount of sexual abuse in some particular areas, but single parents in particular are very susceptible to paedophiles, of giving them things, of working on the kids, giving them material advantages that they're not getting, of becoming the grandfatherly type, of really working for what he wants. That's the key, and you try and tell those parents and I know of one particular group "Oh no, no, no". It took me nearly three months before I could convince them that this guy had been sexually abusing all — three families of boys.

MALE VOICE — NO I.D.: Prey, if I can use that word on children in general. You're not talking about within a family, are you?

ROPE: Some yes.

FEMALE VOICE — NO I.D.: Can I just ask are you including abuse outside families in your figures, the figures that you are quoting.

FEMALE VOICE — NO I.D.: Inaudible.

ROPE: Sit over there Allison, it's not so far to walk.

FEMALE VOICE — NO I.D.: Yes she should. The notification — the child is notified. The child could be abused in a pre-school, the child could be abused in a police station, the child could be abused anywhere; it is the child who is notified but primarily they are intra-familial notifications.

FEMALE VOICE — NO I.D.: If they were outside . . . discrepancies because our figures would not be showing abuse outside the family . . . living with them.

FEMALE VOICE — NO I.D.: Okay but those notifications aren't, there aren't very many of them. I mean I can think of — and I usually get to hear of those, they usually phoned through to me because it means that I've got to go and investigate where a pre, there is institutional abuse in other words happening.

ROPE: I think if you explain what intra-familial means to us; basically somebody residing within the family structure, whether or not it's on access where that comes into the family

as well, which there's a heap of, and grandfathers who are associated with the family. They might not live there all the time but there is a fair bit of interaction between the grandfather and the children.

FEMALE VOICE — NO I.D.: The other thing that's worthwhile commenting about that though, whether it's within the family or not within the family, is that some of the studies I've had a look at, and certainly some of the children that I have had a look at, the pathology of those children whether they're abused within or outside the family doesn't vary very much. They're all affection-seeking, attention-seeking etc. Now, some people will say that that is an unfair statement, but it's been my experience and there have been a number of studies particularly one done somewhere in the United States which has been published in the "International Journal of Child Abuse and Neglect". It has looked very carefully at that and I think it's something that we have to keep in mind.

MALE VOICE — NO I.D.: That's sort of a personality . . .

FEMALE VOICE — NO I.D.: Inaudible.

MALE VOICE — NO I.D.: Are you saying that in your finding a very small incidence of sexual abuse even now is that, I'm . . .

FEMALE VOICE — NO I.D.: I'm just talking about figures. Our experience is that sexual abuse is coming at us in waves. It's increasing alarmingly but our figures show that it's still a small proportion of the total range of abuse and neglect notifications that we're getting and our figures seem to be dramatically different from yours. But maybe it's not helpful to continue that. We'll have the person that's most familiar with our figures later in the week and we'll just check with her, but it really is very puzzling to me that you're saying 45% and I think we'd be saying . . . yeah.

MALE VOICE — NO I.D.: Could I quote statistics from an American study which was done recently — I don't know whether it was Harbourview or one of those big centres — and they looked at a group of something like 200 girls who came to the centre because they'd been reported as having been abused, sexually abused, and they found I think a confirmation of that being so in say 70 where there was physical evidence, 70 or 73. Then they took another group of an equal number of 230-odd girls who had been referred to the centre for all sorts of other reasons of neglect, child neglect or abuse or whatever, running away and school problems and so on, and they examined these children who had never reported any kind of sexual abuse, they examined them and they found an equal number that had been sexually abused although there had been no report. So it's that kind of a hidden figure, unfortunately.

FEMALE VOICE — NO I.D.: Oh yes, we would most certainly agree with that, that's most certainly our experience too. Can I just go back to the video, the topic that we started on. Could somebody clarify for me what changes would have to occur in order for that to be accepted, an accepted court practice in these situations?

MALE VOICE — NO I.D.: Well the Evidence Act for a start would have to be reviewed and certain changes to be carried out in the Evidence Act.

JEFFERIES: I would personally be interested in what Judge Hoare might have to say about this subject, he's probably the most expert person in this room.

HOARE: No really it's obvious some change is necessary of course, but just in what direction I rather hesitate to say because there are several possibilities but I'm not an innovator. No I mean that quite seriously, we all have our strengths and weaknesses and so on, and I've never claimed to be an innovator in the law. I think I wasn't too bad interpreting it and seeing that it was applied sensibly, but I don't plan to be an innovator, honestly.

MALE VOICE — NO I.D.: Well for the information of the lay people, could you give us an idea of the sort of things, how would it or could it be changed?

BARY RHINER — State Crown Law Office: One of my functions is the introduction of legislation and the putting forward of ideas such as come from this conference and it seems to me that what needs to be done is a co-ordination of resources, in this case legal resources, and that the co-ordination can take place in one exercise, namely by the introduction of one Act of Parliament that will in itself deal with the very matter at issue, in this case, child abuse, in whatever form it may take. It may very well cut across existing laws, it may very well alter existing laws, so be it. If it is for the benefit of the system or for the eradication of whatever forms of abuse are required, it may very well be that there ought to be a reduction in the standards presently observed in legal form as to the bringing before society in whatever form of persons who are in fact suspected of having committed child abuse.

We all know at the present time of certain standards, namely the criminal standard of proof, the criminal standard of having to seek many differing forms of expert-type evidence and of course that is because the criminal sanctions required and the criminal law requires that these things be done. But I don't think that is in itself any guide as to what a Seminar like this may recommend. If it be that there is a need to do these things, then those things can be done in a straightforward, straight-down-the-line fashion.

Now there is legislation presently in this State which is in a sort of prime state. It hasn't been developed to any large degree yet because it's a matter of looking to see what developments are required to be made to it and that Act is called the Peace and Good Behaviour Act. That Act is related to all forms of abuse. Now that Act is an ideal Act of which something like this that we're talking about can be built in so that it deals with a co-ordination of the resources of law, the resources of the state and the resources people, like at this Seminar, may wish to bring together, so that you have a co-ordinated role, not necessarily on a Criminal standard, not necessarily on a Civil standard, but somewhere where action can be taken fairly quickly, action can be obtained from the legal system fairly quickly, and hopefully, from matters that I've heard here today, these sorts of things can be built into structures like that. That to me seems to be an approach that could be considered as being a suitable one for adoption.

ROPE: The thing is too that if society understood that 2000 children were going to be sexually abused in New South Wales this current year they would be horrified. One of the biggest problems is that too many professionals believe that just because you tell a policeman that a child has been sexually abused, they believe and society in general believes that you can just go out and arrest that man and virtually put him in jail and throw the key away. So society itself has to be educated what it's all about. I think the point you have made is an excellent one that that in our task force in New South Wales — we have John Andrews from Attorney-Generals, Richard Chisholm from the University of New South Wales' Law Department and Paul Burn from the Law Reform Commission who are a part of the task force, who are going to accept these recommendations to do something about it. Dr Sandra Eggar from the Attorney-General's Department is also presently on the Task Force, so it's fairly heavily weighted as well with legal persons to try and bring about some reform along these lines. Maybe we might beat Queensland to it yet. We might have one on Joh.

ROBERTSON: Never.

ROPE: I've done it again, he'll probably send me home in his little Lear tomorrow.

ROBERTSON: At the present time in Queensland if a person is charged with a sexual offence involving a child, as I said in my paper that child falls into the category of a witness. There have been a number of amendments over the last three or four years in other Acts of Parliament which tend to show that society generally is viewing with a lot more acceptance the idea of changing the legislation to enable evidence such as this to be put before the court and at the same time the classical rights of the defendant being to some extent abrogated. I cite the incidence of the amendments to the criminal code which prohibit defence counsel cross-examining rape complainants about previous sexual experience without the leave of the judge.

I think there's a general tendency in society to accept the fact that there is a problem and to accept that the complainants in these cases are real victims and when they get into the court system they're made victims again. What happens at the moment is: for instance take the case where the offender says "No I am not guilty, I wish to defend the proceedings to the fullest extent of the law", there's a committal proceedings, similar to your situation in New South Wales where the child at the discretion of the prosecutor is called as a witness. That child can be cross-examined by the defence counsel. If the Magistrate then makes a finding that there's a prima facie case, if for instance it's a case of incest and goes before a Supreme Court the child again has to come in and give his or her evidence and is again subject to cross-examination. There are rules relating to the protection of the identity of the child, but that doesn't really reduce the trauma at all.

ROPE: And the child has to be called?

ROBERTSON: The child has to be called, yes, yes, it would be a brave prosecutor. Mr Justice Vasta was put in this situation many times, a very brave prosecutor not to call the complainant, and so his idea as I understood it was to video-record the initial taking of the child's statement by the relevant police officer, that statement having been given say in the presence of a parent or some independent person, and the statement being sworn to the extent that the child understands the Oath under the Oath's Act and then that evidence becoming the sole evidence right through to the judge and jury stage and then the judge or the court being entitled to or having the discretion to decide whether the child should be cross-examined or not.

As the gentleman over there said, it would be fairly simple I think to implement those changes and I agree with his idea if that's what he was saying of one Act, you know, the Child Abuse or Child Sexual Offences or Child Abuse Act to encapsulate all these changes.

MALE VOICE — NO I.D.: I don't think . . . of the law in Queensland to introduce in anything at all other than one direct course of action. The laws are so vast in this State that the Amendments that would have to be made to them individually to get to the point of what is being discussed, it would never happen, in other words the parts are too diverse. So what needs to be done as I see it, is you don't touch your existing laws. They've got to stand because there are going to be many many cases that would and should fit into that framework and, as has been pointed out, if the problem was so vast and it is as I see it, then it needs specific manner of dealing. In fact probably a special manner of dealing, and the special manner of dealing is to enshrine in its own varied way of dealing with it right from police involvement and that shouldn't necessarily be for criminal sanction either by the way, the police involvement should be more than just for criminal sanction. I think it was made clear by the Commissioner here this morning that the Queensland Police Force anyhow certainly look at it to that degree. The criminal sanctions are one thing, the real problem — and I think

you've identified it yourself — is to prevent that molestation and to prevent it may mean that it's a continuing prevention. It's not something that's going to be solved by putting a person in jail. It's not going to be solved by putting a person before the criminal court and dealing with him in a particular fashion, there's more to it than that, and I think to achieve that, that's the point I was making and I think it has been picked up already.

ROPE: It often in fact exacerbates the whole problem because the parent goes to jail and they come out after a short time and they go straight back into the home situation and there is no control after that period of time. We talk about the child, sorry the offender may be on licence but I assume that Queensland is very much like New South Wales but following up those problems on licence is virtually non-existent so you have a great problem in following up everybody who has been released.

MALE VOICE — NO I.D.: . . . any of the resources in this State along the lines of what you're saying, for example, there are numbers of voluntary agencies in this state and I'm sure the persons attending this conference would know what I am referring to in that regard. Those voluntary agencies have a wealth of potential, have a wealth of knowledge, but none of that knowledge is used to any great degree by our legal system in achieving or trying to achieve some preventative cure across the board in all forms of abuse.

If the resources are co-ordinated by our government departments including the police department, I see them as the key to the exercise of course, because that's where the special investigatorial experience is held which is necessary; the Children's Services Department by virtue of their recording system and by virtue of their structure of skilled personnel plus the medical teams; plus the public at large through the voluntary agencies that exist for the purposes of knowing and having the knowledge of what's going on in lots of these areas.

ROPE: Yes, well, the problem there is that a lot of people have problems with a little word called "confidentiality". Now I have no problems at all with the word because the confidentiality that I may be breaking is the victim's and somebody must act on behalf of the victim and quite often you accept that role yourself. But it is a problem, that's why they don't like sharing with non-governmental agencies because they don't feel that it's the right thing to do. I don't have any qualms because I think some of the best social workers in New South Wales are mature women who have brought up their families, who've got nothing to do, who are looking for something to do, who can teach a lot of these child-abusing mums, particularly physical abusers, how to cope, how to budget — no, I'm not having a shot at social welfare workers because . . .

ROPE: Well I have so many friends of mine who ask me can they come and work for me.

FEMALE VOICE — NO I.D.: Can I just clarify that social workers aren't women who've got no marital . . . who've got nothing to do . . .

ROPE: I'm sorry, I didn't say that.

FEMALE VOICE — NO I.D.: That's what you said.

ROPE: I apologise, do I have to go down on my knees?

FEMALE VOICE — NO I.D.: I don't want you down on your knees.

ROPE: Now what I was saying was that there is a wealth of, I'd call them homemakers, and we did have a scheme in New South Wales until the drought set in with money where you could tap women who have had that school of hard knocks, who have brought their kids up, who can teach some of these young mums how to care for their kids. There is a wealth of them out there in our community who we don't use, and that's what I was trying to say.

FEMALE VOICE — NO I.D.: . . . that is the term social worker again and there are a lot of mature social workers who do a good job and also a lot of young social workers doing a good job. There are a lot of homemakers and people like that in other fields doing a good job . . .

ROPE: What I say in New South Wales every social worker male or female should have five homemakers on their list who they can send out and do work because . . . okay? Can I get off my knees?

JEFFERIES: Brian, I would like to see if we can address two issues, one is can we respond to Mr Vasta's suggestion in terms of whether we feel that it is or isn't a good idea, and one that we want to pursue and if we decide that it is, how do we convey that to the government. Do we just take that as a recommendation, put that up or do we really want to say that there is another method, in other words do we want to ask the government to investigate it with a committee that should be comprised of these people? In other words, what's the practical implications of that proposal? I'd just like to know from here what we want to do with that?

ROPE: I think you got part of your answer with the new Act because this is what they tried to do in New South Wales, tried to address the problem, but because it's so vast it creates all sorts of traumas within all those other Acts and . . .

MALE VOICE — NO I.D.: What I would suggest, and it's only a suggestion, is that the proper approach is the matter ought to be formulated in full. I don't think it should be just restricted to one issue, namely videotaping of evidence; I think it's far, far much wider than that. The videotaping of evidence in itself is a very very worthwhile suggestion but it seems to me that the problem is much far wider than that. There ought to be a number of principles enunciated, principles only because obviously the development of those principles are matters, as has perhaps been pointed out, for specialisation at a later time.

The Minister as I understood him in his speech has made the point that he will certainly be willing to receive many views on whatever is required to be done. If the principles are set out clearly one, two, three and so on down the page as many as are wanted, that seems to me to be the way that you get your message across to the powers-that-be as it were.

JEFFERIES: Could I just after that suggest that what we really need to do then is to get somebody to identify those principles, the things that we need covered, and come back to the conference with a concrete proposal that says "this conference resolution that we approach the government with a view to — boom, boom, boom — and that comes back to asking whether in fact we could set up a small group who'd be prepared to do some homework between now and Thursday and then we can present that back to the final Plenary Session as a recommendation from this conference. Perhaps Brian, what we could do is ask if there would be some people prepared to be a part of that small task force that would do that, and then we might give them some guidance of the sorts of things we feel could be included.

ROPE: Have we got any paper David?

JEFFERIES: Yes there's plenty of paper out there. Oh you mean to put up, I'll have a look.

ROPE: Well it may be that everybody — have you got a whiteboard? No whiteboard?

ROPE: Well I think this is what the points are that you are going to go through. You are going to list them all and options as well and at the end of it come up with some suggestion because as it was mentioned just a while ago that one Act in Parliament can answer a lot of your problems. It won't answer the questions or all of the questions about giving evidence, but it will probably categorise into one area all forms of sexual molestation of children. That's what you're putting up.

MALE VOICE — NO I.D.: It depends on what way you want to go, for example, if you adopt the present system then it's very difficult to manoeuvre within the present system. So therefore what you have got to do is you've got to decide not whether it's right or wrong, whether the present system is right or wrong, but what should be done for child abuse. Now if it's obvious that somewhere along the track the law of evidence becomes questioned as to whether it should apply or not, then that's an appropriate decision to be taken at that particular point in time. At this stage it seems that the proper course is to decide what is the ambit, what are the parameters, what are the principles that should be considered, forgetting what's in the existing system because to do a deal with the existing systems is an impossible situation, okay?

FEMALE VOICE — NO I.D.: . . . or the process of how legislation is written, if you incorporate into this what's the new Act that you're talking about, the Family and Community Development Bill, what is necessary for child protection, then what do you do with the existing legislation that was operated under before?

MALE VOICE — NO I.D.: It runs side by side with that, so that if there should be a case, for example, if the police do want to charge a child with some criminal charge of some description, that is there to allow the police to run the gambit of all the various requirements of that system. But running side by side with that we have this other piece of legislation which is hopefully a co-ordination of all sorts of things, to be able to get a quick and easy answer to the problem of continuing a system whereby molestation of children is prevented and that's what I take is what was discussed here today.

ROPE: Yes.

MALE VOICE — NO I.D.: . . . from the point of view of video recording the statement to have two systems going side by side . . .

MALE VOICE — NO I.D.: . . . Behaviour Act and it is possible in this State for example for a child to be charged, sorry for a person to be charged criminally with molesting a child and at the same time for an Order to be sought because there's no Criminality attaching to that Order that prevents or that's the intention of it to prevent molestation of that child for a fixed period of time.

ROBERTSON: You have to change the existing rules for evidence to enable the video recording that we've discussed and you can't change the existing rules of evidence for one category of Child Abuse and not apply them to another. I didn't quite understand what you . . .

FEMALE VOICE — NO I.D.: That depends on how far you want to go . . . in other words if you desire a certain set of standards to apply to a certain type of abuse then those standards apply accordingly.

ROPE: Well they've just done that in New South Wales.

MALE VOICE — NO I.D.: I don't think there's anything difficult in that one.

GRUNSETT: You could have for appearance in the Childrens' Court for instance you could have video recorded tape couldn't you and not have it for appearance before a Criminal Court if you wanted to, is that right? That's how I think it would be possible because you still have to, I think you want to have the Criminal Justice System in cases of serious abuse because we get some very serious Child Abuse. Sexual Abuse and others where you really want to do something about that person because there's been a very serious . . . up and the child may die and you are duty bound to do something like that and that in most cases all you'd want to do is have a Childrens' Court Juvenile Court type of thing where you're not really going to lay criminal charges in most cases.

ROBERTSON: You see the idea of that, Mr. Justice Vasta's suggestion and don't forget the thrust of his Paper was that the Law should be allowed to take its affect and he talked about the discretion of prosecuting, but the thrust of that suggestion was to prevent, so I understood it, to prevent the possible trauma that's existent in the present System and involved when a child has to give evidence in a Criminal proceedings as opposed to the situation that you're, I though he was talking about changing the rules of evidence relating to the Criminal Court as opposed to say a Childrens' Court situation where it was a Care and Protection application where the child doesn't . . .

ROPE: But why can't they run two sets of Acts. We're doing it in New South Wales.

ROBERTSON: Yes but the child doesn't, in a Child Care and Protection application, that's made by a Police Officer or a Social Worker or a parent someone and the child is not, as a matter of course, drawn into having to give evidence or talk to any authority figure so . . .

FEMALE VOICE — NO I.D. Inaudible.

ROPE: But we can put parents before the Court in New South Wales for having committed assaults and physical illtreatments.

ROBERTSON: Yes that can happen here too, the Judge's thrust, it's a pity he's not here, but I understood this in relation to the Criminal facilities.

MALE VOICE — NO I.D.: For example that Act . . . deals with criminals and civil, and somewhere else type of proof I don't know what name you put on it yet because of the fact that it hasn't yet been fully developed. Now that deals with your Criminal charges for example such as Mr. Justice Vasta would have been talking about, as well as the Criminal Code, in other words the Criminal Code still stands. You have there in this Bill a Proposal to deal with a type of Criminal Justice you have a Proposal in this Bill to deal with a type of Civil Justice such as you were speaking about with your protection, Care and Protection Orders, etc, plus at the same time another standard dealing with protection Orders generally, you might to call if that. Now those three all run along with each other in this one Document. That doesn't, that shouldn't cause any vast problems.

MALE VOICE — NO I.D.: . . . in which the child is not a dependent if a child is involved, they don't address the question of admissibility . . .

MALE VOICE — NO I.D.: No I'm not suggesting that they address the question that we're on here about, but I'm suggesting that you can have it that you have differing standards next door to one another in the one document.

ROPE: Well I mean in this little Act here it says that if an assault is committed, homosexual intercourse is committed between a boy between the ages of 10 and 18, consent is no defence. In this document which came out as an amendment to the Crimes Act in 1981, it's a Sexual Assault Amendment Act which says "that if you have intercourse or unlawful intercourse with a girl between the ages of 10 and 16, we must prove that she didn't consent and the maximum term of imprisonment is ten years", so I mean they run hand in hand in the same Act.

GRUNSETT: So that's not been the problem. We then offer as well as crisis intervention we offer a consultative service, in other words, we can be rung up from the country by people who have a problem, who want to know whether to bring a child up for examination. This applies to all cases of abuse and we often have a conversation with District Officers somewhere in a country town, there may be a Regional Child Protector and so on, so we have a telephone consultation. This has been very useful at times, because it's enabled us either to suggest where the child should be taken or to suggest what kind of line should be followed. We also provide

ongoing counselling service for children and for their families. We obviously, our Social Workers who do the therapy and who have had by now experience in training and who have been put by Psychiatrist and Family Therapist and so on, do a certain amount of this but it's quite limited because they've got a huge case load. One of them Adrian Ford has been working with some of the fathers, offenders, he hasn't been very happy with them because they're not a group that responds very easily to management, because they don't want to suit really their main problem is, I know somebody said something quite differently, they may feel guilty or not, I don't know how guilty they feel. They certainly don't want to assume responsibility and they try to shove the responsibility on to the child, even if that child is not a nubile twelve or thirteen year old, but even if that child is a five year old often they will tell you how the child really made them do all these things and that she's really very provocative and so on. They ask for it so we've been offering that kind of thing.

We realise that what we need is an entirely different set up for our unit, we need different kind of space, we've got no working space. We need probably a doctor to be at least partly employed to do this sort of work, because I've found this whole thing quite arduous, we've done a lot of workshops in the country to provide some sort of service for the District offices and the Health Workers in N.S.W. and that's been rather difficult because it means I'm away from the hospital a lot, so we really need a great deal of change. A great deal of change needs to take place. We've had during the January to June this year we've had eighty seven cases of sexual abuse, and we will probably have another eighty for the next so our load of sexual abuse has doubled. We have had sixty two in 1982 and a hundred and sixteen in 1983 - 1984 so far so there's quite an increase. This doesn't mean an increase necessarily in the community, it's just that we've had more referrals because we provide this service. The other cases of physical abuse have remained much the same. I'm fairly disillusioned about what's going to happen in this field because our Governments give, our Government has always given the Youth and Community Services Division a very low priority regards funding, but I have a little hope with this new Task Force which the Premier set up hastily a couple of, a few weeks ago and which is going to report to him by the end of the year and is going to prepare a nice report like the one I've got which they've just prepared on family violence. I have hope because the people who are responsible for this task force being created are not Politicians but they are women from the Women's Co-ordination Movement Section of the department of whatever it is.

But they're very powerful ladies who know exactly what they're going to do and if nothing happens they are going to make an awful lot of noise and there's going to be quite a bit of publicity and so on, so I think that the Politician will and there's six Ministers involved in various departments will have to look at the support and I think that they will have to take some notice and pay not only lip service so I hope that something better will come of it. It's just a brief on it, any questions. Oh yes. We've got, we've just as part of our upgrading of the examination to try and help people in the country and so on we have just completed a special new protocol for the examination of children who have been sexually abused. Before that we've used the old protocol which is set up for victims of rape and because the model has always been the adult rape victim and that's how it's been going through the Courts and everything else. So this one is a little bit orientated more around those children. There's a lot of information on the side which would instruct people not so much what to do but what not to do which is most things that they used to do so there's a copy here if you want to. I don't want to go through page per page but it says things like you

don't have to do by manual vaginal examination in five year old girls, and things like that. You don't have to use a speculum and you don't, I mean there are lots of things that you don't have to do and it talks about the way you examine little children that you can sit them in the mothers lap and all you've got to do is have a look at them. You don't have to touch them and so on. These are all things which everybody, we all know everything we're saying here tonight but the more often we say it the more chance we've got of other people and ourselves learning that this is how we should do it because it's quite easy to forget what one has been taught. Doctors and others really have very little training in this field, and there are some awful experiences to which these children are subjected after they have been abused and they certainly don't need any more awful experiences than they've had already.

MALE VOICE — NO I.D.: The idea of just to stop the possibility of Doctors being arrested for sexual abuse. Is that right?

MALE VOICE — NO I.D.: Yes.

ROPE: If I can just make one point. I saw it this afternoon with Ferry and I was intrigued at the way you've designed your protocol to anticipate reinforced stalls, some of these incredibly curly questions that you get from the Legal profession which are designed simply to foul up the whole system. I hope there are no Lawyers here.

MALE VOICE — NO I.D.: Yeah, the Legal System.

MALE VOICE — NO I.D.: What I'm trying to say is that you can, we've got a protocol too, but I think we'll be adding some of the questions that you've similar to the little bits of the examinations that you've got in this to make ours a little bit more resistant to . . .

MALE VOICE NO I.D.: Yes. Well.

MALE VOICE — NO I.D.: To questioning that really is sometimes irrelevant we feel.

MALE VOICE — NO I.D.: Yes, well, we'll probably discuss that more if you like in the detailed medical examination but you get asked questions which are meant to destroy your credibility to an extent which is perfectly permissible in the adversarial system. A Doctor gets in the box, that's why Doctors don't want anything to do with it, because it's very strenuous. I've been caught many times and I just don't like it at all. You're on unfamiliar ground, you're in somebody else's court and you're being tested by another professional who knows what he's doing. Doctors like to be in control they don't want to be questioned, in such a way they appear to be fools, and it's very easy to make you feel a fool so Doctors hate going into Court. You're asked obvious questions like I was asked the other day, "Doctor, this, do you know whether she uses tampons?" this was some pathetic little girl of thirteen, who had been sexually abused. As a matter of fact I knew she wasn't using tampons because I'd seen her, she'd been brought to the hospital. I found when she was having her period and when she wasn't, but I hadn't written it down because I thought, you know why do I want to ask stupid, so I'm not going to ask her. So I said "No, I haven't asked her, but I didn't want to say I know" because then he would've said "Well how do you know, if you haven't asked her". So you don't want to say anything that you haven't written down. So now in the protocol I've got a thing about, is, are you using tampons, yes, no, when did your periods start, have you ever fallen off a bike, as a matter of fact, well not exactly that but they say "Well, do you know Doctor, hymens rupture spontaneously," this lawyer said to me and I said "No they don't, so I got that one in but that didn't create a great impression and then he said "Well yeah they do this and that and the other thing," and I said "Well they don't really," and then he said "Well you mean to tell me that every time a

child's hymen is broken through some accident they come and report it to you" and I thought "well that you know really," but you don't get upset, because that's not your business to get upset, so I thought well I'll put down — Have you ever suffered any injury or has this child ever suffered any injury which could have injured her external genitalia, and we put that down and that's on the protocol. So you write all those things down. But the adversarial system is not really the thing that is helping children, and Doctors are never going to be able, their evidence will always be challengeable because sexual abuse occurs in secret, sexual abuse has usually occurred some time ago and the evidence is really circumstantial and you can't prove beyond reasonable doubt that this is how it happened because you weren't there and neither was anybody else. You can only say this is a child of such and such an age and this is what I found. This is the most likely thing and then they say "Yes but Doctor you must admit that it's possible," and then you say "Yes everything is possible," and then it depends what the Magistrate thinks. This Magistrate didn't think much about the whole thing, he didn't want to hear about it, because it happened two years ago. So that's how it is.

MALE VOICE — NO I.D.: The most important thing is that the Doctor is the, quite often, the child's only saving grace, of being able to by his skills, proving that sexual abuse did take place.

MALE VOICE — NO I.D.: Yes you can at least prove it to the child. I think, my, I feel, I don't care really whether it goes to Court and whoever wins that's not my problem. I've got two approaches to child abuse, one is child protection to make sure this child is protected and the second thing is to say to the child "I believe you" because usually nobody else has said that before. I mean unless they've been with somebody, yeah, but usually they've told somebody in the family and who've said "Go and wash your mouth out" and all that sort of stuff and "Now what kind of rubbish are you talking about, Uncle Charlie is a nice guy he wouldn't do that to you he just loves you" and so nobody has believed them. And then if they've been interrogated by people who don't have a sensitive approach they don't believe them. So you're the first person maybe, the only person and if the child trusts you to say to you "Look this is what happened me." And you can say "I believe you," but you've got to really say it there and then, unhesitatingly because if you start asking "How could this have happened," you don't want to know how it could've happened, you want to know what the child tells you and you want to say "Yes, this is how it happened, I believe that," and if you don't then these children are destroyed. We had two children the other day, they'd been looked at, somebody had said that nothing had happened to them. They didn't talk about it for several months, then, the mother was unhappy about it, because it was a Family Court case she was able to get a Counsellor for the children, and a Solicitor for the children. This Solicitor who was a woman said "Okay I want somebody else to have a look at these children" and she sent the children to us and we had a look at them and they had obviously both been sexually abused by the father during access. But in the past this was finished for them because although the Counsellor had believed their story and had varied access so that they didn't have to go for weekends but they are only going for a day, nevertheless the father was asking for restoration of full visiting rights because he felt pretty secure because there'd been no medical evidence that he'd abused them and it was just the children's story and they were eight and nine.

MALE VOICE — NO I.D.: Excuse me, has the Lawyer actually looked at that?

MALE VOICE — NO I.D.: At the protocol?

MALE VOICE — NO I.D.: Um!

MALE VOICE — NO I.D.: Too bad if he has though.

MALE VOICE — NO I.D.: No! No! No!

MALE VOICE — NO I.D.: No. Well there's not, yeah, well the

MALE VOICE — NO I.D.: The reason I ask it is simply that, I think most Lawyers who are reasonably sensitive to what's going on, would like to just get to the truth, and if you have a protocol which is open to some ambiguity and leaves open, leaves questions that are unanswered, you're going to then get those sort of things.

MALE VOICE — NO I.D.: Well this protocol actually, originally, it was the original protocol was used by the Forensic Division of the sexual assault so it is prepared, we didn't prepare it originally. We prepared this one which is a model on the other one and it has some additional questions but I would imagine that some legal input was, because it's an official document, which is presented in Court. It is in triplicate and the first copy stays as a hospital record, second copy is given to the Police, and the third copy is Forensic. So that it's tendered as a legal document. It is filled in by the Doctor, witnessed, signed, and it's always, it's you know, it's acceptable as a document in court, although the Doctor . . .

MALE VOICE — NO I.D.: It was designed for children particularly.

MALE VOICE — NO I.D.: This one was designed for children in Court.

MALE VOICE — NO I.D.: Basically because what happens a lot of Doctors saw the adult protocol and they were doing things to children which are normally only done to adults, like use of speculum, taking certain vaginal swabs etc, etc, etc. So what we've done now is we've designed one specifically for children, so that all those unnecessary examinations and unnecessary tests are not carried out and more appropriate ones that should be carried out are in fact carried out like sexually transmittable diseases. A lot of people say "Oh kids couldn't have that" but I mean we've had kids this year four and five with the Vietnamese strain of gonorrhoea haven't we. Okay so these are the sorts of things you must insure that are carried out for the sake of children.

MALE VOICE — NO I.D.: But we've always had involvement of legal involvement in all these things. Naturally you have to because it's such a legal business. When we had a committee to set up three or four years ago by the N.H. and M.R.C. and by the College of Paediatrics. It was a group to prepare a document and of course there were several legal representatives on it because you can't do anything in this system without involving the law.

MALE VOICE — NO I.D.: Sally are you,

FEMALE VOICE — NO I.D.: Could I just ask you a question? One of the things I was wondering was whether in N.S.W. you were getting any interesting pattern in the previous offences with the sexually abusing parent.

MALE VOICE — NO I.D.: With Mum or Dads? No one of the things that comes out though that we find that probably nearly half of our Mum's have been sexually abused as kids. See the very interesting part, the worst we've had is three generations that I can think of.

MALE VOICE — NO I.D.: The main usually people who for whom that is not the first offence. I don't know whether . . .

FEMALE VOICE — NO I.D.: Yes, I don't mean a previous sexual abuse offence just any previous offence.

MALE VOICE — NO I.D.: Oh! yes. Family violence, Child Abuse that sort of thing or criminal offences or what?

FEMALE VOICE — NO I.D.: . . . they've all been abused in one way or another as a child and you know one particular family one little child has died and is being buried this afternoon. I have traced this family from the first offence and

it's inbuilt, you know. A lot of the first . . . This particular family were trying to . . . were trying . . . violent crime anyway . . . So I mean it's gone on from generation to generation to generation. Now the other part of that particular family is that even though in this instance the child died but we've now begun to look at it because we've got a captive audience . . . is that there's been sexual assault all along, that family covered . . . and we've actually got . . . so you can go researching that forever . . .

MALE VOICE — NO I.D.: I think our, I think our records would show similar. Probation Office — Queensland. I'm not sure are you still on N.S.W.

MALE VOICE — NO I.D.: No, no, it doesn't matter, anywhere we would find that most of these men have had a number of other problems, they've got multiple problems, they've got alcohol problems, they've got in fact that is, they've got, they abuse their wives, they're two kinds of males, one is the sort of a violent male and the other one is a very weak male who fits into, I mean he's weak in the sense that he has such needs that he fits in the family as some sort of a sibling, and therefore he goes to the children and abuses the children because he so feels that he has such great need for being looked after and good things happening to him and so on whereas the other type, the main type that we get is really a violent person who abuses everybody.

MALE VOICE — NO I.D.: Yeah, well we have probably, the offences that I've seen are offences against the person and against property as well. Very little outside that it's almost exclusive and along those two tracks.

FEMALE VOICE — NO I.D.: . . . when you have a child referred to you do you have a procedure by where you automatically put the other children into . . .

MALE VOICE — NO I.D.: Well, that's a problem, we may not be able to. We can only do that if they volunteer, if the mother says "I want you to look at the other kids," but we often would like to look at the other kids we're often very concerned that there's very young child in the family who may be the next one, but unless there's a reason, unless we're asked to we can't do it, because the Youth Committee can only refer a child who has been subjected to abuse or is thought to have been abused. They can't just pick up all the kids unless the Mother allows it and that's one of the things where the Law has to be modified so that if there are other children at risk, that one should be able to see them and help protect them because they may remain, although you remove this maybe you remove this particular child, the other child or children may remain in the custody of the offender, to be further abused.

FEMALE VOICE — NO I.D.: Inaudible.

MALE VOICE — NO I.D.: It's the matter of getting the right to do it, that's the big problem, and I mean sometimes where this has happened we have found that other siblings have been sexually abused, and quite often, I can think of just one family quite recently where some years ago there was a complaint made and the girl is now nineteen but still living with Dad. The family split up and he had the custody of an eight year old and it was on the complaint on the fifteen year old who'd left home also where we got back into the family and eventually got that little eight year old out and she had been sexually abused as well. So, I mean, there's a fair history of, well the girl's nineteen and she was about eight, so it's eleven years that it's been going on, before everybody got involved.

FEMALE VOICE — NO I.D.: Inaudible.

MALE VOICE — NO I.D.: Oh, it's very serious and the system, that's where it proves . . .

FEMALE VOICE — NO I.D.: Inaudible.

MALE VOICE — NO I.D.: That's right, the System does not protect the children very well . . .

MALE VOICE — NO I.D.: How do you justify even doing an examination of that girl on their suspicion??

FEMALE VOICE — NO I.D.: I think you can get a reasonable series of figures though on the specific involvement, the group that I was in on Wednesday afternoon, you've got a very high relationship.

MALE VOICE — NO I.D.: I agree.

MALE VOICE — NO I.D.: Oh yes no question about that. But the Law will have to there has to be pressure from this sort of thing so that the Law will have to be changed so that all children can be looked at and protected if they need be because in these families they're all at risk.

FEMALE VOICE — NO I.D.: No, I just feel I know this is sort of palling a bit, but I just feel that we are still operating very much on the early child abuse history in a way where it was the single child an unusual thing that the single child and one type of abuse in the family . . .

MALE VOICE — NO I.D.: It's a heap of garbage.

FEMALE VOICE — NO I.D.: Is entered as the typical abused child. I think that conception has got to change.

MALE VOICE — NO I.D.: Yes that's right, we're looking, well firstly we're looking at sexual abuse as still on two models, it's a translation from the stranger abuse into the family and secondly we're looking at the adult rape victim model in children, and the two are just unrelated almost these things. We have got to look at it in a different way as this being a family problem. The family disease and it will affect all the members of the family are affected in some way and all the children are at risk, always.

ROPE: But quite often Ferry, too it's very much like the Paedophiles syndrome where the Dads will go through the children to a certain age and when they hit twelve they'll stop. They they'll go down to the next youngest one, they'll stop again about twelve.

FEMALE VOICE — NO I.D.: But most of the sexual abuse are that nine to elevens anyway isn't that . . .

ROPE: True, but what I'm saying is they some of them just cut off at that period, then they'll go to the next one, they're very much like Paedophiles.

GRUNSETT: It's dropping actually in the states. It's our figures, you know, our H Group, when I looked at the 1980 - 1981 we were 8-1/2, I think now we're down to about maybe 7-1/2 or 7, in the States it's going down . . .

FEMALE VOICE — NO I.D.: yes that's the early reportbut there's definitely a sort of an overseas nine to eleven where we

GRUNSETT: The American soft porn magazine now refer to what we used to call incest as "home and family sex", that's a new thing. That's right and that's why the whole business of talking about the incest just doesn't have any relevance today and you know the Paedophilia Support Groups in Australia are full of people, there's a very strange alliance between some of left wing people and sexual liberators and they are really putting a lot of pressure to say that sex with children is really okay and it doesn't do any harm and there's quite a movement in the society which well, it's, I don't say that there are hundreds of thousands of people out there clamouring for the right to a child, to have sex with adults, but there is a group there which is a very funny group. People who believe that it's sort of human right for a

ROPE: We can leave that until Reg speaks because he's got some quite up to date figures on that sort of thing. You'll get a chance to ask Ferry some more questions tomorrow so think about them and store them up. Sally, could you?

FEMALE VOICE — NO I.D.: Right, well look I will only speak for a short time having taken up half my time with questions.

ROPE: You'll get a bigger opportunity tomorrow with it.

FEMALE VOICE — NO I.D.: I do have a Paper anyway on this, if anyone is interested at a later stage. What I will do is just present to you just the bare bones of something I've been doing in Brisbane as a pilot project over the last couple of months and this has been to work with a Community Agency called Save the Children which of course is a National level association in all States to run a pilot, to fund it through T.A.F.E. actually, we have sort of suggested to T.A.F.E. that it was about time we had a course for parents who were at risk of abusing their children and that this should be run as an Adult Education Training Course, in other words we remove the stigma, we make it an Adult Education Course and we see whether we can attract in parents from the community who identify themselves as being at risk. My section of this was that I would get a fairly verbal middle class group who had emotional worries. This was the feeling that I would have. I feel quite strongly that emotionally abused children are often left out of the caring procedures because often the threat to life is not as serious and it is something that goes on at the less serious times One of the other things I felt was that the Helping Agencies aside are loaded with the most serious cases, that it means that a lot of preventative work isn't able to start off the ground and perhaps the community is the best place to get this early preventative work into train and to get the community to work with the less serious cases and the earlier cases of abuse to try and see whether the cases could be picked up that were not being notified to formal agencies and also to see whether the community can help itself and therefore present less of a man, an acute man power problem to the existing agencies. So we set up what was virtually a six week, two hour course per week, for parents and we just used the local media to say that the course was on and parents could ring up the Register and we took about twelve to fourteen, our largest group though was about fourteen people in the group. We had to restrict it too, we had a lot of higher demand than we were able to present, we had to restrict it to this because we were the running it as a basic group situation and anything over twelve was too much. You start to lose your individual contact and your people start to feel rejected.

Now in the group, what we found is we had a very interesting progression over the time. We ran the group with myself as Co-ordinator, we had a Save the Children Social Worker and we had a very skilled homemaker, I always get the two mixed up, a very skilled homemaker with Childrens' Services and what just happened was the Homemaker and I sort of really worked as Therapist and Co-Therapist and the Save the Children Social Worker moved in to do individual work. When we had breaks in the sessions, where we were identifying problems, she moved in to do individual work with people whom we felt needed some additional attention and particularly where we felt serious problems were coming to the fore through the group. The interesting progression of the group was that in the sixth sessions, the first couple of sessions, the parents who came to us and I must say that these parents were with the one exception, female, and we lost our male, because we didn't have enough other males to balance him and this is a function of also running a day time group as against an evening group. The parents were fairly defended and came to us saying "We're capable of coping, we do very well in our lives, we don't have problems, we think it would be a good idea to learn how to manage our children because our children are the problem. They are causing us, you know, they are putting on tantrums, they have got terrible behaviour, please teach us how to make our children behave." This was very interesting and what we did by having it as a formal teaching process we were able to introduce the concepts of what does stress do to us? how

does it affect ourselves? how does it affect our bodies? what are own symptoms? and of course if you get people on to symptoms you get a very good reaction. So we were able to open up the group quite well in the next two sessions so that people started to talk about their symptoms and of course we lost this veneer of coping abilities and they started to talk about their own stresses and their own inability to manage inter-personal stresses. When we did sessions such as drawing on paper, our close family group, people whom we like and people whom we hate, we started to get very very close to the situation.

The common theme that came out incidentally was that the people who created the stress for these women were people who made them feel guilty and incapable so a lot of it was a family and personal, sort of inter-personal in the family development of feelings of worthlessness and low self image and a lot of women there did present certain symptoms of depression. They were having sleep disturbances, they would start when the group was getting a fair amount of pressure on it, they would start to break down into tears, you would see this underlying depression coming through. We were able to work with this and bring the focus away from the bad children to how can Mum cope and towards the last two sessions, what we did quite purposely is start to build up the self image, once we'd opened them up then we started to close again because in a short six week session you're not doing long term therapy. We started to develop the self image and say "how are we coping" in other words, write ten words on how we are good people, what are our ten best points and it was amazing how difficult those women found writing down ten good adjectives about themselves, in fact, it would take a whole hour for them to develop it in a lot of group support. But what we found in this group was that there were a lot of strengths in the group particularly when they've got the protection and the lack of stigma in being a group in a learning situation and a voluntary agency rather than labelled as a Client so to speak. It seemed to work very well because what we found was that the whole group became Therapists and this was quite marvellous because they gave each other a tremendous amount of support.

We also found that we had a couple of serious problems within the group which emerged because of the group situation where people who in the one to one situation with formal workers were so well defended that they had not brought out material and we found that people were able to bring out material which then on an individual basis we could then liaise with Childrens' Services and start to deal with the situation. So in Summary if I could just say that the group opened up with parents who did not consciously recognise that they have serious problems, who went through a process of opening these problems, opening up how the problems affected their children and developing to a situation where they felt that they had much better coping capacities and we found the mood of the group towards the end to move really through a depression into much more of a euphoria and a feeling of worth. Now I feel that the six week course is a very short and obviously you want to follow it through with more, but it is a way in which you can pull people from the community who otherwise may not be known and in a fairly simple basic way provide them with some support and some capacity for insight into what is happening. I think it is a very effective method of early intervention. We had the two Homemakers and we also had a Social Worker observing who was attached to a Parents and Citizens' Group who wanted to have one for themselves in a school and they were observing so that they could go and develop the same sorts of courses, so this sort of model is a very easy model to run in the community and I think perhaps as professionals in this field with Child Abuse, we should start to look at sort of

mobilising community groups a little bit. It will certainly increase our reporting rates and I think it will provide some method of intervention and also some group situation which sort of overburdened professionals could provide more assistance to the people that they already have on their books. Right, that's all.

ROPE: Thank you Sally. Any questions at all? Very quick.

MALE VOICE — NO I.D.: Inaudible.

FEMALE VOICE — NO I.D.: A couple of them had been known in that the Homemakers brought yet a couple to us.

MALE VOICE — NO I.D.: Inaudible.

FEMALE VOICE — NO I.D.: No what was interesting was that it really worked well in that we had some people who were better off than others, a number of them were single Mums unemployed, some of them were married with marital stresses and what we found was that the married ones who were better off started to feel very sorry for the ones who were living on the Single Mothers' Pensions and the pattern of help between them was very good. The other thing that happened was that if you look at the, if you looked at the continuum of the seriousness of the problem, because of that sort of mixed group, the, we had some very serious problems and some less serious problems and that group worked marvellously to help the people who were really in a very serious state and I think that sort of mixture of a group is much better than where we have all patients say in a hospital coming into a group situation.

FEMALE VOICE — NO I.D.: Inaudible.

That's the idea of changing the Legislation to enable evidence such as this to be put before the Court and at the same time the classical rights of the Defendant being to some extent abrogated. I cite the incidence of the Amendments to the Criminal Code which prohibit Defence Counsel cross examining rape complaints about previous sexual experience without the leave of the Judge. I think there's a general tendency in society to accept the fact that there is a problem and to accept that the complainants in these cases are real victims and that when they get into the Court System, they're made victims again and what happens at the moment is that if for instance, take the case where the offender says "No I am not guilty, I wish to defend the proceedings to the fullest extent of the Law." There's a Committal proceedings similar to your situation in New South Wales where the child at the discretion of the Prosecutor is called as a witness, that child can be cross examined by the Defence Counsel. If the Magistrate then makes a finding that there's a prima facie case, if for instance it's a case of incest and it goes before a Supreme Court, the child again has to come in and give his or her evidence and is again subject to cross examination. There's rules relating to the protection of the identity of the child but that doesn't really reduce the trauma at all.

ROPE: And the child has to be called.

MALE VOICE — NO I.D.: The child has to be called, yes, yes, it would be a brave Prosecutor. Mr Justice Vasta was put in the situation many times, a very brave Prosecutor, not to call the complainant and so his idea as I've understood it was to video record the initial taking of the child's statement by the relevant Police Officer, that statement having been given so in the presence of a parent or a some independent person and the statement being sworn to the extent that the child understands the Oath, under the Oath's Act, and then that evidence becoming the sole evidence right through to the Judge and Jury stage and then the Judge of the Court being entitled to, having the discretion to decide whether the child should be cross examined or not. As the gentleman over there said, it would be fairly I think to implement those changes and I agree with his idea if that's what he was saying of one Act, you know, the Child Abuse or Child Sexual

Offences or Child Abuse Act to encapsulate all these changes.

MALE VOICE — NO I.D.: I don't think the problem under the present state of the Law in Queensland to introduce anything at all other than one direct course of action. The Laws are so vast in this State that the Amendments that would have to be made to them individually to get to the point of what is being discussed, it would never happen. In other words the parts are too diverse. So what needs to be done as I see it is you don't touch your existing Laws, they have got to stand because there are going to be many many cases that would and should fit into that framework and has been pointed out if the problem is so vast and it is as I see it, then it needs specific manner of dealing. In fact, probably a special manner of dealing and a special manner of dealing is to enshrine in its very own way of dealing with it right from Police involvement and that shouldn't necessarily be for criminal sanctions either by the way

ROPE: No, I agree.

MALE VOICE — NO I.D.: Police involvement should be more than just for criminal sanctions, I think it was made clear by the Commissioner here this morning that the Queensland Police anyhow certainly look at it to that degree, but criminal sanctions are one thing, the real problem and I think you have identified it yourself is to prevent that molestation and to prevent it may mean that it is a continuing prevention

ROPE: That's right.

MALE VOICE — NO I.D.: It's not something that's going to be solved by putting a person in jail, it's not going to be solved by putting a person before the Criminal Court and dealing with him in a particular fashion. It's more to it than that, and I think that to achieve that that's the point I was making and I think it has been picked up already.

ROPE: It often in fact exacerbates the whole problem because the parent goes to jail, they come out after a short time, and they go straight back into the home situation and there is no controls after that period of time. We talk about the child, sorry the offender may be on licence, but I assume that Queensland is very much like New South Wales following up those persons on licence is virtually non-existent so you have a great problem in following up everybody who has been released.

MALE VOICE — NO I.D.: We do not, we have not tapped any of the resources in this state along the lines of what you're saying. For example there are numbers of voluntary agencies in this state and I'm sure the persons attending this Conference would know what I am referring to in that regard. Those voluntary agencies have a wealth of potential, have a wealth of knowledge, none of that knowledge is used to any great degree by our Legal System in achieving or trying to achieve some preventative cure across the board in all forms of abuse. If the resources are co-ordinated by our Government Departments including the Police Department, I see them as the key to the exercise of course, because that's where their special investigatory experience is held which is necessary, the Children's Services Department by virtue of their Recording System and by virtue of their structure of skilled personnel, plus the Medical Teams plus the public at large through the voluntary agencies that exist for the purposes of knowing and having the knowledge of what's going on in lots of these areas.

ROPE: Yes well see the big problem there is that a lot of people have problems with a little word called "confidentiality". Now I have no problems at all with the word because the "confidentiality" that I might be breaking is the victim's and somebody must act on behalf of the victim and quite often you accept that role yourself. But it is a problem

that is why they don't like sharing with non-Governmental agencies because they don't feel that it's a right thing to do. I don't have any qualms because I think some of the best Social Workers in New South Wales are mature women who have brought up their families, who have got nothing to do, who are looking for something to do, who can teach a lot of these Child Abusing Mums, particularly physical abusers, of how to cope, how to budget. Now I'm not having a shot at Social Welfare Workers because

FEMALE VOICE — NO I.D.:

ROPE: Well I have so many friends of mine who ask me can they come and work for me.

FEMALE VOICE — NO I.D.: Can I just clarify that Social Workers aren't women who have got no marital , who have got nothing to do, could we have that straight?

ROPE: I'm sorry I didn't say that.

FEMALE VOICE — NO I.D.: That's what you said

ROPE: I apologise, do you want me to get down on my knees?

FEMALE VOICE — NO I.D.:

ROPE: No what I was saying was that there are, there is a wealth I'd call them homemakers and we did have a scheme going in New South Wales till the drought set in with money where you could tap women who have had that school of hard knocks who have brought their own kids up who can teach some of these young Mums how to care for their kids. But there is a wealth of them out there in our community who we don't use and that's what I was trying to say.

FEMALE VOICE — NO I.D.:

ROPE: Well somewhere

FEMALE VOICE — NO I.D.: that you confuse the term Social Worker again and there are a lot of mature Social Workers who are doing a good job, there are also a lot of young Social Workers doing a good job, there are a lot of homemakers and people like that

ROPE: What I was saying, in New South Wales, every Social Worker male or female should have 5 Homemakers on their list whom they can send out and do work because . . . okay?

FEMALE VOICE — NO I.D.:

MALE VOICE — NO I.D.: Brian could I ?

ROPE: Can I get off my knees?

JEFFERIES: Can I just ask, I'd like to see if we can address two issues, one is can we respond to Mr Vasta's suggestion in terms of whether we feel that it is or isn't a good idea and one that we want to pursue and if we decide that it is how do we want to convey that to the Government, do we feel that we just take it as a recommendation and put that up, or do we really want to say that there is another method, in other words do we want to ask the Government to investigate it with a Committee that should be comprised of these people, in other words what's the practical implications of that proposal? I'd just like to know from here what we want to do with what?

ROPE: I think you got part of your answer with the new Act because this is what they tried to do in New South Wales, tried to address the problem, but because it's so vast, it creates all sorts of traumas within all those other Acts.

MALE VOICE — NO I.D.: What I would suggest and it's only a suggestion that's all, that the proper approach is that the matter ought to be formulated in full. I don't think it should be just restricted to one issue namely video taping of evidence, I think it's far, much far wider than that, the video taping of evidence in itself is a very very worthwhile suggestion, but it seems to me that the problem is much far wider than that. There ought to be a number of principles annunciated, principles only, because obviously the development of those principles are matters as has perhaps been pointed out is a matter for the specialisation at a later time. The Minister as I understood him in his speech has made the point that he will

be certainly willing to receive many views on whatever is required to be done. If the principles are set out clearly one two three and so on down the page, as many as are wanted, that seems to me to be the way that you get your message across to the powers that be as it were.

JEFFERIES: Could I after that that what we really need to do then is to get somebody to identify those principles, the things that we need covered and then come back to the Conference with a concrete proposal that says that this Conference's resolution that we approach the Government with a view to boom, boom, boom and that comes back to asking whether in fact we could set up a small group who'd be prepared to do some homework between now and Thursday and we could then present that back to the final Plenary Session as a recommendation from this Conference. Perhaps Brian, what we could do, is ask if there'd be some people who would be prepared to be a part of that small Task Force that would do that and then we might give them some guidances of the sorts of things we feel could be included.

ROPE: Have got any paper David?

JEFFERIES: Yes there's plenty out there. Oh you mean to put up, I'll have a look.

ROPE: It may be that everybody, have you got a whiteboard? No whiteboard?

MALE VOICE — NO I.D.:

ROPE: Bits and pieces.

MALE VOICE — NO I.D.:

ROPE: Well I think it would be might be the best idea.

FEMALE VOICE — NO I.D.:

ROPE: Well I think this is what the points are that we are going to go through, you're going to list them all and options as well and at the end of it come up with some suggestions because as it was mentioned just a while ago, that one Act in Parliament can probably do a lot of or answer a lot of your problems. It won't answer your questions or all of the questions about giving evidence but it will probably categorise into one area all forms of sexual molestation of children. That's what you're putting up.

MALE VOICE — NO I.D.: It depends on what way you want to go, for example if you adopt the present system it's very difficult to manoeuvre within the present system. So therefore what you have got to do is you have got to decide not whether it's right or wrong, whether the present system is right or wrong, is what should be done for Child Abuse. Now if it's obese that somewhere along the track the law of evidence becomes questions as to whether it should apply or not, then that's an appropriate decision to be taken at that particular point in time. At this stage it seems that the proper course is to decide whether what is the ambit what is the parameters what are the principles that should be considered? Forgetting what's in the existing system because to deal with the existing system it's an impossible situation.

FEMALE VOICE — NO I.D.:

or the process of how Legislation's written, if you incorporate into this what's the new Act that you're talking about, the Family and Community Development Bill, what is necessary for Child Protection, then what do you do with the existing Legislation that was operated under before?

MALE VOICE — NO I.D.: It runs side by side with it so that if there should be a case for example if the Police do want to charge a child with some criminal charge of some description that is there to allow them to do it, to run the gambit of all the various requirements of that system, but running side by side with that we have this other piece of Legislation which is hopefully a co-ordination of all sorts of things to be able to get a quick and easy answer to the problem of continuing a

system whereby molestation of children is prevented and that's what I take is what was discussed here today.

ROPE: Yes.

MALE VOICE — NO I.D.: reporting a statement you have two systems going side by side,

MALE VOICE — NO I.D.: impossible in this State for a child to be charged, sorry for a person to be charged criminally with molesting a child and at the same time for an order to be sought because there was no criminality attached to that Order that prevents or that's the intention of it to prevent molestation of that child for fixed periods of time.

MALE VOICE — NO I.D.: you would have to change the existing rules of evidence to enable the video recording that we have discussed and you can't change the existing rules of evidence for one category of Child Abuse and not apply them to another, I didn't quite understand what you

MALE VOICE — NO I.D.: It depends how far he wants to go with that in other words if you desire a certain set of standards to apply to a certain type of abuse then those standards apply accordingly.

ROPE: Well they've just done that in New South Wales.

MALE VOICE — NO I.D.: I don't think there's anything difficult in that one.

GRUNSETT: You could have for a period in the Children's Court for instance you could have video recorded tapes couldn't you and not have it for a period in the Criminal Court if you wanted to is that right? That's how I would think it would be possible because you still have to, I think you want to have the Criminal Justice System in all cases of serious abuse because we get some very serious Child Abuse, Sexual Abuse matters where you really want to do something about that person because they have done very serious bodily harm and the child may die and you are really going to do something like that and that in most cases all you want to do is have a Children's Court, Juveniles Court type of things where you're not really going to lay Criminal charges in most cases.

MALE VOICE — NO I.D.: You see the idea of that, of Mr Justice Vasta's suggestion and don't forget the thrust of his paper was that the Law should be allowed to take its effect and he talked about the discretion of Prosecutors. The thrust of that suggestion was to prevent as I understood it was to prevent the possible that's existing in the present System and involved when a child has to give evidence in Criminal proceedings as opposed to the situation that you're, I thought he was talking about changing the Rules of Evidence relating to the Criminal Courts as opposed to say a Children's Court situation where they, a Care and Protection Application where the child doesn't give evidence.

ROPE: But why can't they run two sets of Acts? We're doing it in New South Wales.

MALE VOICE — NO I.D.: Yes but the child doesn't in a Care and Protection Application that's made by a Police Officer or a Social Worker or a parent or someone and the child is not as a matter of course drawn into having to give evidence or talk to any Authority figure so

FEMALE VOICE — NO I.D.:

MALE VOICE — NO I.D.: That's right.

ROPE: But we can put parents before the Children's Court in New South Wales for having committed assaults.

MALE VOICE — NO I.D.: Yes but that can happen here too, the Judge's thrust, it's a pity he's not here but I understood was in relation to Criminal Proceedings.

MALE VOICE — NO I.D.: For example that Act Criminal and Civil and somewhere else type of proof I don't know what name you put on it yet, because of the fact that it hasn't yet been fully developed, now that deals with your

Criminal charges, for example such as Mr Justice Vasta would have been talking about as well as the Criminal Code, in other words the Criminal Code still stands. You have there in this Bill a proposal to deal with a type of Criminal Justice, you have a proposal in this Bill to deal with a type of Civic Justice such as you were speaking about with your protection Care Protection Orders etcetera, plus at the same time another standard dealing with Protection Orders generally, you might like to call it that. Now those three all run along with each other in this one document. That shouldn't cause any vast problems.

MALE VOICE — NO I.D.: Those sections where you are dealing with Criminal prosecutions in which the child is not a Defendant, in which the child is involved they don't address the question of admissibility

MALE VOICE — NO I.D.: I'm not suggesting that they address the question that we're on here about, but I'm suggesting that you can have it but you can have differing standards next door to one another in the one document.

ROPE: Well I mean in this little Act here it says that if an assault is committed, homosexual intercourse is committed on a boy between the age of ten (10) and eighteen (18) consent is no defence. In this document which came out as an Amendment to the Crime's Act in 1981, that's the Sexual Assault Amendment Act, which says that if you have intercourse or unlawful with a girl between the age of ten (10) and sixteen (16) we must prove that she didn't consent and the maximum term of imprisonment was 10 years so I mean they run hand in hand in the same Act. So

MALE VOICE — NO I.D.: It's a mistake.

ROPE: It doesn't matter it's Law.

GRUNSETT: It was a mistake.

ROPE: It's Law irrespective if it's right or wrong, it is Law.

MALE VOICE — NO I.D.: Criminal Code in that even if you have another Act, I'm not opposed to, there are still going to be children that fall into that net of the existing Acts and those children will need some protection in that system. Well if it is decided not to follow that course, that Act, but to follow the existing Acts, then I think that they need to be changed as well.

ROPE: Well it's no different if you go to the Family, if you're married you go to the Family Law Court, if you're not married you go to the District Court, if you have any problems, is that right? It's the same analogy, really.

JEFFERIES: Brian we have only got three or four minutes to go I was wondering whether what we can do is get a Committee going that would be prepared to sort of write up something that we can come back then and either criticise or amend, at least it's a starting point.

ROPE: Well personally I think a Solicitor would be a very good person to have on the Committee if he's available.

JEFFERIES: John, would you be prepared to be involved in a Committee to do that.

MALE VOICE — NO I.D.: Inaudible.

JEFFERIES: Okay Wednesday. Ken would you?

ROPE: Won't be here.

JEFFERIES: You'd prefer not to.

ROPE: It definitely needs Children's Services.

JEFFERIES: Jennifer, would you? Edith?

ROPE: Yes she'd love to. That's two.

JEFFERIES: Judith and Edith, John.

MALE VOICE — NO I.D.: Inaudible.

JEFFERIES: John, would you be prepared or?

MALE VOICE — NO I.D.: Inaudible.

JEFFERIES: Ferry?

ROPE: He'll be only here until Wednesday.

JEFFERIES: Well would the two of you sort of assist in what

way you? Is there anyone else that would like to be involved in that small Committee? Good okay.

ROPE: That's one two three four, you only want one more.

JEFFERIES: Well I'm happy to assist if I can

ROPE: And David Jefferies, you've got five.

ROPE: All those in favour, "Aye" against the "I's" have it.

JEFFERIES: Alright the only other thing that I wanted to Brian was just draw attention to tonight's session I think we're supposed to finish at 4.30 aren't we?

ROPE: Coats off no ties, relaxed atmosphere. We lay on the floor, the only way to work.

JEFFERIES: What I just wanted to say is that what we're hoping from tonight's session is an information sharing and what we have down is for some brief reports both from other states and from Queensland of some new types of initiatives that have been taken within the Child Protection area and we have asked Brian and Dr Ferry Grunsett to give us some input in terms of their involvement in the New South Wales scene. You've also got an input in from a Solicitor down there as well.

ROPE: No no his paper is not here.

JEFFERIES: Oh his paper's not here right. I've also asked Dr Sally Leivesley from Save the Children who has been running some groups here in terms of work with parents at risk if she'd give us a short report on that and I've asked Sheila Montram from the Child and Family Therapy Unit at the Royal who's doing some group with parents and children if she could give us a report on the work that they're doing, just so that we can sort of just share what is happening and some initiatives and then discuss that, ask questions or whatever so we can get some information. So that's here, Brian's chairing the session from 7.30 until 8.30 tonight.

ROPE: Casual.

JEFFERIES: Casual, 7.00 sorry, 7 o'clock.

ROPE: Straight after dinner, but it is casual tonight. I would like to thank you very much for your attention today, I think that it's been a most informative session and I would like to thank you Brian for your chairing this afternoon. Thank you very much.

● To be continued in the next issue.



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