

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 9 November 2012

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Professor S. Smallbone, school of criminology and criminal justice, Griffith University.

The CHAIR — Good morning. I welcome Professor Stephen Smallbone from Griffith University. On behalf of the committee, I would like to welcome you here this morning and thank you for being before us. Before you give to us your presentation I would like to run through a few preliminaries with you. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if required. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript. Please note that these proceedings are not being broadcast.

Following the presentation, the committee members will ask questions relating to the inquiry. I now open it up to you to give us your presentation, and thank you for providing us with some additional information this morning. After 30 minutes or so, I will ask members of the committee to ask questions of you. Thank you again for being before us.

Prof. SMALLBONE — Thank you very much, and thank you for the opportunity to be here. I have presented the committee with some dot points essentially, and I would like to work my way through each of those. I understand that I have around 20 minutes or so to do that.

The CHAIR — Thirty minutes.

Prof. SMALLBONE — I might begin with a little bit of context. My professional background is as a psychologist, and my first interest in these kinds of problems came from working in a prison environment, as a matter of fact, as a prison psychologist. At that point my understanding of prevention of sexual abuse was really about trying to stop offenders, often many years after they had begun offending, to prevent further offending among those people. Later I went to a school of criminology at Griffith University and discovered that there was a whole other world of crime prevention that I knew very little about. This was 12 years ago or so. I have been exposed to ideas there, particularly about how crime in general can be prevented and how indeed specific kinds of crime can be prevented. Much of my work since that time has been aimed at trying to understand how sexual offences and child sexual abuse in particular occurs — or how it unfolds — in an original sense.

I am still involved and still interested in offenders and the treatment of offenders. In fact one of the things that we do at Griffith University is to provide a service for youth sexual offenders; it is a statewide service. But all of this activity for us as a group is directed at the questions of how does this occur in the first place and what might be done to prevent these offences from occurring in the first place. I wanted to say that because it might help to understand some of the points that I would like to make as I work through these points.

My concern is primarily I think the goal ought to be that we prevent children from being abused in the first place and indeed we prevent adolescent and adult males, which is really who the offenders generally are, from committing an offence in the first place. After that, as you are well aware, things get very messy. Trying to repair the problems after the fact becomes very difficult.

I was given five points to address here, and I have set the notes out in order of those points. The first one is I have been asked to comment on the characteristics of perpetrators of child abuse within religious and other non-government organisations. I wanted to begin my comments about that point by reminding us all really that most child maltreatment, including sexual abuse, occurs in domestic settings. There is a significant proportion of sexual abuse that occurs in organisational settings, and then occasionally there are incidents that occur in public settings.

Abuse of children in institutional environments is historically very well documented. We know a lot about what has occurred in the past, and I think we know a lot about why. A lot of the reasons that have been given to explain historical abuse of children in institutions has to do with the features of institutions themselves. That work has shed comparatively little light on the kinds of people who may commit these offences, but it has shed a lot of light on the kinds of organisations in which these offences may occur. That seems to me to open a world of opportunity in terms of the design and the management of institutions or organisational settings, that design itself being aimed at preventing the abuse in the first place.

It seems to me that in any organisational setting there are four general types of risk to children. I should also say that all of my comments will be directed to sexual abuse. I understand that there are many other kinds of abuse that can occur in organisational settings, including religious organisations. In fact in terms of the incidence of

child maltreatment, only about 10 per cent of substantiated notifications of child maltreatment involve sexual abuse, so 90 per cent of the abuse of children is not sexual, at least as it is reflected in those statistics. In terms of risks, though, of sexual abuse, it seems to me that in organisations that cater to children — that is, schools and religious organisations, recreational settings, pastoral care settings and so on — the most likely abuse circumstance is in fact the abuse occurring between children themselves, involving harassment, bullying and so on, initiation practices, sexual experimentation gone wrong and so on.

There are several reasons for this. One is just the sheer weight of numbers. In these settings there tend to be far more children than there are adults, so just on a simple statistical basis it is more likely that children are going to be involved as perpetrators, so to speak, than adults. Another reason is that particularly as children reach puberty and adolescence this is a period of new sexual impulses, sexual experimentation and so on. It is very likely in that period that some kind of sexual behaviour will happen that is inappropriate in some kind of way, perhaps harmful in some kind of way.

A third reason is that some organisations in fact are dedicated to children who are particularly vulnerable. The reason that they are in the organisation is because of their vulnerabilities. So there can be a concentration of vulnerable children in these kinds of settings. Many of these children may well be in the setting because they have experienced sexual abuse and other kinds of maltreatment in the past, so the repeating of that behaviour, involving other children, is, it seems to me, not to be unexpected. In fact we need to be alert to that.

The second general type of risk is in my view a current employee or volunteer — that is, an adult with some responsible position — in that organisation who develops abuse-related motivations for the first time, possibly, in the course of their employment.

The third — and the one that I suspect draws the most attention — is the possibility that a new employee or volunteer may bring abuse-related interests or motivations that have already been established to an organisational setting. This is, of course, the kind of offender that most of the efforts to do with working-with-children checks and so on are designed to deal with. I think one of the reasons why this group — and I have, you can see here, listed it third on my list of priorities — is in most people's minds the first priority is because it fits with a popular stereotype of sex offenders that drives public opinion. I think it drives a lot of the professional responses. I think even a lot of researchers still hold onto a stereotypical construction of the sex offender. The real problem with that is that it risks blinding us to a range of other possibilities about who may be involved and how organisations therefore need to develop their prevention strategies. There are enough of these people, of course, and they are the ones that attract the most media attention. They are the ones we most hear about. They are often the ones that we are most alarmed by, and understandably so, but that does not mean, I think, that they are the most prevalent offender.

The fourth in my list is the stranger danger problem: the possibility that a visitor or a passer-by may take a child or lure a child. These are the really shocking kinds of offences that are probably among the most alarming. They do occur. Happily they occur very, very infrequently, but these kinds of offences are sometimes associated with the very worst outcomes, to do with abduction, homicide and so on, so they are certainly high impact if very low-frequency offences.

I think from an organisational point of view, if I were in charge of an organisation that involved children, I would be thinking about organising my prevention strategies around these kinds of possibilities, and I would certainly try not to fall into the trap of assuming that all I was dealing with were active offenders who had come to my organisation in order to find children to abuse. In fact I think over time that has become even less of a probability because of the efforts that have been directed at that group, through employment screening and so on.

In terms of the general characteristics of perpetrators, research consistently finds that they are almost always male. This is in contrast to other forms of child maltreatment. If we look at child maltreatment as a whole, women are responsible for slightly more than half of all child maltreatment, but sexual maltreatment or sexual abuse is almost always a male-perpetrated crime.

The research that we have been doing — and this is I think very consistent with what others around the world are finding — shows that there are two peak risk periods developmentally for people who may perpetrate sexual abuse. The first is in adolescence, around 14 to 16 years of age; and the second is in early middle age, around

the 30 to 40 years mark. There are many, in my mind, myths that have sustained themselves over a long time that came from early thinking about this problem. One of them is that sex offenders all, or mostly, begin as adolescents and then there is a life-course, persistent trajectory for those people. The research that we have done — and, as I say, I think it is completely consistent with current evidence — shows that these are really quite separate groups. There is some overlap, clearly, but I think the overlap has been exaggerated in the past. So most adolescent sex offenders apparently do not go on to become persistent adult sex offenders, and most adult sex offenders do not, apparently, begin sexual offending as adolescents. Some do, on both counts, but mostly not.

Offenders are usually very well known to the victim, in cases of sexual abuse — and often also well known to the victim's family — before the abuse commences. I think if we follow the stereotype we would be led into an assumption that these relationships are developed on the part of the offender in order to have access to that child. I think that is generally untrue. I think it can be true — it is obviously true — in some circumstances for persistent offenders, but generally it is not. It seems to me that the first motivation to abuse occurs in the context of that relationship.

Finally, there are few, if any, defining psychological characteristics of sex offenders. There has been an enormous research effort. Psychologists — and I am a psychologist myself — are preoccupied, it seems to me, with finding what is wrong with these people. I think there is an error there, because I think the error that gets made is that the reason we are concerned about protecting children from sexual abuse is that we are concerned about the consequences, so we focus on the consequences. I have worked with hundreds of offenders, and I could count on one hand the number, I think, who set out in order to, for example, make it difficult for that child to have relationships into the future or all the kinds of consequences that we know about sexual abuse. That is not why offenders do it.

It is easy to kind of look backwards and make assumptions about who those people are. In fact I think offending changes offenders as well, so in a sense they look more and more like a sex offender the more they do it. But if we are interested in the question of why do they start and who were these people at the beginning before they have done this, we just look at the responses of people who know them. People become shocked that they discover somebody in their family has abused a child or somebody that they know has done this. So people do not tend to see it coming, probably because the person actually is rather an ordinary person. So personally, I am more struck by the ordinariness of these people than I am by some defining feature in terms of their mental health or psychopathology. That is not to say that some offenders cannot have serious mental health problems; that is certainly true too. The problem in discussing any of this, I think, is the problem of generalising. It is sometimes the exceptions to the rule that are the most important.

In terms of motivations, there are various ways to think about this. I think there is a group of offenders who are driven largely by aggressive or antisocial motivations. Clearly there is a sexual motivation involved, but this group has very little concern for the child. On the other hand, I think probably the greater proportion are people who in fact form emotional bonds with the children and the children with them, and this is part of the problem for children of reporting or even making sense of the problem, because they are often in a relationship that is quite complex, and again probably quite ordinary, with the perpetrator before the abuse commences.

Another way to think about motivations is in terms of the strength of motivations: how driven are people to do this to children. I think it could be helpful to think about that group that probably does most closely conform to the stereotype that I was suggesting before, the determined offenders. These are usually experienced offenders, and in a way their determination increases as they offend. So they may not start out with that level of determination, but as the abuse unfolds and is repeated, the motivations can become consolidated. These are the people that are more likely to create opportunities if that is to be done, and they are certainly ready to exploit them when they encounter them.

A second group I would call opportunistic offenders. These people who may have some low-level criminal involvement anyway. In fact, going back to my earlier point, one of the features of sex offenders is that they do tend to be criminally involved. Again there are important exceptions to that, but sex offenders are much more likely to be arrested for non-sex offences than they are for sex offences. Opportunistic offenders, I think, are those that probably have some experience in a general sense in their life of exploiting people sometimes or taking advantage of people, not being concerned for the welfare of others, being prepared to break rules and so on. So these are the people that may exploit a suitable opportunity but might not necessarily look to create one.

Then finally, there is a group of what I would call here situational offenders. These are people who would lead otherwise completely law-abiding lives and in a very specific set of circumstances experience some kind of stimulation that becomes sexual with a child that they probably have not ever conceived would happen and are completely unprepared for. Once they have acted on that, of course, they are trapped by it, effectively: what can they do at that point? And that can be an entry point in a way. So offenders I think can graduate up the system in a way: people can start through a specific set of circumstances that they had not thought would occur, but then the effect of that — —

Ms HALFPENNY — So you do not think it is to do with a power or authority sort of relationship? Are you saying it is a more — —

Prof. SMALLBONE — My sense is that — the best way I can think to respond to that is that I think the motivations themselves are not — they are normal. Crime is driven by normal motivations. It is the means to achieve the goal that is criminal or problematic. It gets more and more difficult to explain as the victim becomes younger and younger. It is hard to see how anybody could have a sexual interest in a three-year-old. Most people would find that completely inconceivable. But with 14, 15, 16-year-old girls or boys, I think generally people think, 'We can kind of understand why that motivation might be there'. But it is important to have a law that draws a line, and I am all for the laws that say, 'Let's leave children alone and let them discover their sexual experiences themselves'. It is very important. But I do not think sexual motivation itself is abnormal — well, obviously it is not. It is the direction that is taken and not paying attention to what are obviously good rules and so on. I think that is reflected in the fact that, as I was saying before, a lot of sex offenders have quite a lot of other criminal involvement, not just sex offences.

In terms of their behaviour, I think it is well known now that sexual abuse usually unfolds slowly at first, and we call this grooming. People have an idea of what that might mean. But I think the conscious sexual motivation may not arise until late in the process. I am talking about offenders who are doing this now for the first time. I think, with experience, if an offender becomes a persistent offender, that process will become more and more conscious and more and more deliberate, and more and more close to — I will bring it back again — our popular stereotype. The stereotype is useful in a sense, but there are risks in it. So as offending unfolds, people become more and more deliberate, I think, and conscious.

The second point is the ways in which organisations can reduce the risk of child abuse occurring. I have written some material on this — and I have presented some material to you — working with a colleague, Richard Wortley, on applying what is called situational crime prevention concepts and methods to this problem. So some of these points come from that kind of framework.

Firstly, controlling access to the settings seems a very sensible starting point, so we have the systems right around the country now, of course, to do worth working-with-children checks. Some organisations try to go a little bit further, of course, and be very careful about doing reference checks as well — you know, talking informally with previous employees and so on. There can often be, or at least sometimes be, a level of information that is available in informal networks that is not available through formal processes like police checks and so on. I have seen cases where some organisations have not conducted those reference checks and learnt, to their great regret, later that there actually had been information they could have had about a person that they did not follow up.

Just skipping to the last of those points there, values-based interviewing, I do not want to talk much about this. I do not think there is much of an evidence base around it, but I wanted to bring it to your attention. The National Society for the Prevention of Cruelty to Children, NSPCC, in the UK, has developed this as a way, they say, of adding a layer to employment screening to do with, I guess, interrogating applicants to do with why they really want to be here. Going back to the third point there, visitor controls are of course an important way of managing organisations.

A second set of strategies — I am calling it 'rule setting' and the commitment and compliance with those rules within organisational settings. The first point I want to make about that is that it is important, I think, to strike a balance between vigilance and overreaction in these kinds of cases. One of the criticisms of situational prevention and one of the concerns among most situational crime prevention practitioners is that the logical extension of situational prevention — that is, organising environments to reduce crimes of various kinds — can lead to a kind of siege mentality where everybody feels like they are being watched all the time and not trusted

and so on. I think that needs to be completely acknowledged and a balance struck within organisational settings, and I have made the point here. This is, I think, a nice phrase that I first heard from the New South Wales Commission for Children and Young People, the goal for them being to create child-safe but also child-friendly environments.

It is important with rule setting to make rules as simple as possible and as unambiguous as possible. Abuse is more likely to occur in a setting where a potential offender may find a way to create ambiguity around certain kinds of rules. Codes of conduct are clearly important, and I think they are also important to facilitate compliance.

I will give you an example. I did some work some years ago at a school. It was really an effort to apply some of the situational prevention methods to a specific environment. They had, I think very sensibly, installed a number of observation panels and so on in doors so that people who were walking down the corridor could easily see into the room. It was just a way of, almost, recruiting the efforts of every responsible adult in the setting to take some responsibility for watching out for each other.

At this particular place staff had posted notices all over the observation panels. They were not doing it to block the view; they were doing it because that was a convenient place to put their notices. It was a simple thing to do to suggest that you buy a \$5 corkboard and install that beside the observation panel — give them a place to put the notices rather than just issuing a rule saying ‘No notices over the observation panels’. It is an example of facilitated compliance. You create circumstances where the thing you want people to do is the thing that is easiest for people to do, and the thing you do not want people to do is the most difficult.

The CHAIR — Professor Smallbone, can I just interrupt there? You have given us a very detailed paper here — thank you — that you are working through, and I am very keen for members to ask questions of you. I was wondering if in the next 5 minutes you could just point to some of those elements that you think are very relevant or that you would like to speak to. Obviously members will have questions of you, and you might want to come back to aspects within the paper, if you would not mind.

Prof. SMALLBONE — Sure. I might then, before that second point, just make the general comment that I think there is very significant scope for the application of situational crime prevention principles to make places safe for children. I think it is too often overlooked because the influence of the environment is underestimated, and I think the reason it is underestimated is because of the attachment to the stereotype of the predatory offender.

I will get to recidivism and treatment of offenders; I was asked to comment on that. Clearly true recidivism is underestimated because of underreporting and so on, but in criminology there is what is called an 80-20 rule — that is, 20 per cent of offenders are responsible for 80 per cent of crime. That is true, I think, for sex offences as well. For example, I would expect that if you looked at all the sex offenders in prison in Victoria, about 70 to 80 per cent of them would not have a prior record of sex offences anyway, so that raises questions for me too about the limitations, I guess, of many of our efforts to do offender registers, for example. Most of the new offences are going to occur from people who are not on that register, as a matter of fact.

In terms of recidivism rates, looking at the problem the other way, about 15 to 25 per cent, at least officially — in terms of official records — of sex offenders will be reconvicted of a sex offence over the next 5 to 15 years.

I think I will move on and go to the next point in terms of the difficulties of modifying the behaviour of sex offenders. I really wanted to make the point here that I think there are opportunities — possibly more opportunities than are usually thought about — over the course of the development of this problem for individuals. I think you can start before offending begins.

Again, if organisations utilise situational approaches, then the opportunity to begin offending is reduced in the first place. There are also developmental approaches, which I will not go into — it can be quite complex — but the idea is that we know quite a lot about the kinds of developmental risk factors that are associated with involvement in crime. They are very similar, it seems, to the kinds of developmental problems associated specifically with the perpetration of sexual crimes.

Early detection is very important, clearly. The research tells us that children do worse the longer the abuse continues, so finding ways to stop it early is important. In my mind the best way to do that is to try to create

conditions that are conducive to reporting — so making it safe for children to report. I see a lot of talk about mandatory reporting, for example. I do not have a particular problem with mandatory reporting except to say that mandatory reporting does not by itself lead to good outcomes. If you have mandatory reporting but the child has a terrible outcome every time abuse is reported, then there is no point. It seems to me the point is to create safety around the disclosure for children.

In terms of after the arrest, I have to say arrest probably has the most impact of anything. Certainly it has a bigger impact than treatment for most offenders because it interrupts the circumstances. If it is true that there are circumstances that hold the behaviour together, then interrupting those circumstances has a major impact. Most offenders do not have the kind of drive to do this that would make them persist and persist and persist. There is a group that will, so the arresting of persistent, committed and determined offenders is going to have much less of an effect. That is not to say, obviously, that we do not do it; it is important to do that. Persistent offenders require the greatest attention in many respects, at least after the fact, and the most intensive kinds of interventions.

Finally, in terms of what we know about how psychological treatments for offenders works, what we know is that cognitive-behavioural and physical treatments — and this is a major meta-analysis that included historical cases of surgical castration as well as chemical castration and so on, putting that group of interventions together — is that both cognitive-behavioural and what I am calling here physical treatments were the most effective for adult sex offenders in terms of reducing recidivism. For adolescent sex offenders it was again cognitive-behavioural but this time also multi-systemic interventions, so this is working with families, schools and sometimes neighbourhoods.

The average treatment effects are quite substantial in absolute terms, but we are talking reductions from quite a low baseline, so the figures themselves might not look so impressive. But on average these kinds of treatments will reduce sexual recidivism from around 17.5 per cent to around 11 per cent over a period of about five to six years. These are average effect sizes, and clearly if there is an average, some are doing very well and some are doing so badly as to make things worse. We obviously need to know more about the features of these programs that work and those that do not.

The CHAIR — Thank you very much, Professor Smallbone. Can I take you to the point on persistent offending? I think you said that needs the greatest attention. It would seem that once an individual has offended, the potential for further offending should be and must be taken seriously. If that becomes apparent within an organisation, what should be done in your view?

Prof. SMALLBONE — I would think if there is somebody who has offended, sexually abused a child, that they probably ought not be in the organisation.

The CHAIR — Could you say that again?

Prof. SMALLBONE — I would think that they should not be in the organisation in the first place, certainly not if they have a history of persistent offending.

Mr McGUIRE — Thank you, Professor, for all the detailed submissions you have supplied. The inquiry wants to get to some of the issues you have raised in particular about prevention, early intervention and detection. With that in mind, could you outline to the inquiry examples of some of the tactics that are used to get victims to comply with abuse and to keep them silent about it?

Prof. SMALLBONE — Yes. Going back to an earlier point that I made, sexual abuse very often occurs in the context of a relationship between the offender and the child that pre-exists the abuse. The abuse in effect emerges from that relationship. Very often the child will feel loyalties. They also may fear the offender in fact. But I think more often it is a matter of confusion about the loyalties and confusion about, ‘Is this a problem anyway? Because I am being told that it is not.’

The problem for children is that the only information they have usually is from the offender. They are not usually in a position to clarify what other people might think about this, because there are usually efforts made by the offender to make sure that nobody else knows. Offenders are usually quite active in taking some steps to prevent disclosure. Usually that occurs through manipulating the emotional bond with the child. Occasionally it

might involve threats, actual threats of harm — that is certainly not unknown — but more often it is the exploitation of the bond.

Mr McGuire — What mechanisms can therefore be used to identify, monitor and counter such tactics, and are you aware of organisations that are actually implementing them?

Prof. Smallbone — Yes, I think there have been significant improvements over the last decades really. I think organisations generally are much more aware and they are trying much more to give children a voice. Part of the terrible history of the abuse of children in institutions in years gone by was wrapped up in a kind of depersonalisation of the children and regimentation and so on that made very clear authority lines, and it was not the children's place to say anything bad about adults. I think now organisations are much more likely to allow children to speak about things in a general sense. I think that is one of the keys.

Children are not all equally at risk of being abused. Children vary in their vulnerability to being abused. Some of that variation possibly has to do with, in an organisational setting, problems at home, emotional neediness, loneliness, lack of confidence and so on. These are the kinds of things that make it more likely for a child to receive the attention of a child abuser.

Mrs Coote — Thank you, Professor Smallbone. I am particularly interested in the risk factors. You are on the public record in talking about situational prevention. You have said that:

Committed offenders who offend in institutional settings are likely to have joined the organisation with the express purpose of accessing children for sexual abuse.

That is a really interesting concept. Along that line we have been hearing in this committee about the Catholic Church in particular and that in this religious organisation there seems to be a higher incidence of child sexual abuse. In your opinion, is there something about the nature of religious organisations that lends itself to offending?

Prof. Smallbone — I am not sure that it is confined — I am not sure that it is attached to religious beliefs. It may be, but as far as I know it is not. The kinds of settings in which child sexual abuse occurs in organisations are really very similar in very important respects to the sexual abuse of children in homes. The kind of relationships that adults in organisations have with children, particularly in religious organisations, are really very parental. It is having authority over the child, but it is also — I think crucially — taking a caregiving or kind of a pastoral care role for the child, and I think that is the relationship that becomes corrupted, both in terms of the family settings and also in these kinds of organisational settings as well.

I think it is true in schools as well. We know of incidents where teachers have abused children, for example, in not religious context. So I wonder whether part of the apparent increase of incidents in religious settings is in fact the kind of almost exaggeration in those settings of that parental role in relation to the child and the seeking of emotional bonds and the level of intimacy that those relationships involve. They are the things that I think bring the potential for abuse somewhat closer to the surface.

Mrs Coote — I am sure you are aware that here in Victoria the Catholic Church has put in place two programs: Melbourne Response and Towards Healing. In your opinion, do you believe that these programs have eliminated the risk of child sexual abuse within the Catholic Church?

Prof. Smallbone — The easy answer I guess is I do not think anything can eliminate it, but I am sure that is not really the point of your question. I think the lesson of situational prevention is that it is about continually making inroads to make things safer and safer and better and better, but not necessarily with the view that at any time it will become completely solved. I do not think I know enough about the detail of those particular initiatives here in Victoria to be able to comment with any relevant authority. I do not think my expertise would extend to be able to answer that with authority, I'm sorry.

Mr Wakeling — Thank you, Professor, for your presentation and the extensive submission that you have provided. I just want to bring you back to the situational risk prevention model in which you have given us the example of the schoolroom. I am just interested to see: what do organisations need to have in place to help reduce the risk of child abuse? We have heard of many examples, and we have seen through submissions, of one-on-one situations within a school setting or within a home setting, and I would be really interested if you could elaborate in regard to that.

Prof. SMALLBONE — Okay. I think one of the important aspects of situational prevention is that while the same principles can be applied almost universally, what you would actually do becomes completely contingent upon the specific setting that you are concerned about. So what one might do, for example, to prevent the abuse of 12 to 14-year-old boys in a religious school context might be very different from what might be needed to prevent the abuse of 8 to 10-year-old girls in a care setting of some kind, but the principles are the same.

The new thing about situational prevention is the idea that the physical environment itself can be altered. As an example — and I made some notes here about this — reducing blind spots and out-of-the-way places. In one case that I was involved with, abuse in an organisational setting had occurred in two specific places where the offender had a kind of unique access because of their role but they were also places where people were not routinely walking by; they were out-of-the-way places. Also in that place it was thought that there were some special circumstances — namely, there was a counsellor's office and a chaplain's office — and there were all sorts of questions about, 'We shouldn't put observation panels in those rooms because they are private spaces and children won't want to go there to be counselled and so on if they are there'.

But of course these are the kinds of relationships where abuse is probably more likely to occur than, say, in a music room. So everyone is happy to have the observation panel in a music room but not in a chaplain's office because of the special relationship that chaplains have with children. What is needed is, I think, a very objective and clear understanding of how sexual abuse occurs and matching that understanding with the specific environment, going through a problem-solving process — what are the kinds of risks that are likely to present themselves in this specific environment — and then doing a very careful analysis of the site itself. So there is a physical environment, but there is also the social environment to do with the culture of the organisation, the clarity of rules, policies and procedures and so on, and the commitment of managers and so on to administer those rules and codes of conduct and not to make exceptions.

Very often I have seen cases where after somebody has been arrested for sexually abusing a child in an organisational setting a number of other people have said, 'We saw this and we saw that but we didn't put two and two together'. It is often small things that people observe but only when those pieces of information are joined up does it start to make some kind of sense of a problem. For example, in a school I am aware of where there was abuse of students other teachers had walked into a room with this person, the offender, and a victim — they did not actually see sexual abuse. There was a rule in the school, 'You are not allowed to do that', but they did not report it because they thought, 'Well, this guy, we know him, he's trusted'.

So it is a matter, I think, of not having exceptions to rules, but at the same time not creating an environment where everybody feels like they are being suspected. There are issues on the other side of the ledger here, very important things. I do not think it is helpful for us to have organisations where people, for example, are not allowed to touch one other or are not allowed to have some kind of intimate contact with children. Children thrive in the context of touch and intimacy, and I think it would be a big mistake if we said, 'Well, in order to protect children from this, we are going to take this away from them'. That seems to me almost — I don't know — to replace one problem with another.

Mr WAKELING — That is very interesting. Thank you.

Ms HALFPENNY — Just on that, I guess probably more in terms of children in care as opposed to in a religious organisation and the issue about affection and all that sort of stuff, what is the answer? You were just talking about how you do not want institute certain policies and procedures that do not allow affection or whatever. What is the alternative to that? What do you do?

Prof. SMALLBONE — I go back to one of my earlier comments: I think one of the real obstacles in this is the stereotype. I think we have constructed this picture of the predatory sex offender, and people think they are going to be able to recognise them because they are going to look like people like Dennis Ferguson in Queensland and that they are going to look strange and behave strangely. People do not really get the idea that not only might they look ordinary but they might actually be ordinary in that sense. That is what people often say after people they know have been arrested for this; they cannot believe that that person could do it.

Ms HALFPENNY — Just now I am talking to organisations, and I think we are talking about the situational prevention stuff. I understand you have done some work in terms of research and interviews with sex offenders. One of the issues that has come out — and if you could sort of elaborate a bit on this — is the length of time

between when an offender has been committing certain acts or whatever on children and the time when they are found out about or it has been reported. Can you give me a bit of detail about what the time lags are in terms of both the reporting and also the committing of the first offence and so on?

Prof. SMALLBONE — It varies enormously, but there is certainly a very well-known — —

Ms HALFPENNY — We are talking in terms of organisations here. Within an organisation.

Prof. SMALLBONE — The first thing here is that the children themselves are really reluctant to report this for a range of reasons. I think one of the reasons is because they may fear the solution as much as they fear the problem in terms of interventions and so on, but also there are other reasons that I was mentioning before to do with a sense of loyalty and so on. There very much is a delayed reporting phenomenon in sexual abuse. Many, many children do not say anything to anybody until they become adults, years sometimes after the abuse has occurred. Is that the kind of thing that you are meaning?

Ms HALFPENNY — I suppose more in terms of the facts and figures about that. What is the length of time in terms of the research on average? It is also interesting because the previous witnesses from CASA were saying that they thought that children did actually report but in a way that was not really taken notice of.

Prof. SMALLBONE — Well, that certainly tells us something too, I think. Creating relationships with children, as parents and others, that give children the sense of security and confidence to talk about sometimes difficult or sensitive things is a real key to this as well of course. I do not have those figures in my mind. My response here, I think, would be that it just really depends from case to case. Again the generalisation can be a problem. There are all sorts of exceptions. Each of these children is a unique person; they experience it in a unique way and have their own unique problems and maybe even opportunities to help it to stop.

Mr O'BRIEN — Thank you, Professor, for your work. It is an extensive analysis, and I have some questions about specific rates of recidivism. I will get to those in a moment. The essence I take from your submission is from your work where you say that the key thing to recognise is that the behaviour is a result of the interaction between the characteristics of the actor and the circumstances in which the act is performed. Previously we have focused on the actor but not the circumstances. The difficulty I have for us as legislators is that it is easy to see how things went wrong in retrospect. You can see all the little steps that led up to a grooming pattern. What is more difficult is to take which of those actions should become the subject of regulatory change into the future.

Picking up your opening, prevention is what we are all about now, at this time, in addition to accountability in other things that take place. The difficulty is working out where that prevention is best struck and accepting that the hazards can occur across all people and all organisations. You have identified a very specific hazard in relation to the placing of trust which has resulted perhaps in certain organisations with greater rates. So I would like to ask you about religious organisations in particular. I have not seen any data on rates of recidivism within religious organisations. I have seen it generally — you have found some within America. Since your work has been done, or perhaps before it, is there any empirical data on how this sort of work has identified ways to reduce recidivism rates in religious organisations?

Prof. SMALLBONE — I think the short answer is no. I do not know of any studies. That is not to say there are not any, but I am not aware of any studies that have specifically examined recidivism among offenders within a religious context. I am afraid I just do not know.

Mr O'BRIEN — Okay, moving to the next step, what do you recommend then —

Prof. SMALLBONE — Can I say one more thing about that?

Mr O'BRIEN — Yes, sure.

Prof. SMALLBONE — What we do know and have known for a long time is that offenders who abuse a child outside of a family setting are considerably more likely to repeat that after being arrested than people who offend in a family. Also, those who offend against boys are considerably more likely to be at risk too. So the general picture of abuse of children outside the home, including in organisational settings, shows it is more likely, probably, to be an older male compared to a younger female in a home and that the offender is more

likely to have multiple victims before they are arrested as well as after they are arrested. Without being able to answer your specific question about religious organisations, in general in organisational settings the risk of recidivism is higher.

Mr O'BRIEN — The extensive case studies that have been provided by Broken Rites, which we will be hearing from shortly, would support that there has been a particularly well-documented problem in the past.

Turning to where we are now, and particularly with your recommendations, how do we as a community allow ourselves to draft laws and regulations that allow us to continue to have — whether in a religious or a sporting organisation — situations where adults are placed in positions of responsibility over children, while doing the best that we can to identify the real hazards and risks that are in a sense inherent in every situation but particularly so in these situations? That is the line we have got to draw. To what extent do we need to make changes that in a sense correct the behaviour or raise the awareness for a period of time, or is it a matter of preventing absolutely certain risk situations from occurring? You can be specific. I know it is a very general question. I am happy if you take it on notice as well, because it is important in the context of response to some of the submissions.

Prof. SMALLBONE — I think I perhaps should. I did some work with the New South Wales children's commission some years ago around some of these points I have been raising today, and I was very impressed by — as I understood it, their working-with-children check was based around not just a screening of the suitability of the person but two other aspects of the screening were focused on: the first was on the organisation itself and the second was on the position that they were applying for. It became that you were given a higher risk rating if the position, for example, involved unsupervised contact with children. There was an additional risk point allocated if the position involved particularly vulnerable children. All other things being equal in terms of who the person was, it recognised that certain kinds of things within the organisation could increase risk beyond that.

I also thought it was very interesting that they took the view that this process — the working-with-children process — may have an educative function, so that organisations would receive a risk rating about their organisation. They would then have an opportunity to revise their own procedures and policies in order to have a lower risk rating for their organisation. That was based around how clear their rules about these things were, what kinds of codes of conduct they had et cetera. I think that is a great idea, and I think that can be a level of legislative influence in that kind of system.

Mr O'BRIEN — It is a matter for you, but thank you for your work. If you could think about those questions, particularly the recidivism rates in the religious and other organisations and what we can do to move to prevention in light of the extensive work you have done, reporting back to us would be great in response to some of the submissions. I very much appreciate it, Professor.

Mr McGuire — I would like you to elaborate more on behaviour modification if you could, so if you could just answer: how difficult is it to modify the behaviour of abusers in organisational settings?

Prof. SMALLBONE — Do you mean after they have found to be doing this?

Mr McGuire — Yes.

Prof. SMALLBONE — I still think for a persistent offender they probably should not be in that organisational setting if it involves children. The best way to modify it would be to not have them there. The capacity of different kinds of offenders to change their attitude, if you like, or to change their behaviour in relation to children in a general sense varies enormously. I come back to the point that people who have offended against boys find it more difficult to stop for one reason or another, or at least they have higher recidivism rates. I think good quality psychological treatments can be very effective. I think we need to know a lot more about what are the effective elements of those programs, but I think the evidence is pretty clear that on average they can reduce recidivism. I think the first thing to consider is should the person really be in that role with children if they have already been found to have — I would have thought the default answer would be no, and then we would see where that goes from there.

The CHAIR — Does the organisation automatically need to report that individual? If you say they should not be in that organisation, what do they actually need to do?

Prof. SMALLBONE — The reporting is designed, is it not, to have the effect that a responsible third party will intervene to ensure that the abuse stops and that it does not recur. That seems to me to be the goal. How we reach the goal is probably a matter for discussion. If there are not responsible third parties that can do that informally, then it needs a formal response. I think in many cases it is possible to stop abuse from occurring through informal means. In fact I imagine it happens all the time.

There is a hidden element of this problem that none of us would know about, because it is not being reported or has never been reported. Presumably in many of those instances the abuse has stopped, and it may be because either the offender realised that they should not be doing this, or somebody else found out and threatened the offender or intervened in some kind of way. I imagine that is happening all the time. The problem from the past, though, is that we have not been able to entrust organisational managers and leaders to take responsible action; that is the problem. So reporting in that kind of context is not going to be particularly helpful, because no action would be taken.

In fact the research tells us that the experience for a child can be worse by disclosing and having an unhelpful response than it was if they had not disclosed in the first place. That whole disclosure process is a very important one. People who have that information need to be very responsible with it and work immediately to end whatever abuse might be going on and prevent further instances of that happening. The reason we rely so much on child protection services, police and so on is because we know that in many circumstances we cannot rely on informal means to do this; so there has to be a formal response in many cases.

The CHAIR — Thank you for that clarification. Professor Smallbone, on behalf of the committee I thank you very much for appearing before us this morning. We appreciate your time, and your evidence has been most helpful.

Witness withdrew.