

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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Dr J. Tucci, chief executive officer, Australian Childhood Foundation.

The CHAIR — Good afternoon and welcome. On behalf of the committee I would like to welcome Dr Joe Tucci, chief executive officer of the Australian Childhood Foundation. Before we hear from you this afternoon, Dr Tucci, I would just 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 your presentation, the committee members will ask questions relating to the inquiry. I now call on you to give a brief presentation of no more than 30 minutes, and for the remainder of the hearing I will hand over to members of the committee to ask questions of you.

Dr TUCCI — Thank you, and thank you for the chance to present to you this afternoon. We have put forward a fairly detailed submission to the committee, so I do not propose to go through it in verbal evidence but maybe highlight some of the key issues that I think you might consider from our submission.

As you are aware, the foundation provides a range of trauma-based services to children who have experienced child sexual abuse, physical abuse or family violence. We work in partnership with a number of agencies who are providing out-of-home care, so I guess we come to this issue from a more contemporary perspective than a historical one. The comments that we make are based on some of our experience in offering a protective response to children today, and reflecting on some of the impediments, things that get in the way of providing an effective protective response to children today. That is the context of the submission.

Overall it is our view that child abuse is a largely misunderstood community problem. We have conducted a series of community tracking studies over the past decade, all of which point to the fact that the community would prefer to believe that child abuse happens somewhere else — in someone else's family, in someone else's neighbourhood — rather than in their own backyard. Whenever we have asked the community to rate child abuse on a list of community concerns, they rate it 13th or 14th. It has an unprompted recall rate of about 2 per cent. It rates lower than problems with roads and footpath, problems with public transport. If you remind people — if you ask them: 'What about child abuse?', it goes from last to first. It is an issue that requires a series of ongoing opportunities to keep it at the forefront for people to consider it to be a major problem. I think without the community engaging with it as a topic what we end up seeing is a lack of engagement with responses that might protect children. I think historically that is the basis on which some of what you have already heard has occurred.

Our view is that there is a lot that can be changed in the contemporary system and that needs to change in the contemporary system. I think that child abuse as an umbrella term has almost overlooked the exploitation and harm instigated by volunteers and employees of organisations. I have been a social worker in the field for 20-odd years, and to date the research into that issue has been very scarce. It is not top of mind, and in fact in the system in Victoria it is not part of the broad child protection response.

Overall what we would say in our submission is that there needs to be a significant framework implemented by government that looks at the abuse and exploitation of children by employees and volunteers within organisations. But that has to be articulated. It has to draw across jurisdictions in relation to criminal law, in relation to child protection law and in relation to community education. Unless you put together an overall package that articulates an intent by government to protect children from volunteers and employees of organisations, we will not get much traction in achieving a better outcome than we have over the last 30 to 40 years. The way we would propose that that happens is that it be spearheaded by a range of reforms. I will go through some of those in detail.

I think that the first area of reform that the government should implement, and we have been saying this for a long time, is to fully implement mandatory reporting of child abuse. There are something like 11 disciplines nominated and gazetted in the act, and only four of them so far have been implemented — that is, police, doctors, teachers and nurses. Social workers and child-care workers are yet to fall under the mandatory reporting regime. The Cummins inquiry recommended it, and this government, like previous governments, has not accepted that recommendation.

I think that mandatory reporting tips the balance of the child protection system towards children. When you look at pieces of legislation, legislation tries to balance out a whole range of issues and needs, some of them are the right to parent, and sometimes some of them are the rights of children. Mandatory reporting tips the system towards the rights of children and the need of children for protection. Without it as a platform you are not fully recognising the needs that children have in relation to protection. Not only should it be fully implemented across all of the disciplines that have already been identified, it should also be extended to members of the clergy, and it should also include any information that is provided to members of the clergy under systems like the confessional. That is one area of reform that the government could accept and adopt, and it would make an immediate difference to the protection of children.

The Australian Senate Community Affairs Committee recommended that governments introduce whistleblower legislation to cover not-for-profit and religious sectors. Whistleblower legislation is already in place for government and corporate organisations. We would see that if you had whistleblower protections under various acts, you would make the system far more transparent and far more accountable. You would encourage people to come forward and expose, in a contemporary way, the abuse and exploitation of children within religious and not-for-profit organisations.

Currently Victorian legislation for working-with-children checks does not include adverse employment findings against an individual, and we know that the evidence required, or the standard of proof required, to successfully prosecute someone who commits a crime against a child can sometimes prohibit that conviction actually being prosecuted and a successful prosecution being achieved. One way of making the working-with-children check more sensitive and more relevant is to include adverse employment findings against an individual where there have been allegations and concerns raised around their behaviour towards children. That system already exists. It is not a pie-in-the-sky recommendation. That system exists in New South Wales today, and it has been running for the past 10 years.

As the centrepiece of that integrated package of reform we would seriously ask the committee to consider the New South Wales Ombudsman legislation and to look at the powers that were granted to the Ombudsman following the Wood royal commission 20 years ago — it is probably more than 20 years ago now. The New South Wales Ombudsman has a role in ensuring that with any allegation made against a volunteer or employee of an organisation that receives public funds that investigation is conducted in a way that meets certain standards and that ensures the protection of children. The Ombudsman can, at their discretion, take over an investigation being undertaken by an organisation if they believe that the investigation is not being carried out properly. They also have become a focal point in New South Wales for the collection of data and the research capacity within New South Wales to look at trends and to look at the factors that make organisations vulnerable to being exploited and subverted by adults who are intent on harming children.

I think that what the New South Wales Ombudsman's office has been able to achieve is to put a spotlight on the issue. It has worked with organisations in a capacity-building way and over time increased the level of scrutiny that organisations can come under in relation to the way that they investigate claims or allegations of abuse by volunteers and employees. I cannot think of a better system in place anywhere in the world. I would highly recommend to the committee that it seek input from the New South Wales Ombudsman in relation to his powers. I think that what the New South Wales Ombudsman's office has achieved to date is by far incomparable to any jurisdiction in the country. It is a model that I think works.

We would also seriously recommend to the committee that either within current government funding standards that are part of the contractual obligations between government and service providers in relation to children or as a stand-alone product if you like or a program, the government look at an accreditation scheme for organisations to make sure that their system of policies and procedures are compliant with best practice standards in relation to the protection of children from volunteers and employees of organisations.

The foundation runs one of those programs. It is called the Safeguarding Children program. We are accrediting somewhere between 50 to 60 organisations now nationally, and it is a way of independently ensuring that the way that they go about putting in place policies, procedures and systems for reducing the risk and addressing allegations of abuse against employees and volunteers are achieved according to a set of standards that I think are best practice. Those systems are out there, and I do not think that currently in Victoria we have a tight enough regime of ensuring that organisation policies and procedures can protect children from their own staff and volunteers within those organisations.

It needs to be externally monitored. There needs to be a better system of accountability. It has been my experience and my view that the most effective child protection systems are based on three qualities. Those qualities are transparency, accountability and simplicity. The more simple a process is — the more simple a system is — the better compliance you have to that system, and right now I think that Victoria has a mishmash of some good initiatives but nothing that would come close to what you might consider being simple, transparent or accountable.

Specifically I would like the committee to consider the Crimes Act. I think that the Victorian Crimes Act has fallen behind some of the other statutes in relation to crimes committed against children. There are two that we recommend in particular that the committee consider. The first one is to make it a serious crime not to report child sexual abuse without a reasonable excuse. New South Wales has a model piece of legislation that I think Victoria can draw on, and it would complement a mandatory reporting regime within the child protection system by strengthening the criminal justice system and making it a crime not to report to the police an indictable offence like child sexual abuse.

The second amendment that I would ask the committee to consider is introducing an offence related to grooming. We certainly have an offence related to procurement for sexual activity, but grooming is the stage before procurement. It is the stage that sets the groundwork. It sets the relationship. It subverts and exploits the relationship between an adult and a child and allows the sexual abuse to actually occur, and some jurisdictions like New South Wales, South Australia and Tasmania have specific offences related to grooming that are not available in Victoria at the moment.

Finally, referring back to my original statement that child abuse breeds on community ignorance and that child abuse breeds on, at best, ambivalent attitudes and a misunderstanding or a lack of understanding of what it is and how prevalent it is, I think the government should fund and support an ongoing and sustained community education campaign in relation to child abuse. I think that without it not only is the issue of abuse and exploitation of children by volunteers and employees a topic that does not get much air outside of these sorts of inquiries but it is also an issue that the community will continue to grapple with in relation to broader aspects of child abuse and child protection. Just like you have to build an awareness of problems in the community like smoking and other public health issues, child abuse should be considered one of those, and community campaigns that are sustained over time will build that knowledge base.

The recommendations that we make are summarised on the last page of the submission. I have already spoken to each one of those. The only error that I can see is in recommendation 8 in the second-last line. The recommendation is that:

The Victorian government should amend section 326(1) of the Victorian Crimes Act ... to make it an additional offence to withhold information from police about an indictable offence ...

and that should read 'without a reasonable excuse.' That is the only amendment I would make to the recommendations.

Thank you for your time, and I am happy to take any questions or to go into any of the issues that I have raised in more detail.

The CHAIR — Thank you very much, Dr Tucci, for your presentation. I know committee members are keen to ask questions of you, so I will ask Mr McGuire to ask the first question.

Mr McGUIRE — Thank you, Dr Tucci — Joe — particularly for the insight that you have brought and also the range of recommendations that are practical, and we will certainly look at those in detail, particularly where you say that there are a mishmash in Victoria of different laws that need to be brought together. So can you just explain on the record for us: how can a culture of transparency and communication be fostered to reduce the risk of child abuse? I know you have gone to some of those issues, but could you give us more detail on that?

Dr TUCCI — Child abuse is a problem that happens behind closed doors. To fight it, you need to open those doors and enable people to scrutinise the systems that are in place to protect children. In order to do that, you really need systems that have at their heart things like auditing processes and that have policies that can be matched against standards and independent scrutiny of approaches that organisations take. It is not a

complicated system, Frank; it is a system that has to have some rigour to it and some commitment to a methodological application.

If you take the Safeguarding Children program as an example, what it requires an organisation to do is evaluate itself against a set of seven standards that have been researched around the world and that right now would represent the best knowledge that we have in relation to protecting children from abuse and exploitation by volunteers and employees. So evaluate yourself and find out where your gaps are; put in place a response to those gaps by strengthening your policies and procedures and ensure that your staff are trained for those policies and procedures; then open yourself up to an independent party to audit your compliance with your own policies and procedures, have that audit undertaken and openly address any of the concerns or shortcomings that the audit finds, take those recommendations and enact them; and engage in that process on a regular basis. That is not complicated. That just requires a commitment to seeing that child protection is as important as occupational health and safety.

Mr McGUIRE — Just by way of follow-up, is there evidence that organisational culture in religious and other non-government organisations has improved in ways that help to reduce situational risks?

Dr TUCCI — I think that there have attempts to improve them. I think that there are organisations that have seen the need to become accredited, to look at independent processes of auditing and scrutiny. I think that those organisations that open themselves up to that independent scrutiny are the ones that are more effective. The organisations that have systems that still suppress the truth and suppress the reality of what is happening are not achieving those qualities that we have just talked about.

Mr McGUIRE — That is the key change you would like to see?

Dr TUCCI — Absolutely.

Ms HALFPENNY — We have heard a lot of information about the fact that for victims of child abuse it takes a long time before there is a report on the abuse. I was just wondering: what are the factors that contribute to delay in reporting and in terms of the victim what ways can we perhaps go about changing that to ensure that people report early so that something could be done earlier?

Dr TUCCI — Children struggle to come forward to tell their story of abuse. There is a whole range of reasons why they do not. Often it is because they have been coerced into not telling the truth, into believing that they are responsible for the abuse, into believing that it is their fault, into believing that if they tell somebody something worse will happen to them or somebody that they love. There are a lot of hurdles that children have to overcome before they find the possibility to tell somebody.

The problem is that when they tell, in our research there is a one-in-three chance of hitting an adult who will not believe them. So 30 per cent of the population that we surveyed would say that they would be sure whether to believe a child or not, and another 20 per cent who say that they would not believe. So a child has a one-in-two chance of hitting an adult who will believe them. Then you have something like a 40 per cent chance of the rest actually taking action.

People do not know where to report. Have you ever tried to find the number of a child protection region in Victoria to make a report? It is virtually impossible — and that is for a professional, who knows how to find a number.

Ms HALFPENNY — I actually have; I know what you mean.

Dr TUCCI — Absolutely. So it is not easy just accessing the right person or the right people to report to. Professionals, who are the most likely to come into contact with children and be the first port to identify a concern about a child, have a range of reasons for not reporting. Some of those are that they have direct experience of the system failing children, that they do not get a response back — there is a whole range of problems that professionals talk about that get in the way of them making a report.

That is really why mandatory was implemented and introduced in the first place. To have a system around reporting that is only half baked does not achieve those qualities of transparency and simplicity. Right now we are in limbo, and we have been for years. Four professional disciplines are required to report; the others are

not — for no reason. What is the reason? I cannot see a reason other than resources and an ideological refusal to implement it.

Mrs COOTE — Thank you, Dr Tucci. I found your presentation very interesting and the supporting material that you have given us is particularly interesting as well. I am especially interested in the Safeguarding Children program. I read with great interest the groups that are part of your accreditation scheme. Today you said that there are 50 across Australia but there are only 14 in Victoria.

Mr TUCCI — That is right.

Mrs COOTE — Is there some reason that the number is so low?

Mr TUCCI — There are probably lots of reasons. I think one reason is that most organisations would say that within the standards that the department sets in their funding and service agreements child protection is one category that is already met and therefore it does not require additional resourcing, does not require an additional level of accreditation. I do not take the same view, because of those organisations that we work with, when we have gone in to examine their policies and their procedures, on the surface they look good but when you dig deep you find that staff are not necessarily trained, that staff do not necessarily know what their obligations are and that those systems are not always easy to follow, so there is a good reason to separate out child protection as its own set of standards and its own accreditation process. That is the argument that I would make.

Mrs COOTE — That is assuming that that is DHS and the government, but looking at your list you have got the Jewish community, for example.

Mr TUCCI — Yes.

Mrs COOTE — But there are no Catholic organisations involved.

Mr TUCCI — Yes.

Mrs COOTE — And there are very few Anglican or other church organisations. Have you got a reason that they are not represented on this as well?

Mr TUCCI — No.

Mrs COOTE — So they have not given you any explanations? No?

Mr TUCCI — Andrea, I do not know why.

Mrs COOTE — The other thing just on that is about monitoring. You spoke before about monitoring, but just on monitoring and evaluation of the program, I know we have not got a great deal of time, but could you just give me some indication of how that happens for these organisations that come to you?

Mr TUCCI — In relation to the Safeguarding Children program?

Mrs COOTE — Yes, indeed.

Mr TUCCI — Once they go through the accreditation process they are regularly reviewed every 12 months and independently audited every three years, and there is a panel that oversees that accreditation and auditing process. So, if you like, there is an independent scrutiny that the program applies to those organisations in relation to whether they continue to meet those seven standards; on top of that there is a panel of eminent people in the field who consider the recommendations from the audit and decide whether those organisations meet, partially meet or do not meet those standards.

Mrs COOTE — And those eminent people are independent?

Mr TUCCI — Yes.

Mr WAKELING — Thank you, Dr Tucci, for your submission and your presentation. I have got a couple of questions, if I may. The first is that within recommendation 4 you discussed whistleblower protection.

Mr TUCCI — Yes.

Mr WAKELING — I am specifically interested to see what kinds of protections you consider are needed with respect to the issues pertinent to our inquiry.

Mr TUCCI — My view is that whistleblower protection would cover — in the same way that other areas offer protection to people who come forward with information about crimes that are committed within those organisations that are not being exposed — any kind of ineffective practice, and anything where children continue to be exposed to risk with the knowledge of the management of that organisation. If a person who has that knowledge comes forward and provides that information to the police, what should be afforded to them is either secrecy — confidentiality — or some protection so that they do not lose their job at the very least and if they do lose their job that they have some way of ensuring that they can take action against that organisation. They are the kinds of protections we would be looking for.

Mr WAKELING — Thank you. Another question that I have is a broader question. You and others have talked about specific legislation in New South Wales, and you have indicated here changes to the Crimes Act, the Ombudsman and other provisions. In your opinion is there any evidence that demonstrates that these legislative changes in New South Wales have actually made a difference in the way in which matters dealing with child abuse have been handled and reported in comparison to the situation we have here in Victoria? People have put to us that we should be implementing legislation like New South Wales, but on the ground has it actually made a specific difference to what we have seen here in Victoria?

Mr TUCCI — I think the New South Wales Ombudsman has that evidence, and I think it would be in your best interests to ask him for that information. But I do think it has. I think that overall we are trying to change a culture of silence. We are trying to change a culture that has protected the adults who have hurt children rather than the children themselves. I think that takes long-term change. And without there being a structure within a community that can spearhead that, you are not going to achieve that change, and that is the fundamental difference between Victoria and New South Wales — that at least in New South Wales there is a focal point for this issue.

Mr O'BRIEN — Thank you, Doctor, for your evidence and your detailed focus on specific legislation that we can consider and recommendations as to that legislation. As a legislator I would like to just ask you some detailed questions about that if I could.

Mr TUCCI — Yes.

Mr O'BRIEN — Starting with page 6 of your submission, which discusses offences relating to the grooming of children for sexual activity in New South Wales, South Australia and Tasmania, could you firstly explain how these offences are prosecuted in relation to grooming?

Mr TUCCI — It is my understanding that grooming is considered to be reportable conduct under the New South Wales Ombudsman legislation, so it is something that the New South Wales Ombudsman then has the scope to oversee investigations of; and within the Crimes Act it is an offence to begin a relationship with a child with the intent to exploit that relationship for sexual gratification, if you like. That is how it is prosecuted.

Mr O'BRIEN — Yes, and I have the provisions, and we have had a discussion about grooming from an earlier witness. One of the questions is that it is easy to identify retrospectively and hard prospectively in a general sense. I read the New South Wales legislation. It is talking about, specifically, grooming activities by way of introducing, for example, pornography and other materials, whereas some of the evidence we had is that grooming in fact starts earlier than that, in trust building. As a legislator it is a difficult line for us to draw because of the thousands of perfectly proper relationships that involve trust. Where do we draw that line? Would you be recommending that it extend beyond the New South Wales position into any time there is inappropriate building of trust? Say, for example, with someone with a background, that may be an example where there might be a higher level of restriction.

Dr TUCCI — Yes, I think so. Some examples we have had are where teachers have used text messages — often hundreds of text messages — to initiate a relationship with the child which is not known to the parents and to continue to increase the exposure of that child to the idea of engaging in sexual abuse. The text messages are covered because it then falls within the — —

Mr O'BRIEN — Because of its indecency, yes.

Dr TUCCI — Yes.

Mr O'BRIEN — That is in 2B. I will not read it, but it is grooming for sexual purposes by an adult person if one or more person engages in conduct that exposes the child to indecent material.

Dr TUCCI — Yes.

The CHAIR — You are referring to the New South Wales legislation?

Mr O'BRIEN — The New South Wales Crimes Act 1900, section 66EB, for the Hansard transcript. There may be other provisions. It might be mirrored as well.

In relation to the mandatory reporting recommendation that you touched on in your oral presentation, recommendation 8, you clarified the word 'without', which was important and helpful, but I also note that I understand that that legislation — and there are two views about this in the community, so I need to understand what you recommend — has a restriction. I am referring to section 316 of the Crimes Act, New South Wales. Subsection 1 is the general offence, and then subsection 4 has an exemption, effectively, as I read it, against evidence obtained or information obtained in the confessional. It does that by a gazettal process. I am relying on page 112 of the 'Facing the truth' submission, where the Catholic Church in response to this committee's work have said that, relevantly, the clergy are prescribed as a vocation under section 316(5). Would you be suggesting that there be such an exemption for information in the confessional, or do you think there should not be any, and if you could explain your reasons why?

Dr TUCCI — I understand the arguments for and against why you would want to keep certain relationships — certain vocational, professional relationships — more confidential and the information that is exchanged in those relationships more confidential, because it enables some kind of supportive response to that person who is providing the information, but I think that when it comes to a crime against a child, in particular a sexual crime against a child, keeping it secret does not work in the interests of the child. I think that the confessional has been used as one way of maintaining that secrecy without an appropriate response being provided.

Mr O'BRIEN — But, just to clarify, your recommendation is that Victoria go broader?

Dr TUCCI — Yes.

Mr O'BRIEN — Certainly to the class of person subject to it, and no confessional exemption.

Dr TUCCI — Yes.

Mr O'BRIEN — Mandatory reporting in all cases, flat stop, so that the elevation of the child's interests is paramount.

Dr TUCCI — Absolutely, because what it does is that it achieves that simple test — the three tests you would want to have in relation to a system that works: it makes people accountable, it makes it transparent and it makes simple.

Mr O'BRIEN — Thank you for your evidence.

Mr McGUIRE — Dr Tucci, I know that you and Professor Goddard have worked and collaborated on a number of different projects in the past. I just want to get a feeling from you on research and data on what needs to be done in the future. We know that this issue has an enormous emotional cost on people; that is understood. What can be done to identify the cost of abuse, specifically within religious and non-government organisations? What data would be needed to identify this cost, and what could we do to try to collect this to put this on the public record?

Dr TUCCI — Having undertaken the research with Access Economics into trying to define the cost of child abuse in general to the community, the hardest piece of information to find that the economists need to project

the costs is the rate of the incidence. It is hard enough actually estimating the incidence of child abuse in the community in general, let alone within specific cohorts.

Mr McGuire — Organisations.

Dr Tucci — Organisations, yes. So that is what it would need; you would need someone to be able to come up with an estimate of the incidence and prevalence of abuse by volunteers and employees of organisations.

Mrs Coote — Thank you again. I would like to talk about the Children, Youth and Families Act 2005. In your supporting material you reference Professor Goddard et cetera. My interest here is to see, since 2005, the implementation of this act, have you seen any difference in the trends, particularly of child sexual abuse — rather than physical abuse but sexual abuse — particularly within organisations, including religious organisations? Have you seen any trend or any changes in that time?

Dr Tucci — The Victorian act — that child protection act, whilst it is called the children and families act — does not cover child abuse committed within organisations, unlike the New South Wales one. We have two different types of legislation in this country. One works on a broadbased understanding of what child abuse is and will take in any report about any concerns of abuse of children, whether it is family members or adults in the community, including those adults who work for organisations or volunteer in organisations. That is the case in New South Wales. It takes a broadbrush approach and says child abuse is child abuse and the state has some role in identifying and responding to children who are in need of protection. It does not necessarily mean that the state has to do it itself; it can offer a more supportive response. In New South Wales the state does not have to undertake it directly, but it is responsible for providing a child protection response to any child who is in need of protection from abuse and exploitation.

In Victoria the act only focuses on children who are abused or harmed by a parent or caregiver or in a situation where a parent or caregiver is unable to protect; therefore, in most cases unless the parent themselves is implicated in the abuse of the child by a volunteer or employee of an organisation, it will not fall under that act and the Department of Human Services has no grounds to intervene. It would refer, or should report, the matter to the police, and that is for the police where it is. The answer is: we cannot tell the trends based on that piece of legislation because the legislation has purposely been developed to be narrowly defined around child abuse within the home.

Mrs Coote — We have been given evidence in this inquiry so far about certain pieces of legislation; family understanding and discussion about child abuse, what it is; and that the children themselves are more alerted to it. So in terms of the notion of recent legislation and the wider impact with regard to child sexual abuse, whether it be in sporting organisations, schools or wherever, it would seem from other evidence we were given — for example, today about schools — that there seems to be a change because of the public awareness and attitude. Is that something that you see?

Dr Tucci — I would say that there is greater public awareness of the issue of child sexual abuse in particular. I am not convinced that the rates of reporting of child sexual abuse are any better than they were 30 years ago. My view is that unfortunately we still find ways to dispute the veracity of claims that children make. I still think we find ways as a system to reclassify child sexual abuse.

When you look at the figures in Victoria of substantiated cases of child sexual abuse, for example, it is 8 per cent of the total reports made. Places like Western Australia have a substantiation rate of child sexual abuse of 24 per cent. Victoria has one of the highest rates of emotional abuse substantiation, at roughly 40-odd per cent every year. It does not make sense that in one state there is three times as much child sexual abuse as in another state, other than the way that the system classifies and categorises those cases. I think that the system tends to reclassify child sexual abuse because of the lack of evidence that often comes along with the allegations and the way that those allegations are brought to the attention of authorities. It tends to classify them, more likely, within an emotional abuse framework because at least there is some response to the child, but it is not always the most effective response.

Mrs Coote — Okay; that is extremely interesting. Thank you very much indeed. Within organisations then basically you are not seeing the trend to be any different from what it used to be?

Dr TUCCI — I do not think in terms of numbers that the data would support that greater awareness has led to greater action.

Ms HALFPENNY — You might have half-answered this. I was asking the question about delay in reporting, and we were talking about how it is difficult to know where to go and whether you will be believed. We have been focusing a bit on the religious organisations, and they have set up processes to deal with complaints made about abuses that have occurred in the past and that sort of stuff. They seem to have a bit of a system there, good or bad, but do any of them to your knowledge have any systems in place to prevent and report current abuses?

Dr TUCCI — I think they all do. They all have to. Whether they are effective or not is another question. I think the effectiveness comes down to how complicated that system of reporting internally is, how many layers of people have to know about it before a decision can be made. You can have a system, but if the system takes six days for a response to be made, then often you miss out on being able to use timeliness to ensure successful prosecution and successful outcomes. You are not really comparing unless you sit down with each one of those systems and have a look at them in detail. Just because there is a system or a set of policies in place, our experience is that you are not comparing apples and apples. You are comparing systems that in name say that they achieve the same thing but in reality may not be effective in achieving anything much at all.

Mr WAKELING — Dr Tucci, I would just like to pick up on the community education component, if I may. We have certainly had evidence provided to us that there is a reluctance by many victims to report, often for up to 23 years. I am wondering if there is an education process we can put in place to actually encourage victims to report early — whether it is education of children or whether it is education of parents — because these are not actions that have been perpetrated by someone unknown; they are often a pillar of the community, someone that the parents well respect and therefore the child is often unwilling to perhaps make a statement about a friend of Mum or Dad. Can you provide some commentary around that, because the nub of it is that if a child is willing to provide that information early, then a lot of this could potentially be prevented for other victims?

Dr TUCCI — Yes. I think that the responsibility for child protection rests with adults, not with children. I do not think we can ask children or should ask children to be the linchpin in the process of raising allegations of abuse by adults. If we do, we are just setting up everything to fail because children can be manipulated into not telling, or into telling versions or partial versions of the truth or of substituting one perpetrator for another. The ways that perpetrators subvert normal relationships and subvert the truth are varied and powerful.

Protective behaviours or that sort of approach — even though it is appealing and at one level it makes some sense; there is some kind of a sense that if we can empower children to speak up, we would then be protecting them more — is actually not the way that it works. What we need to do is talk to the adults around children, starting with parents but extending out into their networks, and communicate to them what their responsibilities are and what the signs are that they need to look for in order to be able to ask children the questions that they might need to ask to find out why children are showing us signs of distress. We need to believe children when they tell us a story and to accept that the versions that children tell us will change over time, because that is what children are; they are not adults in the making, they are individuals in their own right. So if you wanted to target community education, there is good evidence to suggest that targeting community education at adults will work in raising awareness and then encouraging them to act, but what we have done with bits and pieces is probably raise the anxiety of the community but not raise its confidence.

Mr WAKELING — That is very interesting.

Dr TUCCI — That is why we do not have action; that is why we still sit in the middle of somewhere where there is not enough action.

The CHAIR — We have time for one very last quick question.

Mr O'BRIEN — Just on education, are you aware of any positive programs that have worked in Australia or overseas to correctly raise the awareness of, I suppose, the whole society or adults? I take up Mr Wakeling's point in one respect — if you could think about this — in that we have had evidence today that in many instances the only people who will know about the abuse for some time will be the perpetrator and the child. So that part of the education again, as you say, is how we deal with the child if they reach out, but if there is no

reach out from the child then we may not know for many years. If you could just incorporate further clarification of that in your response, particularly of positive examples.

Dr TUCCI — Yes. The problem that community education campaigns have is that there is no sustained commitment to them. You cannot look at child abuse community education campaigns around the world and in Australia, the ones that we have run, and say that they have been a big success. I have just argued against myself. I have said that community education has raised anxiety but has not led to effective action. The reason is because it is not sustained; there has not been a sustained commitment and investment in it to see what kind of impact it will have. It will have an impact. What the level of that impact is and what the outcomes are need to be evaluated and tested.

But if you look at public education campaigns for other issues that have received that sustained commitment — and I clearly point to smoking as one of them — you find that a combination of education and legislation ends up with major behaviour change. That is the outcome of community education. It is not just awareness; it is behaviour change.

I understand and appreciate that often in child sexual abuse the knowledge of what happens is between the perpetrator and the child and that that can continue to occur for long periods of time. However, we also know that there are plenty of opportunities. There are signs, small signals, that have come out of the darkness to adults around that child and that perpetrator that have been missed because we do not understand what those signals are or, worse, we know them and we overlook them.

I would say that if you want an answer to your question, look at the evidence that comes with a sustained commitment in other public health issues and see what the outcomes are, and I think there you will find — like drink driving, smoking and other health-related behaviour change issues — that sustained commitment over a period of time is the key.

Mr O'BRIEN — And across the whole community?

Dr TUCCI — Across the whole community.

The CHAIR — Dr Tucci, thank you very much indeed for your presentation and providing your submission and additional information to us. We appreciate your time and evidence. It has been most helpful.

Dr TUCCI — Good. Thank you very much.

The CHAIR — The hearing is now adjourned.

Committee adjourned.