

# TRANSCRIPT

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Melbourne — 9 November 2012

#### Members

Mrs A. Coote  
Ms G. Crozier  
Mr D. O'Brien

Ms B. Halfpenny  
Mr F. McGuire  
Mr N. Wakeling

Chair: Ms G. Crozier  
Deputy Chair: Mr F. McGuire

#### Staff

Executive Officer: Dr J. Bush  
Research Officer: Ms V. Finn

#### Witnesses

Ms K. Hogan, manager, Gatehouse Centre, Royal Children's Hospital;  
Ms C. Worth, manager, South Eastern Centre Against Sexual Assault; and  
Ms J. Vanderstoel, executive officer, Western Regional Centre Against Sexual Assault.

**The CHAIR** — Good morning. On behalf of the committee, I welcome Ms Karen Hogan, manager, Gatehouse Centre, Royal Children's Hospital; Ms Carolyn Worth, manager, South Eastern CASA; and Ms Jane Vanderstoel, executive officer, WestCASA. Welcome to the three of you, and thank you for being before us.

I will just run through a few preliminaries before we start. 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. 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, committee members will ask questions relating to the inquiry. I call on Karen to present first and then for the remainder of the first 30 minutes I will hand over to the three of you for your presentation, and then I will ask committee members to ask questions. Again, thank you very much for being before us this morning.

**Ms HOGAN** — We just have a number of things that we would like to let you know, and then obviously we are open for questions. Carolyn is going to start with just explaining to you what CASAs — centres against sexual assault — are.

**Ms WORTH** — We assumed that you might not know a lot about our service system, which probably we do. I thought I would just run you through it and you will get some sense of the statewide coverage.

There is a statewide system of centres against sexual assault. There are 16 of them: 15 of them provide direct service, and 1 of them is an after-hours telephone service. Nine of them are in rural and regional areas and six of them are in the city, which includes the Gatehouse Centre which Karen runs. There are some 200 counsellor advocates, which is the title of the people who actually work in CASAs. They are mostly social work and psychology trained. There is a number of people who might have other training like teacher training and so forth.

We provide a 24-hour service to victims of sexual assault. A number of the CASAs provide that service for victims of family violence as well. The 24-hour service is obviously provided after hours and at weekends and is for victims of recent assault, and recent for us is within two weeks. Other people who want to come to the service come to the counselling service. The counselling service is provided short, medium and long term for victims of sexual assault — and, as I said, by some of the CASAs for family violence — for women, children and men. Gatehouse works with children and families. Most of the CASAs work across the spectrum; a couple of them only basically see adolescents and adults. There are 5 stand-alone CASAs, which means that they run as independent organisations, and the other 10 of us are attached to major health-care networks.

That is probably it, really. We do not actually ask that people report to the police when they come to us. We do not ask for recent assaults for adults that they report to the police, and we certainly do not ask for historical cases that they report to the police. We are mandated — or we consider ourselves mandated — whether we are social work or psychology to report child abuse, and we would report a young person coming and reporting sexual assault, but we would not ask an adult to report sexual assault. I noticed your question to Patrick about that and about people who do not report.

Of the recent assaults that have come in, approximately a third have not reported and they do not wish to report to the police, for a range of reasons, not all negative reasons — sometimes that is not the way they deal with things. They also know how long it might take to go to court, so they actually do not want to go through that process; they are more comfortable having counselling and dealing with the immediate issues that they have to deal with, like STI tests and the morning-after pill and so forth.

I am just trying to think if there is anything else about our general service system. That probably covers it. The counselling that we provide, as I said, is crisis, which is obviously if you come in after a recent crisis, which might not always be a recent crisis brought about by an assault in the last few weeks: it could be actually a crisis brought about, say, by your inquiry sitting, because for a number of people that has been quite stressful. There is constantly some information in the press or on the television, and for some people that has triggered them into being fairly distressed. It is not that I want you to feel guilty or anything, but it has made people feel quite

distressed about their past history that they have chosen to bury or brick up in some way, and that is not being successful for them at the moment. That would get you a crisis appointment in most of our systems.

But probably the majority of people who come in to us come in about historical matters, and we deal with them in counselling therapy. For some of them we advocate. We advocate with the organisation that was involved in their being abused. We will advocate for them for a number of things — in housing, for them to be able to move into different public housing if that is where the difficulty sits for them; writing letters for them for a number of things. So it is quite a broad therapy counselling role, and that is what the advocacy part of it is.

**Ms VANDERSTOEL** — I might say a little bit about the pathways into CASA, so how people get to a CASA. Probably for most people it is self-referral, so they either know about our service or have picked up information along the way about our service. We also probably have the next highest number of referral pathways from the police. Most of the CASAs have positive relationships with their local SOCIT. In Footscray, with our SOCIT there, most of our police referrals will come from the SOCIT. Somebody may come in and say they want to make a statement, often around a historical assault, and the person has got to a point where they have decided they want to do something about it.

When they get into the police station they start to get very anxious about actually starting to think about and talk about something that they may not have given voice to in the past. The SOCIT members are very good at supporting victims to then seek some counselling support to assist the person to be able to manage that emotional response so that over a period of time they are actually able to make a statement and get support through the CASAs as a witness. I think the police see the support that we are able to give people as a positive for them in terms of the person being a witness and being able to just manage the emotional responses that they will feel.

Then I think other pathways of referral are often through medical services. We would get a high number of referrals through local GPs. People may go to their GP with symptoms of depression or anxiety and disclose to the GP that some of what sits behind it is sexual assault, and so GPs are very good at referring to CASAs as well. I think CASAs have been very good at supporting some of those pathways by doing training with people around those sorts of referrals coming in.

**Ms WORTH** — Can I just add to that? I do not know if anyone has spoken to you about multidisciplinary centres, but there has been a whole new development, of course. There are three MDCs — which is the jargon — currently up and running. They are where police, DHS and CASA workers are co-located, and that has actually made the referral process much more efficient, and it works exceedingly well. That has altered our relationship; not that we ever had a bad relationship in the last decade or so with Victoria Police, but it has become a lot closer.

**Ms HOGAN** — I might just talk a little bit about children and young people, which is a little bit different to the adult model that we have, because obviously with children who are sexually assaulted it is a crime and we would report it to the police and work with the police on that. I suppose, looking at this group of children and young people with the group you are looking at in your inquiry, the first way we actually stop sexual abuse of children and young people happening is by naming that it is happening. We know that and that it is a crime, and there are legal processes in Victoria — good legal processes — that actually deal with that crime, from the actual criminal law through to the Children, Youth and Families Act, through to a range of responses that we can work with the families and children so they actually are protected.

I suppose what we have actually seen in our time working with children and young people who have been part of closed communities or religious organisations is that that is often a block for us to actually use the good legal processes we have in Victoria to actually, one, name that the abuse is happening; two, to actually make sure that that young person or that child is safe; and three, to actually then deal with their safety, their living arrangements and the actual crime. So there have been blocks in the system to use the services that we do have in Victoria around children and young people where the abuse is actually occurring when the community is closed or when it is in a religious organisation or when the families seek help from those religious organisations or within their community.

One of the things we find with children and young people from closed and religious groups is that the humiliation and the fear and the concern that they have of actually disclosing the abuse in those environments as

children and young people, as distinct from adults, is very difficult for them, because there is often nowhere for them to go, their shame is just overwhelming and their fear of betraying their family and their community is also overwhelming. So, again, those children and young people present particular issues when abuse is happening to them — about where they go with that. So there is a little bit of difference with, obviously, working with children and young people in the CASA system, that sexual assault is a crime and will be reported to the police, and then the child safety and protection will be assessed and there will be work with the organisations, whether it be with child protection and/or the police and other organisations, to ensure that, one, the risk is not too great; two, that they are protected as much as we can; and three, that they are in an environment where they can develop.

**The CHAIR** — Thank you. Is there anything else you would like to add?

**Ms WORTH** — We had some questions which had been sent to us as guides, so I can talk to one of those, which was about the experience of CASAs in dealing with — it said — ‘closed communities’. All of us have found that extremely difficult. Closed communities, by their nature, are closed, so generally it is the organisations — not the major religious organisations but the ones you would almost call cults, whether they see themselves as cults or not. That has always been really hard, because clearly it is difficult for people to in fact disclose at all. If they do disclose, they tend to disclose within their actual organisation.

Probably we are talking about people like the Brethren and Adass and a number of other organisations where — where do you actually go once you have disclosed, because those organisations are small, the communities they support are small and mostly they do not want outsiders in? And that is actually really hard. On a number of occasions it is really clear you will be actually ostracised if you do disclose, whether that is the parents or the children. It is sort of a lose-lose situation, really, for anyone who does. They have been difficult. The other situations are difficult, but at least you do not sort of get abandoned by your core body or family group if you disclose. So we have found those things very hard.

**The CHAIR** — Have you got anything else you would like to add before we open it up to members of the committee?

**Ms WORTH** — No.

**The CHAIR** — Thank you very much, Ms Worth. I have a question for you. We have just heard from Victoria Police in relation to investigatory techniques and the establishment of various SOCITs, and you have just referred to the close relationship that you do have with Victoria Police in working with victims that come into your CASAs. In relation to what you understand, and I think you made reference to this inquiry and to some of the issues it has raised for victims, what is the best way to meet the needs of the victims? What do you think? What does justice look like for victims?

**Ms WORTH** — That is a very good question, because what justice looks like is varied for people. We may actually think justice is going through the criminal justice system and getting a reasonable outcome, but for a lot of people justice is actually being able to tell their story to somebody, or justice is the police actually just going around and talking to the alleged offender and not taking it any further, and they feel that something has happened. We have all had clients who have actually gone to court, had a reasonable sentence imposed and still not felt that was justice, so in some ways it is a psychological issue for people: how they deal with things and how they perceive this society.

The straightforward, structural justice is easy; if more people reported and more people got through the process of the police and then went through the criminal justice system and got a reasonable outcome, as a society we could probably see that that is a good thing. But for a number of clients that has actually not been such a good thing, especially people Karen works with. For a number of kids that is not a great thing. Dad in jail is not what they are trying to achieve. As a society that probably is something we would believe should happen, but for the kid that does not always make it that easy. A dad in jail gives you a difficult time at school, really — and an upset mum.

**Ms VANDERSTOEL** — For some adults, I think, where the abuse has taken place within institutions or religious organisations it is about the acknowledgement of the organisation. Growing up they have often had an experience of not being believed or having the impact being minimised. I think one of the important principles that CASAs operate on is believing people, so often it is the first time that they actually have a true

acknowledgement of belief around what has happened to them. But I think what feels unjust is when the organisations, despite overwhelming evidence, continue not to acknowledge that these sorts of things have happened and have been true. So I think that continues psychological damage for people in trying to actually work through these sorts of issues.

**Ms HOGAN** — Certainly for children and young people, our research shows us that they actually try to disclose many times. They try to tell someone on a number of occasions before someone actually really listens and hears. So for the children and young people, as Carolyn said, there is a whole variety of responses that they want as individuals, and they vary enormously. But the basic thing that they tell us is that they want to be listened to and heard, they want to be believed and they want someone outside maybe even their family system to understand them and believe them. If the police take some action, if they do go to court or if they talk to the child witness program before they go to court, there is an understanding that someone outside their family system, their small little world, actually says, ‘Yes, that was wrong, and you have done really well to tell’.

It is not necessarily sending someone to jail at all; that is not a consequence that children and young people think about at all. It is much more around their own developmental age and stage and their world. What they need is a recognition that it was wrong — a wrong was done to them by someone that they trusted, which is the most important thing, someone that they had a relationship with, often someone who has groomed them to abuse them — and that there is recognition that that relationship was a betrayal of them as children or young people.

**Mr McGuire** — Thank you very much for your presentations. I would like to pursue the issue of what justice looks like for victims, particularly from the important role that CASAs play. On that, can justice be achieved through the response process that currently exists in organisations where members are responsible for the abuse — I know you have gone to this, but if you would elaborate a bit more on that — and therefore what needs to change?

**Ms HOGAN** — Can you say that again?

**Mr McGuire** — What I am saying is: what do we do with the current process where it is in house and it is closed? What needs to change? Can you get justice out of that, is the first question, and what needs to be done to change that?

**Ms HOGAN** — Certainly historically I think an organisation looking at itself and dealing with this issue does not work, and it certainly does not work for victims. I have never had any experience in the 30 years that I have worked in this field where I know it has worked. The thing about sexual assault in any organisation, any family or any system is its secrecy. If we allow it to be secret, then the victim is totally powerless in that situation, because that secrecy locks them into that. If we take that extension of that connection between a victim who is being abused and the perpetrator of the abuse and then widen it out to the organisation that is doing exactly the same thing, then that is a continuation of the abuse.

I am firmly of the belief that organisations looking at themselves in this — it is also very hard for organisations to admit that this is happening because we know there are a whole lot of very good people in all the organisations doing very good things, but there are some who are not. It is very hard for organisations, whether they be religious or other groups, to say, ‘This is happening in our environment’. The systems like I talked about before, even things like the working-with-children check, mean that there is something outside those closed organisations and communities now that says you have to be part of the state system before you can have an involvement with children in Victoria. For me that is not the panacea, and it is not perfect, but at least it says those organisations can no longer be closed, and I think that is a very good thing.

**Ms WORTH** — I have something to add to that. I think with the compensation system, which relates to a specific organisation, obviously, it was not a good idea to have it in house. I actually think that should go to the state, and then the state should bill organisations, whichever one it is, for the compensation that they pay to people, because it just seems to me that anything in house — and it has been an issue not just with religious organisations but with police, defence and disability; they have all had difficulties with in-house examinations of their practices. I think there has to be an oversight in some way of a non-involved organisation because one of the things is that, unwittingly, people protect very powerful men — not invariably men, it is women occasionally. I think the systems are set up to do that. You do not get into senior positions without people owing

you favours. I think that is the reality of this world. And once you get there you can call in the odd favour, and that is what people do. It is just how everything seems to work. I think you need an outside oversight.

**Mr McGuire** — Jane, would you like to add anything? Is there anything else that you see that needs to change?

**Ms Vanderstoel** — I think there is potential if organisations — it is about what the organisation's intention is. If organisations' intentions are to cover up and minimise the impact of sexual abuse in their organisation, then those sorts of systems do not work, because to the victim that is what it feels like — that it is just a cover-up and they are being paid off or silenced. I know some religious organisations have made real attempts to try to be very open and clear about being able to articulate a position, to try to give some of that internal justice to victims and even to take some steps to make sure that things do not happen again. I think where there are very open processes, based on a real desire to create cultural shift in organisations, then it has an impact on a sense of justice for victims.

**Mrs Coote** — I would like to thank Ms Vanderstoel, Ms Hogan and Ms Worth for being here and for their presentation today. Thank you very much indeed. My issue you may like to take on notice, because I would like some particular data relating to non-government organisations, as in the breakdowns of people reporting to you, the types of offences they are reporting et cetera. That is quite detailed information, and I would be quite keen for you to provide that to us on notice, if you can.

My question really is on your written submissions from the WestCASA and also from the South Eastern CASA. On page 3 of your presentation from the west, it says that you believe that churches and other organisations should:

Be legally mandated to report child sexual assault to the police if there is a reasonable belief that a child is at risk of harm.

The southern CASA goes a little further and says:

The mandatory reporting provisions should be extended to include ministers of religion and all other religious personnel. It should also include child sex abuse allegations that are made in the confessional. This reporting duty should not just apply to the wider religious or spiritual organisation, but should include information received during confession.

Could you elaborate, please?

**Ms Worth** — I am happy to. I do not think the confessional should be privileged. I actually think it is quite strange that you can confess a crime — and it is a crime to abuse a child — and it is privileged information. I do not think that operates anywhere else at all. So I think that people receiving that information should be mandated to report. I do not actually know whether priests go to confession, but I am assuming they do and that they would confess to other priests or to their senior person, and I think for people to keep that in-house should in and of itself be a crime. Yes. I think it encourages a climate of secrecy.

**Ms Vanderstoel** — I have a similar response as well. I think that where there is a choice about reporting or not, to maintain a climate of secrecy people will often choose not to report and believe that they can manage these sorts of things internally, and I think we know about the impacts of those things. So I think it is an important community message for organisations to say, 'This is the behaviour that we expect of you', the same as social workers, teachers or others who are mandated to report abuse and who have to have systems in place, checks and balances around that happening. There has to be training for staff around understanding what their obligations are. I think it is really important to have that as a systematic response.

**Mrs Coote** — Ms Hogan, you did not actually say anything in your submission, but do you have an opinion on that given that you are dealing with children?

**Ms Hogan** — Yes, I think there should be no difference for any adult in Victoria. If you see or suspect abuse, it should be reported to someone who is mandated to investigate it. There should be no group that is outside of that, because all children deserve the right to be protected and to be safe and not to be abused.

**Ms Halfpenny** — Just in terms of people who come to see you and in terms of people within organisations who abuse children, and I think you were saying that the child and young person's unit continues to hear cases — because a lot of the cases we hear about are historical cases — in terms of those contemporary

cases are there any particular organisations that you seem to be getting more allegations about or reports on than others? Or is it fairly across the board?

**Ms HOGAN** — I would be loath to name organisations at this stage because there are current cases and things like — —

**Ms HALFPENNY** — I did not mean that. It was more the type of organisation — whether they are religious, whether they are sporting, whether they are whatever.

**Ms HOGAN** — I think what we can say is that given the interest in the safety of children and young people, and given the recognition that children and young people are being abused currently, that there is more awareness by a number of organisations and religious groups that it is happening. Certainly we have had requests for training from a number of religious groups and their ministers and rabbis and things like that which we have not had in the past, and that is increasing. So I think there is recognition that it is occurring and that organisations have responsibilities. Certainly there is interest in your inquiry; it is in the media and organisations are thinking a lot more about it. We still do, however, have referrals that are current, which means that it has not gone away and that is understandable as well.

**Ms HALFPENNY** — Are there any particular organisations that you would say are using best practice or which have procedures and processes in place that seem to be working to protect children?

**Ms HOGAN** — I do not think we have got to the ideal yet, no.

**Ms WORTH** — Child Wise has a package for organisations to look at. You have probably heard of them?

**Ms HALFPENNY** — Yes.

**Ms WORTH** — That is obviously of some use. But given that child assault is mostly about power and access, you will have a whole range of people — coaches — who you allow to access your children. You do not tend to leave your children with strange elderly men, which we all think is the stereotype; that is not who you leave your children with. You leave them with the charming football or swimming coach; that is who you leave them with, and they go on a camp. That gives access, and it also gives power because they have power over the group for some reason.

**Ms VANDERSTOEL** — Yes, and I think it is often an insidious and invisible way of perpetrators putting themselves in the position of being able to have access to children; I am sure you have heard a lot about that. But it is often quite difficult for organisations with the best of intentions and the best models to not have people in the organisation who are paedophiles or perpetrators.

**Ms WORTH** — It is actually an uncomfortable thought about how predatory some people are, but a number of males, generally, target single mothers with two or three children, who basically struggle — they struggle with their children; they struggle with everything — and they target them. And then of course their children are accessible to them. That does not involve an organisation, religious or non-religious; it is just what happens. But it is about the vulnerability and having something to offer in that system.

**Ms HOGAN** — Can I add something? I just think that in organisations that are predominantly dealing with children we find the perpetrators actually spend a lot of time and a lot of effort and a lot of energy ingratiating themselves in those organisations before they actually even start abusing, so it is not someone who comes in and then starts immediately. There is a lot of thought and planning that has gone into the act before they actually abuse. So they could be involved in the organisation and get themselves into quite a powerful position, in whatever organisation it is, for even years before they start grooming.

**Ms HALFPENNY** — In terms of talking about process, that is about prevention. I guess the other thing was, in terms of organisations, you were saying that often children do try to tell somebody, and it is how organisations deal with that. There are some that do that well and some that do not do that well at all. I guess that is the other part that — if there are any particular ones that are doing better than others in that area.

**Ms VANDERSTOEL** — I think one of the things that CASAs often get involved in and offer to organisations — there are two things, and one is about a secondary consultation. We might receive a phone call from someone in an organisation who has a concern or a mum whose kids are in an organisation who has a

concern and is uncertain about what to do next. We can help them through that sort of process so that they know what steps to take. We will have managers of organisations talking to us about those sorts of things.

I think the other thing that CASAs do is offer training to organisations as well. We might do training with sports organisations or with disability care services that surrounds how to respond to a disclosure so that we can work with the staff to assist them so that if somebody says something to them — that they have been sexually assaulted — they actually hear that disclosure and respond to that disclosure in a way that supports the safety of that person rather than, if you like, ‘Oh, my goodness, that can’t be happening’. and shutting things down. So I think that is certainly something that we do to support organisations.

**Ms WORTH** — In terms of your question about whether anyone does it better than other people, the department of education has started to address it using their student wellbeing unit, and they have a document — I was trying to remember exactly what it is called. It is something like ‘Guidelines to deal with allegations of sexual assault’ — and they wrote up the guidelines in conjunction with us, and that was for every principal to actually make sure the schools followed it. They have been doing some work. Obviously, because all they deal with is children and young people, they had reasons to do this, but they did not do it well going back six or seven years ago, so they have made some attempts to address it. There is one rather large organisation trying to deal with it.

**Mr WAKELING** — Thank you very much for your presentation. I would like to bring you back to an earlier question which was dealing with organisations that have set up their own internal process, and as we know the Catholic Church has such a body. From your experience of dealing with any victims who have been through that process — and if you do not know yourselves, you may wish to come back with further information — I would be interested to know in your experience whether there are barriers that the victims faced through the process, what the success was in terms of pastoral care that was afforded to victims through that process, the success or otherwise in the receipt of payments by the victims and whether or not they actually felt satisfied by going through that process. In your opinion, did victims who reported to you after they had been through that process actually feel that that process afforded them the justice that they were expecting in raising that issue through the internal process?

**Ms WORTH** — Leaving aside my rather cynical view about powerful men and who protects them, we have had a number of people come to see us after they have had compensation. Clearly we only get the ones who are not happy, because if you have been through the process and it has worked, then you have no real reason to be attending us to discuss counselling or attending a group because you are not managing. Our experience has been that people find it extremely difficult within some organisations to report because they experience a level of disbelief when they start. I think that would be reasonable: if somebody is an upstanding member of the community, you always experience that sort of disbelief. We always believe about AFL footballers because we know they behave badly, but if someone comes and tells you that a pillar of the community has done something, I think probably naturally, unless you work in a CASA where you believe any allegation, you would not believe it. That has been difficult for people when they are reporting people who have been seen as very powerful people who do good things.

What we have found is that people have found that process quite difficult, and they have talked about it in detail. They have talked about it being difficult to be almost forced to explain and that they feel that nothing happened to the alleged offender and that things were not followed through for them. Also the confidentiality agreement was difficult for people. We have always said to them, ‘We suspect it is illegal’, but it does not matter: if you have actually stayed in that system, you have faith and faith blurs that for you. You want it to be okay. That has been difficult for people, the feeling that they cannot talk about what happened. And that is difficult in counselling when they come and say, ‘But I’m not supposed to talk about this because I signed the agreement’. Our experience with a number of people has been that that is actually really not a good process for them.

**Ms VANDERSTOEL** — Similar to Carolyn, we have found people for whom it has, I think, actually made things worse. Often they feel that the amount of money they have accepted has sort of bought their silence in lots of ways and that it has not really been compensation if you think about the impact for some of these people the experience of the abuse has had on their lives. I think that victims often go into those processes with a lot of hope; they hope that they will be believed and that this organisation will provide a level of justice. They are often severely hurt when that does not happen, and I think it is often that experience that then brings them into



us as it impacts on their wellbeing in a way that means they are often unable to manage on a daily basis. So I think attempts, if you like, by the Catholic Church around doing that actually make things worse for people.

**Mr WAKELING** — So it is making it worse, potentially?

**Ms VANDERSTOEL** — Absolutely.

**Ms HOGAN** — Certainly just for the families that we see. I would say in all the cases that we have seen it actually adds another layer of difficulty to these families. It is another layer of feeling not heard, not believed and being disenfranchised with the world around them, so I think it is another layer of difficulty that they have to deal with.

**Mr WAKELING** — If I may ask, for those people who you are dealing with who have been through this process — have you or they raised the prospect of raising this issue with the police?

**Ms VANDERSTOEL** — Yes.

**Mr WAKELING** — And what has happened in terms of that?

**Ms VANDERSTOEL** — Look, I think some will do that. We certainly have some people who are involved in some civil legal proceedings that are currently under way and some extradition processes with the United States, so there are certainly some people who we have supported who look for other avenues, if you like.

**Mr WAKELING** — Did you find anyone who, because they had signed the agreement, felt as though they were incapable of raising this issue with the police, given they had effectively contracted out?

**Ms VANDERSTOEL** — Yes.

**Ms HOGAN** — Yes.

**Ms WORTH** — Yes, we have had a couple of clients who just were really clear: they signed this and no, they do not believe that it may not be a legal document. We have a legal clinic. We have often sent them to get advice, but I think if you have grown up in well, obviously, the Catholic Church and you have been to a Catholic school and you have had priests around you all the time and everything else, it is a very powerful force in your life. It is very hard to stand against it.

**Mr O'BRIEN** — Thank you for your evidence and your work. I was particularly going to focus on picking up some of Mrs Coote's questions in relation to mandatory reporting. As legislators one of the things we are very interested in is solutions, legislative reforms, and we have had a number of submissions in relation to mandatory reporting, including one from the church indicating — on page 106 in their submission to this committee — that they now accept a form of mandatory reporting. That is why I am very concerned to make sure we hear from all views as to the pros and cons of that issue, because I know there are still a range of views within the community from victims as to the form and to when and how it should take place, due to this fear of being embroiled in a process.

If I could take you to page 2 of your submission. I understand the extension to religious organisations but in the nature of the mandatory reporting obligation you say they should:

Be legally mandated to report child sexual assault to the police if there is a reasonable belief that a child is at risk of harm.

But just hearing your evidence today, I wonder whether you would be still putting that clarification, that second part of your recommendation — namely, 'if there is a reasonable belief that a child is at risk of harm' — or are you effectively saying that you have a mandatory reporting obligation of all allegations of sexual assault, full stop. If you could think about that.

**Ms WORTH** — Yes, I think you do have. I mean, basically that is what the law is — that people should report.

**Mr O'BRIEN** — That is what I understand.

**Ms WORTH** — But it does have that qualifier ‘if you think the child is at risk of harm’. It does not actually say, ‘absolutely everything you are ever told’ in the legislation.

**Mr O’BRIEN** — No, but where I am concerned is are you wanting to be engaged in an exercise where the church determines this, or is it mandatorily reported for others to determine this?

**Ms WORTH** — It is for the legislation to determine it; it is not for the church to determine it.

**Mr O’BRIEN** — And the people they would be reporting to?

**Ms WORTH** — And the people that will be reporting, yes.

**Mr O’BRIEN** — Secondly, on the confessional, which is an interesting point from Mrs Coote. Obviously when conceding mandatory reporting the Catholic Church is saying that it should not apply to the confessional. Other organisations have got their own views about that, which we will need to carefully hear from in the way that our chair has outlined this morning. This is something you can pass back to your victims, because I understand we are focused on the legislation as opposed to necessarily investigating individual cases, which need to be kept within the appropriate bodies. That is not always well understood, but it is the important aspect that I would like to focus on.

In relation to the confessional, are you recommending that if something is in any privilege — because there is presently legal professional privilege where if someone was to confess to a crime in legal professional privilege, it would be privileged; the argument being the need to give a full and frank account to a lawyer. I heard you say ‘all confessionals’, and I just want to think about that carefully. Maybe you have to come back to us on notice, but are you saying all privileges, including legal professional, if you hear child abuse? There could be arguments for that, but it does have consequences in relation to the suggestion that people need to give frank disclosure. Of course the church states the same in relation to the need to confess sins — that it has to be a frank answer. I need to know to what extent you want to take your recommendations.

**Ms WORTH** — I will think about that while I am saying something. I never understood confessional privilege; I do not actually understand that. I can understand some level of privilege in terms of defence, but my understanding has always been if you confess to doing a crime, that someone cannot go and stand up in court and defend you anyway.

**Mr O’BRIEN** — They cannot put allegations contrary to information, but they can, for example, put a prosecution to that proof, and things like that. They are not mandatorily obliged to report it to the police. That is a distinction, at least in my understanding. I need to know what you are recommending. Maybe you need to think about this. I appreciate that it is an ongoing dialogue and the committee is engaged in that very extensive dialogue and that issues will be emerging through the course of the inquiry. There is another option perhaps that if a confession is made, if an admission is made in a confession, that there be an obligation that the confession cease — that what was a process of confessional needs to become a different matter, particularly for churches. That is an option. There is a whole range of options — that absolution not be given, or that you have a simple mandatory reporting.

**The CHAIR** — Can you get to your point please, Mr O’Brien.

**Mr O’BRIEN** — I would just like you to think about that and perhaps come back to us on notice as to, within the range of submissions made, what you think is in the best interests of the victims that you represent.

**The CHAIR** — Would you like to comment now, Ms Worth?

**Ms WORTH** — I am happy comment now. I still think that if somebody discloses child assault, child abuse, within a confessional, that that should be reported, because basically that is the law — that you report child abuse if you have a reasonable suspicion that the child has been damaged; it is worded slightly differently. Attorney-client privilege is a whole different issue. I was not addressing that, and I would have to go away and think about that.

**Mr McGuire** — I would like to open up the issue of how CASA deals with its relationship with police. How does CASA support victims once police are involved? Have victims’ experiences with police changed in recent years? And what do you believe needs to improve?

**Ms VANDERSTOEL** — What comes to mind is that yesterday at WestCASA in Footscray we had a woman who has been quite frightened about reporting to the police, so we had some police from SOCIT come to our office, not to take a statement but to just sit with her and talk about her options. I think that in some way describes some of the positive ways in which police respond to the need of victims to often take the process of making a statement quite slowly. I think that over the past number of years, and I think particularly around the development of the SOCITs and the MDCs, that it acknowledges the partnership that we have with the police around working in the best interests of victims.

**Ms HOGAN** — Certainly with children and young people. Years ago in the family violence field children were seen as, 'It's okay, the kids are asleep; they do not know it is happening', kind of thing. That has totally changed now. Just the development of the SOCITs, their training, the training we do for them and their understanding of children — it is a million times better. We probably still have a long way to go, but it is very much, 'We are just all part of the jigsaw of' — for us — 'the child's or person's life', and we need to work together to achieve the best.

**Ms WORTH** — It is true. They have had a police code of practice for reporting allegations of sexual assault for 20 years now. That has changed things. I have been in this job for 20 years. I can remember when I started that people said to me, 'We do not talk to Hallam police'. I said, 'Okay. Why is this?'. 'We just don't. They don't like us, and we don't get on with them'. In 20 years the world has changed. We co-locate with the police in three locations in the state, soon to be six. We also have quarterly liaison meetings which are set down in the code of practice, which have to take place between CASAs and police. Often the sex crimes squad and other police attend as well. They give you an opportunity to raise those things like, 'We have had discussions that such and such a station is not dealing with victims very well', and it means the police system can look at it.

We have, as I said, the MDCs. That should change things even more. You would know how it operates here. You know how business gets done in corridors? That is what happens in MDCs. Someone says, 'I want to talk to you about this or that'. That is different to saying, 'Can I make a formal meeting?'. So you have a lot of informal opportunities to address things before they become a large issue.

**Mr McGUIRE** — Just to finish on that, thank you for those answers. We know this is something that is evolving, and we are trying to get to the best proposition we can put to the Parliament on what needs to change, so if there is anything else you would like to provide at a later date, I just leave that as an open proposition — anything else you think can improve the system.

**Ms WORTH** — I suppose I can think of one thing, which is that Karen and I have been looking at restorative justice practices, which we used to call 'offender conferences' but they are not really. They are when someone really does not necessarily want to go to the police, or as a child they just want some opportunity to discuss things in their family. We will organise those sorts of arrangements. They are not currently in any way organised. We have had some discussions with the Victorian Association for Restorative Justice about can you actually do this with sexual assault. Obviously they do it with a large number of other offences, like violence offences in young people. We have been running some of them, and they appear to be effective, but probably a nice recommendation would be that it could be explored or a pilot set up and some evaluation done, because certainly for some young people and for some adults, that has been more useful for them in the criminal justice system. They have got an apology, and they have found that useful.

**The CHAIR** — Thank you. I think we have time for one last question.

**Mrs COOTE** — You have outlined the changes in your relationship with the police and other organisations over the 20-year period. Could I ask, in non-government organisations, what changes have there been in the types of sexual offences that have happened over that period? Is there a change, is there a trend?

**Ms VANDERSTOEL** — I guess just anecdotally what we see more of in our crisis care unit is drug-facilitated or alcohol-facilitated sexual assaults. I think that is something that we see more of.

**Ms WORTH** — The major change for us has probably been the advent of broadband in 2006. That has brought a whole different set of issues about the internet, sexting and those types of things, and being able to stalk somebody. As the kids do, they have their phones all the time, but there is no safe place left. Years ago if you were bullied on the way home, at least when you got home and shut the door it was safe. Of course now it

does not stop. So that has been actually a change for us. The grooming has become more intense, because you can go online and groom someone online and no-one has any idea.

**Mrs COOTE** — So the relationship with the non-government organisations has changed to a more individual-type basis? Is that what you are saying?

**Ms WORTH** — Yes, I think that is right. That has become much more pervasive than it being an organisation as such that we think might be dysfunctional, because probably if someone is dysfunctional in an organisation or being predatory in an organisation, they can now go online and be predatory without running a risk of being overseen.

**Ms HOGAN** — We would see there being more avenues for the vulnerability of children and young people. There is more access to them than there was in the past. Whereas before it was often the organisations, the trusted coach or the minister or whatever, now there are a whole lot of other systems.

**Mrs COOTE** — Do you think organisations are looking at that aspect?

**Ms WORTH** — I think it caught us all by surprise, to be quite honest. I do not think that anyone ever thought that if you gave a kid an iPad or an iPhone, they would take pictures of themselves naked and send them to a stranger. I do not think we ever expected that.

**Mrs COOTE** — Thank you.

**The CHAIR** — On behalf of the committee, I thank the three of you for your presentation this morning. We do appreciate your time, and your evidence has been most helpful.

**Witnesses withdrew.**