

CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2021

Second Reading

Resumed from 5 August.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [7.21 pm]: I have to give a caveat to my presentation to say that this will not be the scintillating contribution that the member for Vasse would have given to this Children and Community Services Amendment Bill. However, in order to allow the government to conduct its business, I am the lead in this debate in the absence of the excellent member for Vasse. Obviously, Hon Nick Goiran is our shadow spokesperson for this issue in the other place and he will contribute to debate there. I indicate at the outset that the opposition will support this. I will make a brief contribution to the debate. I will not seek to go into consideration in detail unless any of the minister's members wish to do so, but I will leave any detailed examination of particular issues to the other place.

This is a very important bill to come before Parliament. As all members here know, this came out of the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse and the recommendation that state and territory governments enact legislation. I will say that at a personal level, I am disappointed that this bill has made way in this place for other bills—for example, the Beeliar wetlands bill. I cannot understand how the government prioritised that bill before this one. This bill goes to the core of safety of children in our community. I think this bill went through the fortieth Parliament with our support. I had hoped it would come forward earlier. I am not trying to blame the minister in any sense for that. I appreciate there is a legislative time frame, but given the Beeliar wetlands matter is completely within the hands of the government for the next four years, why the government is pushing that bill before this one is beyond me. In any case, I guess the important thing is that the bill is before the house. As I say, it is a very important matter to protect from predatory sexual abuse one of the most vulnerable groups in our community—that is, children.

This bill will amend the Children and Community Services Act 2004 and will implement the recommendations of the 2017 statutory review of the Children and Community Services Act 2004 and the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse. A large proportion of the bill mirrors the 2019 bill that was passed in the Assembly but was not prioritised in the Council in the last Parliament. I ask, minister, not for me and not for this Parliament whether it is possible for the minister to show any differences between the 2019 bill and this bill. Given it has been well debated in this place, it will short-circuit some of the debate for my colleagues in the other place if the minister or her officers could produce any differences between the 2019 bill and this bill that members may wish to be aware of when it gets to the other place.

I note that subsequent to the 2019 bill, the Standing Committee on Legislation undertook a review of this and made a number of recommendations. Recognising the strong support for the bill on all sides, I will not go through that in detail. However, concern was expressed in the last Parliament about why the only group that was identified for the mandatory reporting were people in the religious ministry, which was the fifth of the categories of the five groups identified by the royal commission on whom mandatory reporting should be required in relation to any suspicion or knowledge of child sex abuse matters. My understanding is that this bill has amended that and now all five categories are included in the bill—and I will talk a little about that further on. It is certainly very appropriate that that should occur.

There has been discussion in other places about issues around the confessional in the church. This is my personal view: I do not think it is an excuse, which I think is a view that was broadly expressed by members here. If people, in whatever guise, are aware of child sex abuse, they must report it to the police. That is an unequivocal point. I understand that for religious reasons some people believe that if people in religious ministry are required to report issues revealed in the confessional, it may undermine that process and undermine the rehabilitation. I understand those arguments but I do not accept them. It is no different from any group, but I respect that people might have a different opinion for good reasons—not that they want to protect sexual predators but they see there is some greater good in that.

Once again, I clarify that I think the direction the government has taken on this is entirely appropriate. It is good to see that the government has taken on the recommendations. I am happy to stand corrected, minister, because, as I say, I am certain the member for Vasse would not need this clarification, but my understanding is that all but one of the recommendations from the Standing Committee on Legislation was adopted and I congratulate the minister for taking cognisance of that committee's good work.

In relation to the proposed extraordinary powers of investigation designated to officers by the CEO of the department, clause 69 will delete over a page of powers, but clause 71 will replace them in the legislation with 10 pages of powers to investigate any offence. The bill also provides for out-of-home care workers to be mandatory reporters. That very much aligns with my view that anyone in a formal role who is aware of the abuse of children—in fact, anyone who is aware of the abuse of children—should report the matter so that we are protecting our youth.

Some people I have spoken to expressed some resourcing concerns given the extra work required and the likely extra support to be accessed by caregivers. Extra components will be required in care plans, such as cultural support plans for Aboriginal and Torres Strait Islander children and leaving care plans from age 15 to consider the child's participation and wishes.

There is a concern that the government has previously underspent on care leavers support available until the age of 25 years, so the budget has not been fully utilised in that area, yet waiting lists were cited as an issue in the Auditor General's report. The question is: are extra resources being provided to assist with the preparation of those more detailed plans?

This is a broader issue, but will the department have the required resources for the implementation/enforcement of this bill? I ask because there will be a larger compliance component, if you like, for the department. Obviously, it is very important work. Once there are these extra categories, there will have to be an audit and follow-up to make sure that this new law is complied with appropriately.

I will finish on this point. Will there be separate proclamations for the five nominated groups or will they be done together? I understand that there had been some discussion or some debate on it and a view was expressed that the other four groups needed to be consulted. The point was made to me that religious leaders were not afforded that level of consultation, so is there really a requirement for the government to undertake that detailed consultation, or should the government proclaim this for all groups at the same time? I know the minister's genuine intent in relation to this matter, but these groups should be proclaimed as soon as possible so that we ensure that children get the best protection they can possibly get as soon as possible. I would be grateful if the minister could answer those queries; otherwise, the bill has the support of the opposition.

MR C.J. TALLENTIRE (Thornlie) [7.32 pm]: I am very pleased to rise to speak on this bill and offer my full support for the Children and Community Services Amendment Bill 2021. I note that I last had the chance to present to the minister about the circumstances behind the justification for this kind of legislation in a grievance late last year. In that grievance I mentioned a matter that occurred at my old school, Trinity College, which I left 41 years ago. The event happened relatively recently, in 2017, on a school rugby trip to Japan, where a young fellow was sexually assaulted by his peers. It was terrible. My heart goes out to the young fellow for the pain that he suffered, physical and emotional, the bullying that occurred in the lead-up to that event and then the subsequent events. It just got worse because the court found that two teachers who were on that trip were aware of what happened, yet they did not report it. I think any public discussion about this area to make it clear to people that they have this reporting duty is absolutely vital. We all in our communities need to realise that when we see these sorts of offences, we have an obligation to report. One of the things that becomes very apparent in this legislation—the minister expressed it well when she introduced this legislation into Parliament—is that ministers of religion also have an absolute responsibility to report. I believe that in the rollout of targeted training of different groups, we will start with the ministers of religion, which I think is very well justified.

Members will know that I was born in the UK and indeed spent the first four and a half years of my life in the UK. At that time, my parents were wondering which school they would send their eldest son to. They were very excited, although I think they were only just beginning to realise the financial stress that they might have been about to place themselves under, and they put my name down for a school called Ampleforth. I think I am very relieved I never went to Ampleforth, but Ampleforth had all sorts of cachet around it; beautiful grounds in North Yorkshire and wonderful sporting traditions; and a whole lot of alumni who had achieved all sorts of remarkable things. But in recent times, it has come out that some terrible sexual abuses occurred at that school. I know that at the time the abbot of the school, Basil Hume—who then later went on to be the Archbishop of Westminster, a cardinal in the Catholic Church, and a very respected man—was aware of some of the sexual offending that occurred by a particular monk. Ampleforth is a school that is run by the Benedictine monks. Basil Hume was aware of the offences and decided to shift this offender along. Instead of acting on the offences and reprimanding the offender and instead of reporting the matter to the police, he decided to shift the fellow along.

I heard the comments from the Minister for Water, the member for Bassendean, and he addressed the problems that have been so apparent in the Christian Brothers order, in which I think the same thing has occurred. Problems would arise; people in the hierarchy of the brothers in the Catholic Church in all sorts of institutions would hear about problems and then just quietly move people on. They would not report them to police. One can only speculate why they did not report to the police. Perhaps it was a bit of public relations management. Perhaps there was a genuine view that if we gave Brother So-and-so or Father So-and-so a fresh start, they might be a reformed character. Perhaps they felt that matters could be dealt with internally. The evidence does not say so though. The evidence does not support this. In fact, the evidence says very clearly that when we move these people on, they will just start again.

There are some really heart-wrenching documentaries about the awful things that have occurred in various religious orders around the world. I do say around the world—not only in Australia and the UK. These things have tragically occurred in many countries. It seems to be a problem in religious institutions where there is a culture that allows

this secrecy to develop and ferment. This secrecy culture is also backed up with a degree of arrogance that says, “We know best, we can move things on and we can solve the problem.” These problems just do not get dealt with at all and are allowed to proliferate and carry on. I think the legislation is very appropriate. I noted the comments from the member for Cottesloe that we will tackle this by first rolling out the training to ministers of religion and targeting that group. I think we have gone so far beyond the issue of what is said in the confessional should stay in the confessional. We have seen too many of these tragically damaging errors occur that we just cannot tolerate that approach. There has to be a recognition that the law of the land must stand and be respected. We should not leave that open to the interpretation of those in various religious orders.

Over the weekend I read a very interesting article that was published in *The Observer* in the UK titled “Why public schoolboys like me and Boris Johnson aren’t fit to run our country”. The article develops the theme of the institutionalised ideas of grandeur and sanctity that exist in some of the UK’s public schools, as they are quite confusingly known; that is all part of the confusing use of language that develops a sort of code of brotherhood, I suppose. These are private schools, but they are known as public schools. I believe the history behind it is that the exam results are publicly available, or something like that.

Public schoolboys, as they are known, encounter strange goings-on and are subjected to the deforming experience of being sent as very young boys to a boarding school where they are forced to behave like little men, but at night they are still crying for their mum, their brothers and sisters and their pets at home. It is deforming of their character, and this article by Richard Beard expresses that experience very well. He highlights that that experience actually entrenches a culture in which the students do anything to conform. The last thing anyone wants at schools like Eton or Ampleforth College in the UK or at similar schools elsewhere, including in this country, is to stand out too much. If a student lets it be known to their peers that they have, for example, a hobby like collecting butterflies, others will seek to belittle them, to poke fun at them and mock them. That is the experience of many at such schools, and they end up being the sort of people who take nothing seriously and are very cold.

Mahatma Gandhi observed the “hardness of heart of the educated”; that was his feeling about those who had received the public school education that was so treasured by the English ruling classes. They developed a hardness of heart in those schools because it was the only way they could survive. It is a bit of an extension of the idea of the “stiff upper lip”—a belief that is still held by many in the UK, including many of a social standing that would never have afforded them the opportunity to attend one of these schools. Their belief is that it is the perfect training for leadership. In fact, two-thirds of cabinet ministers in the UK were educated at these expensive public schools. Parents send their kids to these schools because they believe they are a ticket to success for their kids. They believe it is a way of ensuring that they become cabinet ministers or captains of industry; it will guarantee that they have a certain income level.

Thank goodness our Australian society has moved on from that, but I am always nervous when I hear people making strong references to how the UK operates. I think there are so many areas where we really have to watch out, because the UK has got it wrong in so many areas and on so many levels.

Dr D.J. Honey: Their COVID response hasn’t been too flash, either.

Mr C.J. TALLENTIRE: Indeed, that is a good example. In fact, it is an interesting example, in many ways. I know the UK government is very proud of its success rate with vaccination, but when there is a death rate of 130 000 people, it suggests that there has been some mishandling and mixed messaging. It perhaps comes back to the point that Richard Beard makes in his article—that these people do not take things too seriously. He also makes a point about the idea of “Well, we can live with this. Social injustice? We’ll just live with it. COVID? We’ll just live with it.” It is a continuation of that mentality—the idea that they can have these things for their own personal gain and do whatever it takes, and the culture of secrecy. That is all acceptable, but they must fit in, show no weakness and make sure they are not ridiculed for anything. They must have very strong ideas about their role in society and their social rank, making sure that those below them are well and truly aware of it. They have an almost coded language, such as referring to a private school as a public school—all that sort of thing is part of it, and Richard Beard comes back again to the idea of conformity with a coldness of heart.

I am very pleased that we are seeing some real meat on the bones in this legislation in respect of the expectation that people in positions of responsibility who are in a position to report will be obliged to do so. That is something that teachers are now well and truly aware of. I had lunch with some school principals from my electorate on Friday and this topic came up. They are well and truly aware of their reporting responsibilities, and they see it as part of their role to be on the lookout for this sort of thing and to understand what the procedures are. It is really important that we back up the human desire for reporting with a good legislative framework and good administrative process that will allow teachers to do that, knowing that they are doing the right thing, that it is what society expects of them, and that they are doing what the law requires. That all makes perfect sense.

I am very pleased to support the Children and Community Services Amendment Bill 2021. I am somewhat surprised that it did not make it through the last Parliament, but that is something that only those who sought to impede its

passage can account for. I am very pleased to note that there is support for the legislation on all sides in this forty-first Parliament. That is a good thing. I think it is exactly what the community expects of us. I commend the bill to the house.

MS S.F. McGURK (Fremantle — Minister for Child Protection) [7.47 pm] — in reply: I take this opportunity to address some of the issues that have been raised in this important debate on the Children and Community Services Amendment Bill 2021. I start by thanking all members who contributed to the debate. Yes, it is frustrating that we got so far with this bill in the last Parliament. In fact, it had gone to a committee of the upper house. We had accepted all but one of the recommendations of the committee and were ready to proceed when, unfortunately, debate was cut short. That was frustrating for everyone, but it gave us an opportunity to work through some of the issues that were raised in debate and, as a result, I think we have a better bill today. I will go through that in a bit of detail this evening.

I will again acknowledge the important issues that are being addressed by this bill. There are a few different issues, but at the core is the principle that child safety and consideration of the best interests of children should be at the centre of the Children and Community Services Act and all our deliberations and actions. An expectation of the community and this government is that child safety should be central to everything that we do. Changes to expand mandatory reporting reinforce that children's right to safety and protection from harm is paramount.

The second consideration that the bill addresses is the issue of promoting stability and continuity for children in care. This is crucial because a child's significant relationships and the stability of their placement is central to their wellbeing. This bill will implement recommendations from the review of the act that took place in 2016–17—a process that we largely inherited from the previous government. The lion's share of the work was done by the department under the last government. This bill will implement recommendations from that review to prioritise a child's significant relationships and stability of their placement.

The third objective of the bill is to make positive changes to cultural connection and safety. These changes are so important because, shamefully, over half the children in our child protection system in WA are Aboriginal. Connection to community and culture is essential for those children. The evidence tells us that connection to culture for Aboriginal children is a protective factor. That point was made very clearly by the Royal Commission into Institutional Responses to Child Sexual Abuse. That connection to culture is also associated with better outcomes across emotional, social and physical health.

The McGowan government remains committed to the best interests of children and young people in WA. I hope we are demonstrating that through the comprehensive bill we are now debating. We will not shy away from the work needed to be done to protect children from harm, particularly sexual abuse. This bill clearly demonstrates that commitment.

I want to address some of the issues that were raised by various members. I will work through them. We have flagged two proposed amendments. I understand the member for Cottesloe, as the lead speaker for the Liberal Party, has indicated that he does not want to go into consideration in detail, but we may need to do that to pass these amendments. They are relatively minor technical amendments. One relates to clause 38 and will relocate the requirement in proposed section 89A(2) into a standalone clause—a new clause 38A. Proposed section 89A(2) requires an Aboriginal representative organisation to be given an opportunity to participate in preparing a cultural support plan for an Aboriginal child. This amendment is needed so that the ARO requirement can be brought into effect at a later date than the other provisions relating to AROs in clause 38. The other provision in clause 38 defines the terms “cultural support plan” and “leaving care plan” and are necessary to support the operation of other amendments in the bill that will commence operation before the AROs will. It is therefore necessary that they become separate clauses in the bill.

The participation by Aboriginal representative organisations in cultural support planning can commence operation only once the Department of Communities and AROs are ready. This will require the development of operational models, regulation and the procurement of organisations that will become AROs for the purposes of the act. Essentially, we will be requiring Aboriginal representative organisations to do a number of things. We are not ready for some of them to do that; we will need time. We want to separate those two provisions in the bill so that one can take effect straightaway and the other will take more time.

The second proposed amendment relates to clause 39. It will address a drafting oversight by removing the word “approved” from proposed section 90(2A). This is consistent with amendments in the bill that now refer to Aboriginal representative organisations rather than “approved” Aboriginal representative organisations. This will correct a minor drafting error.

I would like to address a couple of issues that were raised during the debate. Again, I thank those members who spoke. I will refer firstly to the member for Riverton. A common theme was that a number of members talked about their professional lives before coming into this place and their interactions with some of the issues that have

arisen in the bill. That was certainly the case for the member for Riverton in his extensive experience as a GP. He talked about his shock as a young doctor, when he was first in Australia, of seeing that someone had been prepared to use a child to assist in masking drug use, but in the process of uncovering that issue it was discovered that the child had drugs in their system. So began his interaction with child protection and other authorities that are tasked with investigating and, if necessary, acting on those concerns. As mandatory reporters, doctors understand full well their obligations. A number of members spoke about their own experience as mandatory reporters—namely, teachers—particularly the members for Bateman and Collie–Preston, and the process in place to ensure that mandatory reporters are not required to make any decisions. They are not required to know what happens after a report is made. A process is undertaken. People will be trained and capacity will be built by those professionals, as occurs now with mandatory reporters, and supports will be in place. In fact, that really goes to the issue raised by the member for Cottesloe about why the previous bill concentrated on only one occupation—ministers of religion—rather than expanding it to the other four or five professions that were recommended by the royal commission. We had always committed to expand it to all of those occupations; however, we understood that we need to make sure we have the systems in place and proper training amongst those occupations to ensure the job is done properly. We prioritised ministers of religion for a couple of reasons, including the fact that as a broad occupational group, they are one of the least regulated, unlike school psychologists, youth justice workers or out-of-home care workers, who are already used to operating within a regulatory environment. That is one of the reasons we prioritised ministers of religion. We understood that caused some concern. It was one of the recommendations we picked up when the previous bill was reviewed by the Legislative Council Standing Committee on Legislation in the previous Parliament. We were happy to pick up that recommendation and the bill now includes all the other occupations the royal commission recommended as mandatory reporters.

Having said that, we will phase in the implementation of those occupations. The member for Cottesloe asked about the implementation. I may have said this in my second reading speech: ministers of religion will commence six months after the provisions of the bill are proclaimed; out-of-home care workers and associated officers from the Department of Communities will commence one and a half years after the bill's commencement; school counsellors and registered psychologists will commence two years after the bill's commencement; early childhood workers will commence two and a half years after the bill's commencement; and youth justice workers will commence three years after the bill's commencement. The Department of Communities has already been working with those broad occupational groups to understand the processes for capacity building within those areas. Despite having our differences in some areas, it has been a very positive engagement from all the churches, including the Catholic Church, about ensuring that frameworks and the like are set up for that training. I was referring to the member for Riverton's contribution and the importance of mandatory reporting and his experience in that.

The member for Riverton also spoke about the central tenets of the bill regarding the need to have cultural supports and planning and a revision of the hierarchy of placement for Aboriginal children. These amendments have arisen from the review of the act in 2016–17 and they go to the heart of our commitment to improve outcomes for Aboriginal children in care. Obviously, we want to prevent those children coming into care; that is always our priority. But should there be a need to bring those children into care, the provisions contained in the bill will give a more fulsome requirement of all parties, enshrined in legislation, to improve cultural outcomes for Aboriginal children and improve their connection to their family, country and kin.

The member for Riverton also spoke about the investigative powers being modernised. Members may be aware that investigative powers are in the act now and there is a proposal to pick up the investigative powers that exist in the early childhood regulatory area, which will mirror those provisions by and large. This will modernise the capacity of the Department of Communities when looking at the issues of not just child safety, but also employment of children and the like.

The member for Collie–Preston spoke about her experience as a teacher and a mandatory reporter. It has been an absolute privilege to get to know some of the new members in this Parliament. We have to only listen to any of the second reading speeches on a number of bills to be heartened by the diversity and depth of experience across life, as well as in their professional lives, that we now have across the Parliament. I acknowledge the work of the member for Collie–Preston as a dedicated education professional in her community and for understanding the real challenges facing families that have entrenched disadvantage. It is not enough for us just to talk about doing something or to say that something needs to be done about it. The member for Collie–Preston has been working very hard, as I know other members of this chamber have—I am looking across the chamber. The member for Collie–Preston—and other members who have contributed—has committed much of her professional life to trying to make a difference for those families, and I commend her for that. The member for Collie–Preston spoke about her experiences as a mandatory reporter, interacting with child protection staff, as a teacher and deputy principal. She understood the challenges that face the Department of Communities, school community and broader community as they come together to ensure a safe environment for children.

The member for Collie–Preston also made the point that the earlier we can intervene when children have experienced any form of sexual abuse, the better placed we are to get good outcomes. Again, of course our goal is to prevent abuse

and to do everything we can to send every legal signal that that abuse should not occur; and, if abuse is uncovered, the perpetrators will be brought to account. We also understand that it is not enough just to have those laws written in our statute books; we have to build the capacity amongst our community and around institutions and everyone who has interactions with children, including families and individuals, to ensure that they are safe. We have this framework available to us in the royal commission's recommendations, and we as a state have committed to implement all those that are relevant to Western Australia, and many of them are contained in this bill.

I wanted to mention, while I am speaking on that issue—members would think that after having been here for a while, I would get used to putting my notes in a way that I could find them when I am on my feet! The member for Collie–Preston made the point that the earlier we can intervene the better when children have experienced trauma or sexual abuse. Western Australia has some very good practices—in fact, some of the best practices in the country if not the western world. We have child advocacy centres and the co-location of services so that children give their evidence and tell their story once. Then, if it is non-familial abuse, the family is supported in one place to work through that process so that it not only minimises any re-traumatisation of the child through retelling the event; but therapeutic and supportive environments are in place while not compromising criminal investigations. We have that strong and good model now in Western Australia. This is a model of the co-location of different disciplines—police are co-located with child protection and therapists and the like. Everyone has their job to do and they understand that at the centre of it is the child who has been impacted by this and they need their support people—whether it is family or other people—around them.

Similarly, as a government, we have committed to better understanding childhood trauma and adverse events experienced by children. I am very pleased that in responding to child abuse and neglect we as a government have established the WA Centre for the Pursuit of Excellence. We have supported the establishment of this centre initially through Lotterywest money and then with an additional \$4.3 million towards both the WA Centre and the national centre, which was a recommendation of the royal commission. This centre was brought together by the Australian Centre for Child Protection, which runs out of the University of South Australia but is a national body, and Parkerville Children and Youth Care, which members here would be aware of, as the founding partner. The centre's job is to bring together clinical and research specialists from across Australia. It has initially been focused on the research and development of therapeutic models designed for Western Australia, looking at our service needs, what and which client populations need work and the creation of a high-quality workforce with specialist child trauma communities of practice linked to tertiary qualifications.

The centre's initial piece of work was prioritising some training around responding to childhood trauma. To date, 300 professionals working in child protection—they might be police or education or child protection staff—have completed the first online training on understanding childhood trauma. Of these people, 60 will have completed an advanced unit in assessing childhood trauma, and next year this cohort will also complete the third university accredited program on responding to childhood trauma. This is actually quite significant and I know that the member for Bateman is interested in this as well. Unfortunately, we see childhood trauma manifest in many different behaviours in young people, which we mistakenly believe to be bad behaviour, wilfulness or a lack of discipline or whatever. However, if we want to address trauma, we need people who understand children a little bit more and have a more sophisticated understanding of how trauma manifests. Therefore, I am very pleased that the Western Australian government was able to support that centre. The centre has made a bid to become the national centre that was recommended by the royal commission.

The member for Collie–Preston also made the point that there are modern, emerging forms of abuse such as sexting or the electronic transfer of images and the like, and the challenges that can bring to a child's supervisors or families when young people do that to each other and what that means. This is about supporting young people, and mandatory reporters will need to have the capacity to understand their obligations around that. The member for Collie–Preston also spoke about successful placements that have been done in her community, in which Aboriginal children who have been placed with non-Aboriginal carers have been able to engage with their local Aboriginal community and understand their local Aboriginal culture to get the best outcomes possible. The priority under the child placement principle is to place children with their Aboriginal extended family and Aboriginal community. We have amended that placement principle to provide that it is preferable that a child stay within their community, even if that is with a non-Aboriginal carer, to ensure that they can stay connected to their extended family and their country and community.

The member for Kimberley spoke next. It was great to hear her contribution. The member goes back a long way with this bill. In fact, the member for Kimberley helped facilitate the review of the act early on, before she came into Parliament, I think back in 2016–17, when she was involved in some of the consultation. The member for Kimberley knows these issues very well. In the seat of Kimberley, 98 or 99 per cent of the children in care are Aboriginal. She pointed out to us when she made her address that it was National Aboriginal and Torres Strait Islander Children's Day, and the theme was "Proud in Culture, Strong in Spirit". That is a very fitting theme for what we are endeavouring to do through this bill.

I thank the member for her work in her community. There are some very complex issues in her very broad community—it is not one community; it is a large seat with a lot of different communities in it. The challenges are to keep children safe and culture strong, to understand how we can work with mainstream services to draw on the best of them, and to maintain cultural credibility and connection and do what we can to feed that identity, particularly for some of the more vulnerable members of the community.

Rightly, the member for Kimberley pointed out that although we no longer have a stolen generation, there is a gross over-representation of Aboriginal children in care. We need to do more to reduce that number. The child placement principle recommended by Bringing Them Home Committee WA Inc is important. In fact, a number of amendments in the bill refer to the Aboriginal child placement principle. I have spoken to my ministerial equivalent and departmental representatives in Queensland. In the equivalent Queensland legislation, the Aboriginal child placement principle explicitly spells out the five cornerstone elements of prevention, partnership, placement, participation and connection. We were called on by Aboriginal advocates to make sure that those principles were firmly articulated in the new act. Although they are not explicitly spelt out, I want to assure members that they inform a number of the amendments that are contained in this bill. The proposed amendments to sections 9, 12, 13, 14, 61, 81, 89 and 143, and proposed new section 89A, are particularly relevant to the Aboriginal child placement principle. That was considered by many to be the cornerstone or founding principle of establishing a good quality child protection system that would give better outcomes for Aboriginal children.

Again, I thank the member for her contribution to how the issues that are proposed in the bill will make a difference to members of her community. I look forward to the member meeting her commitment that she will continue to advocate for children in the Kimberley. I have no doubt about that at all. I hope that we can work in partnership to get good outcomes.

The member for Belmont spoke very passionately about mandatory reporting, as did a number of members. We need only read any section of the report of the Royal Commission into Institutional Responses to Child Sexual Abuse to be reminded of people's bravery—I do not know whether "bravery" is the right word; I know that some get a bit affronted by that. It is very difficult for victims and survivors to come forward, and we are indebted to them for telling their stories. We would not have had this body of work, and the royal commission would not have had the very clear path that it has laid out for us for improving systems to prevent child sexual abuse, if people had not come forward. The member for Belmont spoke about her passion in this area and her frustration with some institutions, particularly some of the church institutions, including the Catholics, that have allowed perpetrators over time to continue to abuse, if not in the same environment, by simply getting moved. The research tells us that they only go on to abuse again. Fundamentally, it is about not only the sexual assault and the bullying, but also the betrayal of trust and of the obligations that adults should have for the children in their care. The member also spoke about some of the other cultural protections provided for in the bill and how important they will be.

The member for Kingsley spoke about her experience as a member of the Joint Standing Committee on the Commissioner for Children and Young People and the work of the committee in its report *From words to action: Fulfilling the obligation to be child safe* in understanding how other jurisdictions comparable with our own have dealt with these issues. They have made a choice, and they have made a statement that they understand that people have their religious views, but those views will not override the laws of this land and our determination that children's safety be given priority. I am confident that this Parliament will do that as well. I cannot do justice to the *Words to action* report here; that is for another time, and we will get an opportunity through other bills to talk about that. We are putting in place various levels of accountability, with independent oversight of institutions that have a lot to do with children and reportable conduct, for instance. The independent oversight of out-of-home care and child safe principles is another strong recommendation of the royal commission that we are working on. I can assure members that we are continuing to work on all those recommendations, and we are committed to report annually, and have been reporting annually, on the implementation of the royal commission recommendations.

The member for Kingsley was brought up with foster siblings, so she knows firsthand the commitment that a family makes when it takes on a foster child. One of the great pleasures of holding this portfolio is to see the fantastic outcomes that can be achieved when children are nurtured and cared for. I thank her parents, both of whom I have known for a long time, for their dedication to having a broader family. It is great to see.

Finally, I want to acknowledge our Home Stretch election commitment. The member for Cottesloe referred to this a little during his speech. We made a commitment in the 2021 election campaign that we would allow support for children in out-of-home care until the age of 21, rather than the current mandated age of 18. Some supports can now be put in and are legally available after a child ages out of out-of-home care at 18. Our election commitment to implement the Home Stretch program will be a lot more fulsome, and we will back that up with dollars in the election campaign. I thank the member for her contribution.

The member for Cockburn spoke, again very passionately, about the failures of some religious institutions in the past, particularly the Catholic Church. But as an institution it was not alone in how it failed children in the past.

Some improvements have been made. I see some of those improvements in the safety officers that have been put in place in parishes and churches. I have been to some of those presentations and met some of the staff, and I have no doubt that they are committed to improving child safety in their communities. However, we do not back away from saying that those professions that have been recommended to us by the Royal Commission into Institutional Responses to Child Sexual Abuse have particular obligations. This bill will mandate those obligations in law. As the member for Cockburn said, when we hear about victims of child sex abuse, these are not abstract concepts, they are children who have been deprived of their dignity and safety. He talked about the importance not only of the provisions the government is putting in place, but also to continue to challenge some of those very powerful institutions in our community that are not meeting modern expectations of the primacy of child safety.

The member for Nedlands also has a strong professional background in social work. She was not only a social worker for many years but she trained many social workers and taught them at university. She was working as a social worker when mandatory reporting was introduced, so understands the principles and the operation of that system. She also spoke about being a member of the board of Tuart Place, for Forgotten Australians, a support organisation in my electorate that I am well aware of. She made the point that people with lived experience of abuse are highly privileged in the organisation and comprise over half of the board. It has been a great organisation to be a part of and to see their work, and also to get along to their Christmas parties and other events. I was very pleased to be in this Parliament in June 2018 when the Premier apologised on behalf of the state for child sex abuse to children in state care. The member referred to being present at that apology, along with a number of members of Tuart Place.

The member for Bassendean spoke again in this place in support of mandatory reporting and his experiences as a student at CBC Fremantle and then realising that one of the brothers who taught him and who he had a bad experience with had in fact been a paedophile. He referred to his work, since discovering that, in calling for his school and other Christian Brothers schools, and other schools, to do their bit in the current-day, modern world not only to uncover abuse as it may occur now but also to right the wrongs of the past, which might mean taking a proactive approach to contacting past students. As the member was speaking, I was thinking of the example in the High Court when former Justice Dyson Heydon was accused of sexual harassment and the new head of the High Court took matters into her hands and wrote to current and previous staff outlining very simply that there had been allegations of sexual harassment. She was proactive and clear to make sure that there was no hiding behind that. I thought that was a good model that other organisations should seek to adopt.

The member for Bateman spoke about her experiences at different points in life of seeing children who had been very terribly impacted. She referred to the funeral of a 12-year-old girl who had suicided. She said that throughout her professional life she had been motivated partly by this and also by coming up against these issues as a teacher and a community member. I acknowledge the member's passion and understanding of these issues. I thank her for that and look forward to the contributions I know she will make in this place. The member made a good point that there is still a level of shame for victims to talk about these issues, particularly for boys to talk about abuse that may have occurred, and that we need to do everything we can to provide comfortable and therapeutic environments to deal with children when abuse takes place. She referred to the WA centre that I spoke about before and all of the work within the department and with community sector organisations to ensure we have good professional practice drawing on the best supports that we can for victims and their families. I see that every day in the work of the Department of Communities, which works in the child protection system.

The member for Victoria Park is a very comprehensive and articulate advocate for mandatory reporting. Those of us who were brought up Catholic—I think the member is still Catholic—understand the dilemmas in matters of arcane canon law. Notwithstanding all of that, in the twenty-first century, things are changing and the world is expecting, and certainly Australia is expecting, that these institutions will change as well. I thank the member for her contribution. I know the member will see these issues come up in her community, as she has already as a member of the public and as a parent.

The member for Dawesville has a different professional background. She spoke about working as a paramedic and first responder. Although that is not a mandatory reporting occupation, it is an occupation that deals with victims and they understand the need to be sensitive to what is occurring around them. I thank the member for her contribution. She spoke about an organisation we both care about, the Foster Share Shed and referred to Mandy Bishop and Karen Kujawski. I think Mandy Bishop was the founder of Foster Share Shed. Her foster daughter, Chloe, won two awards at the Rotary Achiever Awards last week, and it was lovely to see. I saw on social media that there were something like 400 comments on her post, which is really great. When I see what Mandy, Karen and others have been able to achieve with children they have taken in and fostered, I realise that whole community is very powerful. I know that the member for Dawesville sees this and wants to support them, as does the member for Murray–Wellington.

I am quite impressed at my ability to talk, Madam Acting Speaker. I have been going for quite a long time, but I will try and wrap it up soon.

I thank the member for Cottesloe for his contribution. I know he was a late sub in this area. I think the member asked some questions about the differences between the 2019 bill and this bill. A table has been given to the member for Vasse and Hon Nick Goiran, and I have a table here I can give the member, if he is interested. Essentially, the Legislative Council's Standing Committee on Legislation looked at this in the last Parliament. We adopted all but one of its recommendations. We were happy to do that. A lot of the recommendations related to the implementation of mandatory reporting, but other issues were causing some angst, including the extent of consultation with Aboriginal families and Aboriginal representative organisations et cetera. We accepted some amendments to try to clarify and appease some concerns. I referred to the commencement dates for mandatory reporting earlier.

Finally, I thank the member for Thornlie very much for his contribution. We both left school 41 years ago. We are both the same vintage. It is staggering really. We are not dealing with issues of the distant past; we are still dealing with some of the schools and religious orders referred to in the royal commission. The member spoke about the case of some teachers at Trinity College. I understand that some teachers were prosecuted for failing to mandatorily report abuse. I understand that is still before the courts, so I will not say much more about it. The member spoke about some of the distortions and toxic culture in some of the private all boys schools, although there are also problems at all girls schools. I thank everyone for giving their attention to these important matters.

I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clauses 1 to 37 put and passed.

Clause 38: Sections 89A and 89B inserted —

Ms S.F. McGURK: I move —

Page 30, lines 1 to 5 — To delete the lines.

Amendment put and passed.

Clause, as amended, put and passed.

New clause 38A —

Ms S.F. McGURK: I move —

Page 30, after line 15 — To insert —

38A. Section 89C inserted

Before section 90 insert:

89C. Participation in cultural support plan for Aboriginal child or Torres Strait Islander child

If a cultural support plan is required for an Aboriginal child or Torres Strait Islander child, the CEO must, subject to the regulations, give an Aboriginal or Torres Strait Islander representative organisation an opportunity to participate in the preparation of the cultural support plan for the child.

New clause put and passed.

Clause 39: Section 90 amended —

Ms S.F. McGURK: I move —

Page 30, line 21 — To delete “approved”.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 40 to 75 put and passed.

Title put and passed.

House adjourned at 8.36 pm

